



USAID
FROM THE AMERICAN PEOPLE

Justification to Restrict Eligibility (JRE) Template

A Mandatory Reference for ADS Chapter 303

Partial Revision: 07/22/2015
Responsible Office: M/OAA
File Name: 303mal_072215

TEMPLATE
JUSTIFICATION TO RESTRICT ELIGIBILITY (JRE)

ACTION MEMORANDUM

TO: NAME, (APPROVING OFFICIAL AS APPLICABLE)

FROM: NAME

SUBJECT: JUSTIFICATION TO RESTRICT ELIGIBILITY (JRE)

1. **This document sets forth the facts and rationale justifying the restricted eligibility, in accordance with ADS 303.3.6.5** [or reference a blanket approval for restriction to eligibility or (Expedited Policy and Procedures (EPP) for XXXXXXXX) per **ADS 303.3.6.5a(2)(f)**] **and was prepared by** [Insert: The agency and the contracting activity, and specific identification for the cognizant technical office]
2. **The nature and/or description of the action being approved:**
This is a request to approve a [Insert: one of the restrictions to eligibility in **ADS 303.3.6.5**, such as, exclusive or predominant capability or Expedited Policy and Procedures [EPP] assistance award to _____ for \$_____. Under this action, _____ will provide _____.]
3. **Description of the assistance program or assistance activity under the proposed action including an estimated value:** [Insert: The description of the assistance program or assistance activity covered under the proposed action for which you are requesting approval.]
4. **Extensions beyond 10 years.** [When any restricted eligibility action will extend an award 10 years or more beyond its original award date, regardless of the dollar value, specifically explain the benefits of continuing with the same award to the same recipient and sufficiently address why these benefits exceed the negative aspects of extending the award for such a length of time.

Include the statement that all subsequent assistance program or assistance activity for this program will not restrict eligibility, or explain why unrestricted eligibility will not be appropriate for the subsequent program.]

5. **Restriction to eligibility being used:**

[Insert: The description of one of the restrictions to eligibility authorized under **ADS 303.3.6.5a(2)** paragraphs a through i or description of the Expedited Policy and Procedures authorizing a restriction to eligibility for specific programs, such as HIV/AIDS, Tsunami, Afghanistan.]

6. **The facts and rationale that justifies the use of the restriction cited in Section 5:**

[Insert: The description must include specific statements addressing the prescription found in the ADS or EPP cites as the guide and foundation for determining which facts or circumstances should be included in the rationale. In addition (unless using the Restricted Eligibility to Local or Regional Entities restriction in **ADS 303.3.6.5**), provide the rationale as to why a direct award to local organization(s) was not considered.]

7. **Other facts and rationale supporting the use of restricted eligibility:**

(i) When **ADS 303.3.6.5a(2)(a)**, Exclusive or Predominant Capability, is cited, describe in detail the uniqueness of the proposed recipient and how it applies to the supported activity. Also describe what other options USAID explored.

(ii) When **ADS 303.3.6.5a(2)(d)**, New Entrants, is cited, document the rationale for restricting eligibility.

(iii) When **ADS 303.3.6.5a(2)(f)**, Critical objectives of the Foreign Assistance Program, is cited, the justification must explain the circumstances that require using the restriction. The memorandum must also discuss what other options USAID explored. This restriction should only be used when no other restriction applies and may not be tied to any of the other restrictions.

(iv) When **ADS 303.3.6.5a(2)(g)**, Unsolicited Applications, is cited, address how the following additional issues warrant acceptance of the application with restricted eligibility:

- In what way the application is unique, innovative, or proprietary.
- How funding the application is an appropriate use of USAID funds to support or stimulate a public purpose.
- Describe how it fits within a development objective.

(v) When **ADS 303.3.6.5a(2)(h)**, Follow-on awards and extensions, is cited, the justification must explain with specificity why the benefits of continuing the assistance activity with the same recipient exceeds the benefits of a soliciting for a new award with unrestricted eligibility. As noted in **ADS 303.3.6.5**, a lack of planning is insufficient to justify this restriction.

(vi) When **ADS 303.3.6.5a(2)(i)**, Science and technology and innovation, is cited, the justification must address the benefits of the promising science and technology concept or innovative solution, how it tackles a pressing development challenge to the Agency, and how restricting eligibility exceeds the benefits to the Agency of soliciting for a new award with unrestricted eligibility.

(vii) When a blanket waiver or Expedited Policies and Procedures (EPP) waiver to restrict eligibility is cited per **ADS 303.3.6.5a(2)(f)**, this action memorandum must include the blanket waiver or EPP as an attachment]

8. It is recommended that you approve this Justification to Restrict Eligibility, pursuant to [Insert the appropriate ADS restriction or reference the specific blanket waiver/EPP.]

9. Requirements for specific restrictions to eligibility:

a. If using the exclusive or predominant capability restriction (**ADS 303.3.6.5a(2)(a)**), describe what other options USAID explored.

b. If using the Small Grant awards restriction (**ADS 303.6.5a(2)(b)**), explain how the proposed award fits the restriction.

c. If using the Restricted Eligibility for Efficiency restriction (**ADS 303.6.5a(2)(c)**), the Agreement Officer describes in sufficient detail what other options USAID explored, including any other restrictions, as well as the multi-tiered review alternative, discussed in **ADS 303.3.6.1d**.

d. If using the New Entrants restriction (**ADS 303.6.5a(2)(d)**), the Agreement Officer must document the rationale for restricting eligibility.

e. If using the congressionally mandated programs restriction (**ADS 303.6.5a(2)(e)**), attach a copy of the statute specifically describing the award to the justification, as well as any information supporting the planned activity as requested by the AO. Or in the absence of legislation specifying the awardee, the Activity Manager must provide GC/RLO and AA/LPA confirmation of congressional intent with the justification.

f. If using the Critical Objective of Foreign Assistance Program restriction (**ADS 303.3.6.5a(2)(f)**), explain the circumstances that require using the restriction. The responsible AA or Office Director who reports directly to the Administrator must approve the restriction. Also discuss what other options USAID explored; the justification may not be tied to any of the other restrictions.

Submitted:

Technical Officer

Date

Clearance:

Agreement Officer [*If AO is the Approving Official, delete this signature*]

Date

RLO or GC/A&A

Date

Deputy Director M/OAA/ACTS
[*Include as necessary per ADS 303.3.6.5(a)(1)(c) or **ADS 303.3.6.5a(3)***]

Date

Assistance Executive/Mission Director
[*Include as necessary per **ADS 303.3.6.5a(3)***]

Date

AA/M
[*Include as necessary per ADS 303.3.6.5a(3)*]

Date

AA, LPA
[*Include as necessary per **ADS 303.3.6.5a(2)***]

Date

Approved/Disapproved:

Appropriate Approving Officer

Date

303mal_072215