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U.S. Agency for International Development Sole-Source Awards Report for FY 2023

U.S. Agency for International Development submits this report pursuant to section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, P.L. 118-47), House Report 118-146 and the FY 2024 Joint Explanatory Statement, which states:

House Report 118-146:

“Not later than December 31, 2024, the Administrator of USAID shall submit a report to the Committees on Appropriations on all sole-source awards made by USAID during the previous fiscal year in excess of \$2,000,000.”

FY 2024 Joint Explanatory Statement:

“Report on Sole Source Awards.—The report on sole source awards required under this section in the House and Senate reports shall be submitted not later than 45 days after the date of enactment of the Act.”

The authorities for the non-competitive awards included in this report appear in the following regulations and policies:

Acquisition

1. USAID Acquisition Regulation (AIDAR) 706.302-70, Impairment of Foreign Aid Programs
2. Federal Acquisition Regulation (FAR), Part 6.3, Other Than Full and Open Competition:
 - 2.1. FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.
 - 2.2. FAR 6.302-2 Unusual and compelling urgency
 - 2.3. FAR 6.302-5 Authorized or required by Statute;
3. FAR 16.505(b)(2) - Exceptions to the fair opportunity process (for task orders)

Assistance

According to the USAID Automated Directives System (ADS) 303.3.6.5, eligibility can be restricted based on pre-approved conditions and for programmatic purposes.

1. ADS 303.3.6.5(c) Restricted Eligibility Based on Pre-Approved Conditions:
 - 1.1. ADS 303.3.6.5(c)(1) Limited to local entities
 - 1.2. ADS 303.3.6.5(c)(5) When the award is for disaster relief, rehabilitation or reconstruction assistance provided under section 491 of the Foreign Assistance

Act, or for emergency food aid under Title II of the Food for Peace Act.

- 1.3. ADS 303.3.6.5(c)(7) An award made under an Administrator-approved blanket determination or justification to restrict eligibility for an approved class of awards, for example, an Expedited Procedures Package, such as for PEPFAR, conflict-sensitive environments, or other circumstances the Administrator deems appropriate.
2. ADS 303.3.6.5(d) Restricted Eligibility Based On Programmatic Purposes

In addition to individual awards of less than \$2,000,000, certain action and award types are excluded as not relevant to the non-competitive category because the work was not eligible for full and open competition. These include interagency agreements with other federal departments and agencies, and instances in which previous competition limited the work to only certain organizations, including under a multiple-award, indefinite-delivery, or indefinite-quantity contract (IDIQ). Awards not eligible for full and open competition and therefore not included in this report include the following types of actions:

- *Exercise of Options* — Option are negotiated during the competition of the original award; they are not competed upon exercise of the option.
- *Personal Service Contracts* — It is the Agency's practice to compete contracts for personal services. However, these contracts are excluded from consideration for non-competitive status in this report because of the nature of performance, which is by an individual through an employer/employee relationship.
- *Task Orders Under Indefinite Delivery Indefinite Quantity Contracts (IDIQs) Awarded using the Fair Opportunity Process* — USAID competes the basic IDIQ contract. Once the Agency executes the basic award, only contractors who are holders of the basic award may compete for task orders using the fair opportunity process in FAR 16.505. Task orders awarded using a FAR 16.505 exception to the fair opportunity process are captured in this report.
- *Associate Awards* — According to USAID policy, the Agency does not consider associate awards competed beyond the Leader Award competition.
- *Agreements with Public International Organizations (PIOs)* — According to Agency policy, competition is not required for agreements with PIOs.
- *Interagency Agreements* — USAID does not conduct full and open competition for agreements with other U.S. Government departments and agencies.
- *Purchases from Federal Supply Schedules* — The General Services Administration (GSA) negotiates with contractors before placing an item on a schedule. FAR 6.102(d) (3) specifically identifies Federal supply-schedule purchases as competitive procedures, although at the time particular goods or services are required, the Agency conducts only limited additional competition among the pre-qualified supply-schedule contractors, in accordance with FAR Part 8.

Non-Competitive Acquisitions: Contracts

The table below provides the number of recorded new awards, the corresponding total estimated cost, and includes the type of non-competitive category identified.

NEW CONTRACTS	Number of Awards	Total Estimated Cost
New Non-Competitive Acquisition Awards		
AIDAR 706.302-70, Impairment of Foreign Aid Programs	5	\$33,647,852
FAR Part 6.3, Other Than Full and Open Competition:		
FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.	3	\$45,482,953
FAR 6.302-2 Unusual and compelling urgency	1	\$5,000,000
FAR 6.302-5 Authorized or required by statute	2	\$142,861,581
FAR 16.505(b)(2) - Exceptions to the fair opportunity process	11	\$268,178,780
New Non-Competitive Contracts TOTAL	22	\$495,171,166

Non-Competitive Assistance: Grants and Cooperative Agreements

USAID uses the term “assistance” to describe grants and cooperative agreements. Although competition is not legally required to award grants and cooperative agreements, it is the Agency’s policy and preference to maximize the use of competition under assistance awards.

The table below provides the number of recorded new awards, the corresponding total estimated amount, and includes the type of non-competitive category identified.

NEW ASSISTANCE AWARDS	Number of Awards	Total Estimated Amount
New Non-Competitive Assistance Awards		
ADS 303.3.6.5(c) Restricted Eligibility Based on Pre-Approved Conditions:		
ADS 303.3.6.5(c)(1) Limited to local entities	2	\$10,093,673
ADS 303.3.6.5(c)(5) Emergency and Disaster Assistance	162	\$2,093,183,626
ADS 303.3.6.5(c)(7) Administrator determination	3	\$47,601,001
ADS 303.3.6.5(d) Programmatic Purpose	24	\$124,209,567
New Non-Competitive Assistance Awards TOTAL	191	\$2,275,087,867