



USAID
FROM THE AMERICAN PEOPLE

Session 10: Procurement & Environmental Compliance

Environmental Compliance & the ADS

ADS 204 (“Environmental Procedures”) is the core ADS reference. But environmental compliance is mainstreamed throughout the ADS.

Overarching requirement:

Operating units must have systems in place for environmental compliance over life of project & must make sufficient resources available for this purpose

(202.3.6; 204.3.4)

Compliance Requirement	Responsible Parties	ADS Reference
Environmental considerations in activity planning	Team Leaders, Activity Managers	201.3.8.1 204.3.3
No activity implemented without approved Reg. 216 environmental documentation	COR/AOR/ Activity Manager	201.3.9.3 201.3.11 204.3.1 204.3.3.b 303.3.2.e
IEE & EA conditions incorporated into procurement instruments	COR/AOR/ Activity Manager; Agreement Officer	204.3.4.a.6 303.3.6.3e 303.3.13
IEE & EA conditions are implemented, and implementation is monitored & adjusted as necessary	COR/AOR	202.3.6; 204.3.4 303.2.f
Environmental compliance documentation is maintained	PO, COR/AOR, Team Leader, MEO	202.3.4.6



Environmental Compliance & Procurement Instruments

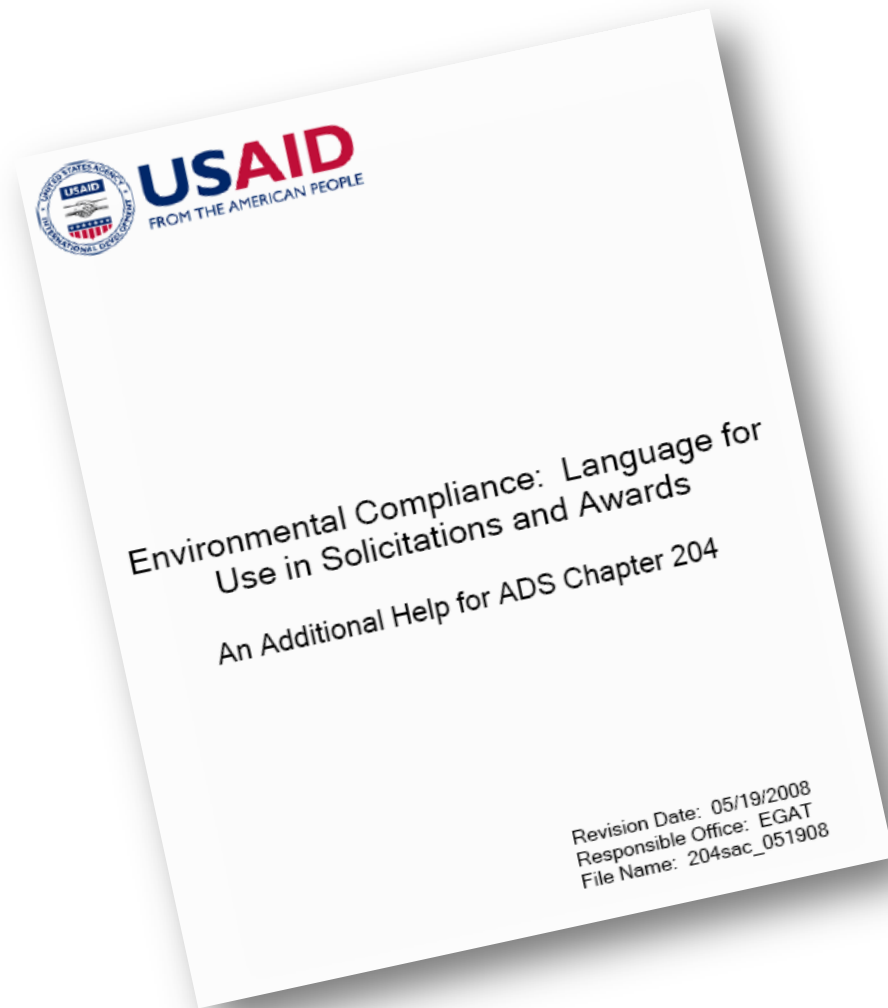
ADS Requires. . .

“Incorporating environmental factors and mitigative measures identified in IEEs, EAs, and EISs, as appropriate, in the design and the implementation instruments for programs, projects, activities or amendments.”

(204.3.4(a)(6))

- **Critical to IP compliance with IEE/EA conditions**
- **Needed in evaluating proposals that require environmental management capabilities**
- **Especially critical that environmental compliance, mitigation & monitoring be reflected in budgets for complex projects (i.e., infrastructure, health care facilities)**

A Tool to Help -- Environmental Compliance: Language for Use in Solicitations and Awards (ECL)



**Step-by-step guidance
and boilerplate language**

- **For RFAs/ RFPs/
agreements/ grants/
contracts**
- **Optional, not required**
- **ADS Help Document**

**Available from
[www.usaid.gov/policy/
ads/200/204sac.pdf](http://www.usaid.gov/policy/ads/200/204sac.pdf)**

The Environmental Compliance Language document generates. . .

Best practice solicitation language



Requiring that:
Proposals address **qualifications and proposed approaches to compliance/ ESDM** for environmentally complex activities.

Best practice award language



Requiring that:
IP verifies current & planned activities annually against the scope of the RCE/IEE/EA.

The **necessary mechanisms and budget** for IP implementation of IEE/EA conditions are in place.

To assure that projects do not “creep” out of compliance as activities are modified and added over their life.

Specifically:

1. Complete **EMMP** exists or is developed.
2. Workplans & budgets integrate the EMMP
3. Project reporting tracks EMMP implementation

Solicitation Language

- ❖ **If the Proposal Instructions specify that the recipient will need to have environmental compliance expertise to prepare and/or implement an EMMP, it requires they submit:**
 - *approach to providing necessary environmental management expertise*
 - *illustrative budget for implementing the environmental compliance implementation and monitoring in their cost proposal*

Budgeting and Reviews

- ❖ **For large projects (complex infrastructure, major health care facilities, etc.) that will have complicated EMMPs, USAID budget planning should include environmental management requirements.**
- ❖ **TECs should review technical and budget responses to environmental requirements as part of overall proposal evaluation.**



Award Language

- ❖ **Unless the IEE already contains an EMMP**
 - *require development of an EMMP for review and approval by USAID*
- ❖ **Require integration of EMMP into the initial work plan and subsequent Annual Work Plans**
- ❖ **Require periodic reporting to the COR/AOR as part of quarterly or semi-annual reports**

Quarterly or semiannual reports should contain a separate environmental compliance section.

The section must provide sufficient information on the status of EMMP implementation for USAID to effectively fulfill its oversight and performance monitoring role