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# Session 14: Procurement and Environmental Compliance

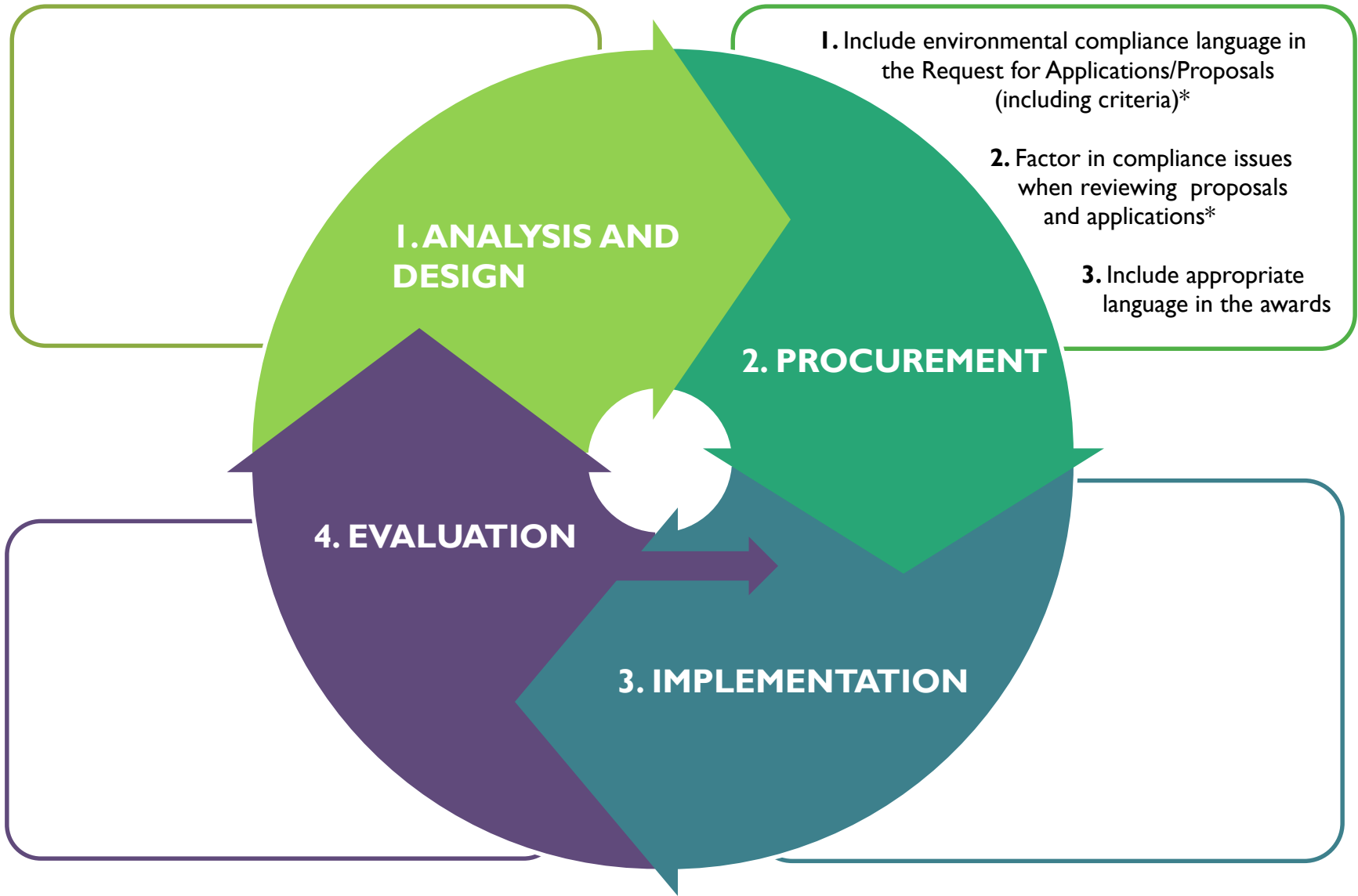
Asia Regional Environmental  
Compliance — ESDM Workshop  
Bangkok, Thailand  
July 2015



# OBJECTIVE – YOU WILL KNOW:

- How to incorporate appropriate language on environmental compliance into USAID solicitations and awards

# USAID LIFE OF PROJECT ENVIRONMENTAL COMPLIANCE MILESTONES



\* Only applies to projects with a negative determination with conditions or a positive determination

# A TOOL TO HELP -- ENVIRONMENTAL COMPLIANCE: LANGUAGE FOR USE IN SOLICITATIONS AND AWARDS



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Environmental Compliance: Language for  
Use in Solicitations and Awards  
An Additional Help for ADS Chapter 204

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**STEP-BY-STEP GUIDANCE AND  
BOILERPLATE LANGUAGE**

## HOW TO ASSEMBLE COMPLIANCE LANGUAGE

To assemble the compliance language for a particular solicitation or award, the following table should be used as guidance. Multiple situations can apply to a single procurement; if this is the case, use all indicated language. You may need to revise and/or renumber the language depending on which elements you select and where you place them in the award or solicitation. **[Bracketed text]** in the model language indicates that you must select the appropriate option or provide other input.

When the situation is that . . .	Use these environmental compliance language paragraphs from the Model Language. . .
Approved Regulation 216 documentation <sup>2</sup> exists and it contains . . .	
<b>Categorical Exclusions and Negative Determinations only</b>	1a through 1c 4a through 4c
at least one <b>Negative Determination with conditions</b>	1a through 1c 2 4a through 4c 5a through 5d 8a through 8d (optional: to be used when project will involve environmental compliance expertise; collaborate with MEO, or BEO for projects originating out of AID/W, for guidance, as needed)
at least one <b>Positive Determination</b>	1a through 1c 3 4a through 4c 5a through 5d 8a through 8d
The contractor/recipient will be required to prepare Regulation 216 documentation (an EA or IEE)	1a through 1c 4a through 4c 5a through 5d 6a through 6c 8a through 8d 2 If there is also an existing IEE that contains a Negative Determination with conditions 3 If there is also an existing IEE that contains a Positive Determination

<sup>2</sup> Note: "Approved Regulation 216 documentation" refers to a Request for Categorical Exclusion (RCE), Initial Environmental Examination (IEE), or Environmental Assessment (EA) duly signed by the Bureau Environmental

# EXERCISE :

**At your tables, review the first sheet of 3 different Request for Categorical Exclusions / Initial Environmental Examinations and determine which paragraphs from ADS 204sac should go into the solicitation and/ or award.**

**Write which paragraphs (example “1a through 1c”) in your books and read those paragraphs.**

# QUESTIONS:

- 1. What format / styles of the Initial Environmental Examinations make it easier for procurement specialist and others to include the right language into solicitation and awards?**
- 2. What are some experiences people have with environmental compliance and procurement?**

# ATTACH IEE TO:

- Solicitations
- Awards



# FACTOR IEE IN DEVELOPMENT OF:

- Scope of Work
- Program Description
- Criteria (when activity has conditions)

# INDICATORS FOR PROCUREMENT

- Compliance language is included in Request for Applications/Proposals (RFAs/RFPs) including criteria (if necessary)
- If appropriate, Technical Evaluation Committees are assessing environmental compliance in their reviews of bids (including budgets)
- Compliance language is included in the awards
- Regulation 216 is highlighted in the post award conference