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procedures (in the event that questioned costs are not settled by negotiated agreement) in accordance with USAID's internal policy. The negotiated settlement or final decision will be final, subject only to a contractor's appeal under the provisions of the Contract Disputes Act of 1978, as amended (41 U.S.C. 601–613), or other procedures, as applicable. Internal policy and procedures for resolving audit recommendations are found in ADS series 500 chapters for audits.

[89 FR 4204, Jan. 23, 2024]

701.602-3 Ratification of unauthorized commitments.

(a) [Reserved]

(b) *Policy.* (1) [Reserved]

(2) In order to maintain management oversight and controls on unauthorized commitments, authority to ratify unauthorized commitments within USAID is reserved to the M/OAA Director.

[53 FR 6829, Mar. 3, 1988, as amended at 64 FR 42040, Aug. 3, 1999; 72 FR 19670, Apr. 19, 2007]

701.603 Selection, appointment, and termination of appointment of contracting officers.

701.603-70 Designation of contracting officers.

A contracting officer represents the U.S. Government through the exercise of his/her delegated authority to negotiate, sign, and administer contracts on behalf of the U.S. Government. The contracting officer's duties are sensitive, specialized, and responsible. To ensure proper accountability, and to preclude possible security, conflict of interest, or jurisdiction problems, USAID contracting officers must be U.S. citizen direct-hire employees of the U.S. Government. However, Director, Bureau for Management, Office of Acquisition and Assistance (M/OAA Director) may also designate a U.S. Personal Services Contractor (USPSC) or a Cooperating Country National Personal Services Contractor (CCNPSC) as a contracting officer with a specific level of warrant authority. To qualify for a designation as a contracting officer, an individual must meet the re-

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quirements in FAR subpart 1.6 and the Agency's applicable warrant program.

[85 FR 11861, Feb. 28, 2020]

Subpart 701.7—Determinations and Findings

701.704 Content.

There is no USAID-prescribed format or form for determinations and findings (D&Fs). D&Fs are to contain the information specified in (48 CFR) FAR 1.704 and any information which may be required by the (48 CFR) FAR or AIDAR section under which the D&F is issued.

[58 FR 8702, Feb. 17, 1993, as amended at 62 FR 40466, July 29, 1997; 79 FR 74988, Dec. 16, 2014]

701.707 Signatory authority.

Unless otherwise specified in the FAR or AIDAR section under which the D&F is issued, the contracting officer is the signing official.

[58 FR 8702, Feb. 17, 1993, as amended at 79 FR 74988, Dec. 16, 2014]

PART 702—DEFINITIONS OF WORDS AND TERMS

Subpart 702.170—Definitions

Sec.
702.170-1 Definitions.

Subpart 702.270—Definitions Clause

702.270-1 Definitions clause.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

SOURCE: 49 FR 13238, Apr. 3, 1984, unless otherwise noted.

Subpart 702.170—Definitions

702.170-1 Definitions.

A word or term, defined in this section, has the same meaning throughout the AIDAR.

Administrator means the Administrator or Deputy Administrator of the U.S. Agency for International Development.

Assistant Administrator means the principal officer and advisor in a

USAID Bureau who administers programs within delegated authorities and in accordance with policies and standards established by the Administrator. The position title Assistant Administrator also includes the position Assistant to the Administrator.

Automated Directives System (ADS) sets forth the Agency's policies and essential procedures, as well as supplementary informational references. It contains six functional series, valid USAID Handbook chapters, a resource library, and a glossary. References to "ADS" throughout 48 CFR chapter 7 are references to the Automated Directives System. The entire ADS is accessible to the general public at the following USAID Internet address: <http://www.usaid.gov/policy/ads/>.

Contracting activities also referred to as "procuring activities" within USAID are:

(1) *The USAID/Washington activities.* The contracting activities located in Washington, DC are: The Bureau for Management, Office of Acquisition and Assistance (M/OAA) and the Bureau for Humanitarian Assistance (BHA). Subject to the limitations in 701.601, BHA is responsible for procurements related to programs and activities for its area. M/OAA is responsible for procurements that do not fall within the responsibility of other contracting activities, or that are otherwise assigned to it.

(2) *The overseas field contracting activities.* Each USAID Mission or post overseas is a contracting activity responsible for procurements related to its programs and activities, subject to the limitations in 701.601.

Cooperating country means a foreign country in which there is a program or activity administered by USAID.

Cooperating country national (CCN) means an individual who is a cooperating country citizen or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country.

Executive agency includes the U.S. Agency for International Development (USAID) and its predecessor agencies, including the International Cooperation Administration.

Foreign Assistance Act means the Foreign Assistance Act of 1961, as amended (22 U.S.C., Chapter 32).

Government, Federal, State, local and political subdivisions, as used in the FAR and AIDAR, do not refer to foreign entities except as otherwise stated.

Head of agency means, for USAID, the Administrator, the Deputy Administrator, and in accordance with the responsibilities and limitations set forth in (48 CFR) AIDAR 701.601(a)(1), the M/OAA Director.

Head of the contracting activity, as used in this chapter:

(1) The heads of USAID contracting activities are listed in this paragraph (1). The limits of their contracting authority are set forth in 701.601.

(i) *USAID/Washington heads of contracting activities.* (A) Director, Bureau for Management, Office of Acquisition and Assistance; and

(B) Assistant to the Administrator, Bureau for Humanitarian Assistance (BHA).

(ii) *Overseas heads of contracting activities.* Each Mission Director or principal USAID officer at post (for example, USAID Representative, USAID Affairs Officer, and similar designations).

(2) Individuals serving in the positions listed in paragraph (1) of this definition in a designated "Acting" capacity may exercise the authority delegated to that position.

Mission means the USAID mission or the principal USAID office or representative (including an embassy designated to so act) in a foreign country in which there is a program or activity administered by USAID.

Overseas means outside the United States, its possessions, and Puerto Rico.

Procurement Executive is synonymous with "Senior Procurement Executive" as defined in FAR 2.101 and means the USAID official who is responsible for the management direction of USAID's assistance and acquisition ("A&A" system, as so delegated and more fully described in USAID's internal delegations found in the ADS).

Procuring activity means "contracting activity", as defined in this subpart.

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Third country national (TCN) means an individual who is neither a cooperating country national nor a U.S. national, but is a citizen or lawful permanent resident (or equivalent immigration status) of any country other than the countries which are prohibited sources. (See 22 CFR 228.15).

USAID means the U.S. Agency for International Development and its predecessor agencies, including the International Cooperation Administration (ICA).

U.S. national (USN) means an individual who is a U.S. citizen or a non-U.S. citizen lawfully admitted for permanent residence in the United States.

[79 FR 74991, Dec. 16, 2014, as amended at 89 FR 4204, Jan. 23, 2024]

Subpart 702.270—Definitions Clause

702.270–1 Definitions clause.

Use the appropriate clause in 752.202–1, in addition to the clause in (48 CFR) FAR 52.202–1.

[49 FR 13238, Apr. 3, 1984, as amended at 79 FR 74988, Dec. 16, 2014]

PART 703—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 703.1—Safeguards

Sec.

703.104–4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

703.104–7 Violations or possible violations.

AUTHORITY: Sec. 621, Pub. L. 87–195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

Subpart 703.1—Safeguards

703.104–4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

A contracting officer may authorize the release of proprietary and/or source selection information outside the Government for evaluation purposes pursu-

ant to (48 CFR) FAR 15.305(c) and (48 CFR) AIDAR 715.305(c).

[79 FR 74991, Dec. 16, 2014]

703.104–7 Violations or possible violations.

Requests for concurrence under paragraph (a)(1) of (48 CFR) FAR 3.104–7 must be forwarded to one level above the contracting officer.

[79 FR 74991, Dec. 16, 2014]

PART 704—ADMINISTRATIVE AND INFORMATION MATTERS

Subpart 704.4—Safeguarding Classified Information Within Industry

Sec.

704.404 Contract clauses.

Subpart 704.5—Electronic Commerce in Contracting

704.502 Policy.

Subpart 704.8—Contract Files [Reserved]

Subpart 704.13—Personal Identity Verification

704.1303 Contract clause.

Subpart 704.21—Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment

704.2105 Solicitation provisions and contract clause.

Subpart 704.70—Partner Vetting

704.7001 Scope of subpart.

704.7002 Definitions.

704.7003 Policy.

704.7004 Procedures.

704.7004–1 Preaward requirements.

704.7004–2 Post award requirements.

704.7004–3 Subcontracts.

704.7005 Solicitation provision and contract clause.

AUTHORITY: Sec. 621, Pub. L. 87–195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.