Procurement and Environmental Compliance

GEMS Environmental Compliance-
ESDM Training Series

Kabul • July/August 2016
OBJECTIVE – YOU WILL KNOW:

- How to incorporate appropriate language on environmental compliance into USAID solicitations and awards
1. Include environmental compliance language in the Request for Applications/Proposals (including criteria)*

2. Factor in compliance issues when reviewing proposals and applications*

3. Include appropriate language in the awards

* 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

Environmental Compliance: Language for Use in Solicitations and Awards

An Additional Help for ADS Chapter 204
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.

<table>
<thead>
<tr>
<th>When the situation is that...</th>
<th>Use these environmental compliance language paragraphs from the Model Language...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved Regulation 216 documentation exists and it contains...</td>
<td>1a through 1c, 4a through 4c</td>
</tr>
<tr>
<td>Categorical Exclusions and Negative Determinations only</td>
<td>1a through 1c, 2, 4a through 4c, 4b through 5d, 8a through 8d (optional: to be used when project will involve environmental compliance expertise; collaborate with MEQ, or FEO for projects originating out of AID/W, for guidance, as needed)</td>
</tr>
<tr>
<td>at least one Negative Determination with conditions</td>
<td>1a through 1c, 3, 4a through 4c, 5a through 5d, 8a through 8d</td>
</tr>
<tr>
<td>least one Positive Determination</td>
<td>1a through 1c, 4a through 4c, 4b through 5d, 6a through 6d, 8a through 8d</td>
</tr>
</tbody>
</table>

The contractor/recipient will be required to prepare Regulation 216 documentation (an EA or IEE)

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2 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
Thank you