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.

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

**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)
Environmental Compliance & Procurement Instruments

• 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)

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)
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

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.

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.
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**
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.