Environmental Compliance: : Language for Use in Solicitations and Awards

GEMS Environmental Compliance-
ESDM Training Series

Ghana ▪ January, 2017

USAID REQUIREMENTS ARE SPECIFIC

LOP Environmental Compliance:

- Environmental considerations must be taken into account in activity planning.

- No activities may be implemented without approved Reg. 216 environmental documentation.

- Any resulting mitigation and monitoring conditions are:

  1. written into contract instruments. ➤

  2. implemented, and this implementation is monitored

USAID IS REQUIRED TO WRITE IEE/EA CONDITIONS INTO AWARDS.

WHAT DOES THE ADS SAY?

ADS requires "incorporating. . . mitigative measures identified in IEEs [and] EAs into implementation instruments for programs, projects, activities or amendments."

(204.3.4.a.6; *also 303.3.6.3e*)

SOURCE OF BEST-PRACTICE LANGUAGE

Environmental Compliance: Language for Use in Solicitations and Awards (ECL)

- An ADS "Additional Help" document

- Easy step-by-step guidance and "boilerplate" language

- For RFAs/ RFPs/ agreements/ grants/ contracts

- Optional …
  but its use is strongly encouraged

Available from:
www.usaid.gov/policy/ads/200/204sac.pdf

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CURRENT BEST PRACTICE EXCEEDS REQUIREMENT

USAID is increasingly using [best-practice environmental compliance language](#) that goes beyond the ADS minimum

New awards and significant modifications are requiring that:

- *The partner verifies current and planned activities annually against the scope of the RCE/IEE/EA*

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

And new solicitations require that

Proposals address qualifications and proposed approaches to compliance/ ESDM for environmentally complex activities.

To assure that projects do not "creep" out of compliance as activities are modified and added to over their life

SPECIFICALLY:

- *Complete EMMP exists/is developed*

- *Workplans and budgets integrate the EMMP*

- *Project reporting tracks EMMP implementation*

ECL PROMOTES COMPLIANCE + ESDM, AND …

BENEFITS BOTH MISSION STAFF & PARTNERS:

USAID MISSION STAFF	IMPLEMENTING PARTNERS
Assures that environmental monitoring and reporting is integrated into *routine activity monitoring and reporting*; reduces the cost and effort of USAID verification/oversight. Avoids the effort, costs and loss of good will that come from imposing "corrective compliance" measures after implementation has started.	Provides clarity regarding environmental compliance responsibilities Prevents "unfunded mandates"—requirements to implement mitigation and monitoring after activity has commenced and without additional budget.

Missions and centrally funded programs are increasingly using the ECL. Partners should expect that future solicitations and awards will incorporate ECL-based environmental compliance language.