

**Question:** We have noted different approaches and interpretations from USAID staff regarding the Limitation of Acquisition of Information Technology (IT) as incorporated via AAPD 16-02Rev2 and ADS 509 that requires M/CIO approval of IT resources. These inconsistencies are causing significant delays and complications with implementing partners (IPs) being able to procure routine and basic IT equipment and services. It would be helpful if common guidance could be issued to USAID Missions and the IP Community on the following:

1. A clearer definition of 'Information Technology'. Currently, many missions are interpreting this differently, some only include laptops, others include monitors, keyboards, USB storage drives and digital cameras.
2. A clearer definition of the 'incidental IT' exception listed in ADS 509. Ideally, this definition could include any equipment procured by an IP that will never touch or access an internal USG IT network or system. The reasoning behind this is that if the intent of the M/CIO approval is to ensure the equipment being procured is compliant with FITARA, and does not pose vulnerabilities to the USG cybersecurity infrastructure, it should reasonably exclude any equipment that will never touch or access an internal USG IT network and will likely be donated to local beneficiaries or other IPs at the end of the project and not used by USAID themselves. As a reminder, most IT procured by IPs are used entirely in their project office and never enter a USG facility or touch or access an internal UST IT network. Further, when IP staff visit USG facilities we are typically prohibited from bringing any IT (including phones, laptops, USB drives) and either leave them at the office or check them in at the front desk.

**Response:** The definition of "information technology" as currently defined in FAR 2.101 is revised to read as follows:

"(1) Any services or equipment, or interconnected system(s) or subsystem(s) of equipment, that are used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the agency; where

(2) such services or equipment are 'used by an agency' if used by the agency directly or if used by a contractor under a contract with the agency that requires either use of the services or equipment or requires use of the services or equipment to a significant extent in the performance of a service or the furnishing of a product.

(3) The term "information technology" includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including provisioned services such as cloud computing and support services that support any point of the lifecycle of the equipment or service), and related resources.

(4) The term "information technology" does not include any equipment that is acquired by a contractor incidental to a contract that does not require use of the equipment."

The current FAR definition of IT is not broad enough to include cloud computing services; the approved expanded definition is provided in the applicable special requirements in Attachment 1. It aligns with OMB guidance that was promulgated in support of the Federal Information Technology Acquisition Reform Act (FITARA) and related IT management practices in OMB Memo M-15-14, titled "Management Oversight of Federal Information Technology". It is anticipated that the FAR Council will take measures to officially and similarly revise the definition of IT in order to establish a consistent government-wide definition.

**Question:** 2 CFR 228 sections .01 (definitions) .03 (provides waiver criteria) were accidentally deleted.

**Response:** These sections were deleted in error and have been corrected effective May 1, 2021.

**Question:** When is the next ask the Procurement Executive session?

**Response:** The Agency is aiming for the beginning of December for the next session.

**Question:** A special notice was issued in lieu of the traditional RFP/RFA for an activity in Tanzania. Why was a special notice issued? Will this be a broader trend in this region? If so, why?

**Response:** We are confirming that the mission is not moving away from utilizing legally regulated processes for solicitations such as the RFA and RFP.

USAID reserves the right to utilize oral presentations as an effective technique to streamline the source selection process.

**Question:** There have been a lot of updates to ADS 303. Is there any way to consolidate recommendations? Is it possible to annex the schedule of changes? The constant updates and revisions make it difficult to track updates.

**Response:** All revisions to any ADS chapter are always highlighted and there is a legend at the bottom of the page that states " Text highlighted in yellow indicates that the material is new or substantively revised". This is how one knows what has been updated. Also, at the beginning of each section there is a date to show when it was last updated - see the example below.

302.3.6.14 FAR Part 4.21 Prohibition On Contracting for Certain Covered Telecommunications And Video Surveillance Services or Equipment (Section 889) Effective Date: 11/10/2020

**Question:** ADS gave 9 examples of substantial involvement. It appears these examples were just copy and pasted. Is this correct? Or did AID mean to cut and paste the 9 examples?

**Response:** We encourage you and other implementing partners who express concerns with substantial involvement to continue to submit any questions according to the instructions in each NOFO. We are hopeful that this will provide the best chance for Agreement Officers and partners to arrive at a mutual understanding of the expected substantial involvement before it becomes a post-award issue to sort out. As always, if you are not met with success, we stand prepared to assist you.

As it relates to your suggestion regarding our awarding officials utilizing generic language in the solicitation and award documents, we have sent out the below communication internally to our colleagues. We will also make mention of this during our biannual webinars.

#### ADS 303 Substantial Involvement Reminder

This is a reminder that the substantial involvement description in NOFOs and resulting cooperative agreements must reflect the planning requirements set forth in ADS 303.3.11. Therefore, the description should be tailored to each specific activity and provide adequate information to applicants/recipients to allow for mutual understanding of how USAID will be substantially involved. The examples of substantial involvement provided in ADS 303.3.11(e) are not meant to be copied and pasted verbatim into planning, solicitation, and award documents, but rather to serve as a general guide to appropriate areas of substantial involvement. Please refer to ADS 303.3.11 for additional information.

**Question:** It would be appreciated if the Agency could continue pressing 889. It's a huge concern for many partners given usage/monopolies where they work.

**Response:** The Agency has tried to be transparent regarding 889 updates. Please find all information related to 889 [here](#).

**Question:** Is there a body that works with interagency coordination on 889?

**Response:** Yes, USAID has identified experts in the field and the group meets regularly to further 889 efforts.