

(c) Public reporting burden for these collections of information is estimated as shown in paragraph (a) of this section. The estimated burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimates or any other aspects of these collections of information, including suggestions for reducing the burden, to: US Agency for International Development, Office of Procurement, Policy Division (M/OP/P), Washington, DC 20523-1435; and Office of Management and Budget, OMB, Paper Reduction Project (0412-0520), Washington, DC 20503.

[59 FR 33445, June 29, 1994, as amended at 61 FR 39090, July 26, 1996; 62 FR 40466, July 29, 1997]

### Subpart 701.3—U.S. Agency for International Development Acquisition Regulation

#### 701.370 Purpose.

The U.S. Agency for International Development Acquisition Regulation (AIDAR) supplements the Federal Acquisition Regulation (FAR) and implements the procurement related aspects of the Foreign Assistance Act, Executive Order 11223. The AIDAR provides for the codification and publication of procedures for the acquisition of services and personal property by USAID.

[59 FR 33445, June 29, 1994, as amended at 61 FR 39090, July 26, 1996]

#### 701.371 Authority.

The AIDAR is prepared by the USAID Procurement Executive by direction of the Administrator of USAID pursuant to the Foreign Assistance Act of 1961. See FAR subpart 1.3.

#### 701.372 Applicability.

(a) Unless a deviation is specifically authorized in accordance with subpart 701.4, or unless otherwise provided, the FAR and AIDAR apply to all contracts (regardless of currency of payment, or whether funds are appropriated or non-appropriated) to which USAID is a direct party.

(b) At Missions where joint administrative services are arranged, procuring offices may apply the Department of State Acquisition Regulation for all administrative and technical support contracts except in defined areas. The defined areas and administrative guidelines for procurement will be furnished to the overseas Missions by the Office of Administrative Services. Administrative and local support services include the procurement accountability, maintenance and disposal of all office and residential equipment and furnishings, vehicles and expendable supplies purchased with administrative and/or technical support funds, either dollars or local currency.

[49 FR 13236, Apr. 3, 1984, as amended at 49 FR 33667, Aug. 24, 1984; 55 FR 6802, Feb. 27, 1990; 56 FR 67224, Dec. 30, 1991]

#### 701.373 Code arrangement.

(a) The Federal Acquisition Regulation System brings together, in title 48 of the Code of Federal Regulations, the procurement regulations that apply to all agencies of the Government. The FAR is chapter 1 of title 48; the AIDAR is chapter 7.

(b) The FAR is divided into 53 parts; parts 1 through 53 of AIDAR expand upon or modify the policies and procedures included in the FAR. Material issued in the first 53 parts of the AIDAR will be numerically keyed to the corresponding sections of the FAR.

[49 FR 13230, Apr. 3, 1984, as amended at 62 FR 40466, July 29, 1997]

#### 701.374 Publication.

(a) Those parts of the AIDAR which contain basic and significant policies and procedures considered to be of interest to the general public will be published in the daily issues of the FEDERAL REGISTER and, in cumulated form, in the Code of Federal Regulations. Copies of the AIDAR in FEDERAL REGISTER and Code of Federal Regulations form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

(b) Public participation will be obtained for significant revisions to the AIDAR by soliciting comments in accordance with FAR 1.501.

**701.375 Citation.**

Any section of the AIDAR may be identified by "AIDAR" followed by the section number. Within the AIDAR itself, internal references to an AIDAR section will cite the number only, and will not include the term "AIDAR". Since the AIDAR is published in the FEDERAL REGISTER, any section may be incorporated into contracts by reference, using the citation "48 CFR" followed by the section number, as "48 CFR 703.375."

**701.376 Agency implementation.****701.376-1 Responsibility.**

Responsibility for the development and maintenance of the AIDAR is assigned to the Procurement Executive. Amendments and revisions will be prepared in coordination with the General Counsel, and such other offices as may be appropriate.

[49 FR 13236, Apr. 3, 1984, as amended at 50 FR 50301, Dec. 10, 1985]

**701.376-2 AIDAR Notices.**

AIDAR Notices will be used to promulgate changes to the AIDAR. Such Notices will be prepared by the Procurement Executive.

**701.376-3 Appendices.**

Significant procurement policies and procedures which do not correspond to or conveniently fit into the FAR system (described in FAR 1.1 and this subpart) may be published as appendices to the AIDAR. Appendices follow the main text of the AIDAR in a section entitled "Appendices to Chapter 7" and contain the individual appendices identified by letter and subject title (e.g., "appendix D—Direct USAID Contracts with a U.S. Citizen or a U.S. Resident Alien for Personal Services Abroad").

[62 FR 40466, July 29, 1997]

**701.376-4 Implementation within USAID contracting activities.**

The heads of the various USAID contracting activities may issue operating instructions and procedures consistent with the FAR, AIDAR, and other Agency regulations, policies, and procedures for application within their organizations. One copy of each such issuance

shall be forwarded to the Office of Procurement, Policy Division (M/OP/P). Insofar as possible, such material will be numerically keyed to the AIDAR.

[49 FR 13236, Apr. 3, 1984, as amended at 50 FR 50302, Dec. 10, 1985; 55 FR 6802, Feb. 27, 1990; 56 FR 67224, Dec. 30, 1991; 59 FR 33445, June 29, 1994]

**701.377 Procurement policy.**

Subject to the direction of the Administrator, the Procurement Executive will be responsible for the development and maintenance of necessary uniform procurement policies, procedures, and standards; for providing assistance to the contracting activities as appropriate; for keeping the Administrator and Executive Staff fully informed on procurement matters which should be brought to their attention.

**Subpart 701.4—Deviations from the FAR or AIDAR****701.402 Policy.**

It is the policy of USAID that deviation from the mandatory requirements of the FAR and AIDAR shall be kept at a minimum and be granted only if it is essential to effect necessary procurement and when special and exceptional circumstances make such deviation clearly in the best interest of the Government.

**701.470 Procedure.**

(a) Deviation from the FAR or AIDAR affecting one contract or transaction.

(1) Deviations which affect only one contract or procurement will be made only after prior approval by the head of the contracting activity. Deviation requests containing the information listed in paragraph (c) of this section shall be submitted sufficiently in advance of the effective date of such deviation to allow adequate time for consideration and evaluation by the head of the contracting activity.

(2) Requests for such deviations may be initiated by the responsible USAID contracting officer who shall obtain clearance and approvals as may be required by the head of the contracting