

## 715.602

recommendation with supporting justification, recommending that negotiations be conducted with the prospective contractor(s) selected by the evaluation panel. The selection recommendation shall be transmitted to the contracting officer together with the complete official file on the project which was being maintained by the evaluation panel.

(7) The contracting officer will review the selection recommendation, obtain necessary cost and other data, and proceed to negotiate with the recommended sources.

[52 FR 6159, Mar. 2, 1987, as amended at 54 FR 28069, July 5, 1989; 55 FR 6802, Feb. 27, 1990; 62 FR 40467, July 29, 1997; 62 FR 45334, Aug. 27, 1997; 62 FR 47532, Sept. 9, 1997. Redesignated at 64 FR 16648, Apr. 6, 1999]

### Subpart 715.6—Unsolicited Proposals

#### 715.602 Policy.

(a) USAID encourages the submission of unsolicited proposals which contribute new ideas consistent with and contributing to the accomplishment of the Agency's objectives. However, the requirements for contractor resources are normally quite program specific, and thus widely varied, and must be responsive to host country needs. Further, USAID's projects are usually designed in collaboration with the cooperating country. These factors can limit both the need for, and USAID's ability to use unsolicited proposals. Therefore, prospective offerors are encouraged to contact USAID to determine the Agency's technical and geographical requirements as related to the offeror's interests before preparing and submitting a formal unsolicited proposal.

(b) USAID's basic policies and procedures regarding unsolicited proposals are those established in FAR subpart 15.6 and this subpart.

(c) For detailed information on unsolicited proposals, see 715.604; for initial contact point within USAID, see 715.604(c).

[49 FR 13240, Apr. 3, 1984. Redesignated and amended at 64 FR 16648, 16649, Apr. 6, 1999; 64 FR 25405, May 11, 1999]

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#### 715.604 Agency points of contact.

(a) Information concerning USAID's policies for unsolicited proposals is available from the U.S. Agency for International Development, Evaluation Division, Room 7.08-005, 1300 Pennsylvania Avenue, NW., Washington, DC 20523-7803.

(b) The information available concerns:

- (1) Contact points within USAID;
- (2) Definitions;
- (3) Characteristics of a suitable proposal;
- (4) Determination of contractor responsibility;
- (5) Organizational conflict of interest;
- (6) Cost sharing; and
- (7) Procedures for submission and evaluation of proposals.

(c) Initial inquiries and subsequent unsolicited proposals should be submitted to the address specified in paragraph (a) of this section.

[49 FR 13240, Apr. 3, 1984, as amended at 50 FR 50302, Dec. 10, 1985; 52 FR 21058, June 4, 1987; 56 FR 2699, Jan. 24, 1991; 56 FR 67224, Dec. 30, 1991; 59 FR 33446, June 29, 1994. Redesignated and amended at 64 FR 16648, 16649, Apr. 6, 1999]

## PART 716—TYPES OF CONTRACTS

### Subpart 716.3—Cost Reimbursement Contracts

Sec.

- 716.303 Cost-sharing contracts.  
716.306 [Reserved]  
709.406 Contract clauses.

#### Subpart 716.5 [Reserved]

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

### Subpart 716.3—Cost Reimbursement Contracts

#### 716.303 Cost-sharing contracts.

(a)-(b) [Reserved]

(c) *Limitations.* In addition to the limitations specified in FAR 16.301-3, prior approval of the M/OP Director (see 701.601(a)(1)) is required in order to use

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a cost-sharing contract with an educational institution.

[54 FR 46390, Nov. 3, 1989, as amended at 64 FR 42042, Aug. 3, 1999]

### **716.306 [Reserved]**

### **716.406 Contract clauses.**

The Contracting Officer shall include the clause at 752.216-70, Award Fee, in solicitations and contracts when an award-fee contract is contemplated.

[64 FR 5007, Feb. 2, 1999]

### **Subpart 716.5 [Reserved]**

## **PART 717—SPECIAL CONTRACTING METHODS**

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163,

## **717.700**

Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

### **Subpart 717.70—Pharmaceutical Products**

#### **717.700 General.**

Section 606(c) of the Foreign Assistance Act bars procurement by the Government of drug and pharmaceutical products manufactured outside the United States if their manufacture involves the use of or is covered by an unexpired U.S. patent which has not been held invalid by an unappealed or unappealable court decision unless the manufacture is expressly authorized by the patent owner. Applicable policies and procedures are set forth in USAID Automated Directive System Chapter 312.

[49 FR 13243, Apr. 3, 1984, as amended at 61 FR 39092, July 26, 1996]