

701.704

contracting officers must be U.S. citizen direct-hire employees of the U.S. Government.

[49 FR 13236, Apr. 3, 1984, as amended at 61 FR 39091, July 26, 1996]

Subpart 701.7—Determinations and Findings

701.704 Content.

There is no USAID-prescribed format or form for determinations and findings (D&Fs). D&Fs are to contain the information specified in FAR 1.704 and any information which may be required by the FAR or AIDAR section under which the D&F is issued.

[58 FR 8702, Feb. 17, 1993, as amended at 62 FR 40466, July 29, 1997]

701.707 Signatory authority.

Unless otherwise specified in the FAR or AIDAR section under which the D&F is issued, the Contracting Officer is the signing official.

[58 FR 8702, Feb. 17, 1993]

PART 702—DEFINITIONS OF WORDS AND TERMS

Subpart 702.170—Definitions

Sec.

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- 702.170-15 Third country national (TCN).
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- 702.170-17 Automated Directives System.

Subpart 702.270—Definitions Clause

702.270-1 Definitions clause.

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.

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SOURCE: 49 FR 13238, Apr. 3, 1984, unless otherwise noted.

Subpart 702.170—Definitions

702.170-1 USAID.

USAID means the U.S. Agency for International Development and its predecessor agencies, including the International Cooperation Administration (ICA).

702.170-2 Administrator.

Administrator means the Administrator or Deputy Administrator of the U.S. Agency for International Development.

702.170-3 Contracting activities.

The contracting activities within USAID are:

(a) *The USAID/Washington activities.* The contracting activities located in Washington are the Office of Procurement, Office of Foreign Disaster Assistance, and Center for Human Capacity Development (G/HCD). Subject to the limitations stated in 702.170-10, these contracting activities are responsible for procurement related to programs and activities for their areas. The Office of Procurement is responsible for procurements which do not fall within the responsibility of other contracting activities, or which are otherwise assigned to it.

(b) *The overseas field contracting activities.* Each USAID Mission or post overseas is a contracting activity, responsible for procurement related to its programs and activities, subject to the limitations in 702.170-10(b), which sets forth the contracting authority for Mission Directors and principal USAID officers at posts.

[50 FR 16085, Apr. 24, 1985, as amended at 50 FR 40528, Oct. 4, 1985; 50 FR 50302, Dec. 10, 1985; 51 FR 20651, June 6, 1986; 56 FR 67224, Dec. 30, 1991; 61 FR 39091, July 26, 1996; 62 FR 40466, July 29, 1997]

702.170-4 Cooperating country.

Cooperating country means a foreign country in which there is a program or activity administered by USAID.

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702.170-5 Cooperating country national (CCN).

Cooperating country national (CCN) means an individual who is a cooperating country citizen or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country.

702.170-6 Executive agency.

Executive agency includes the U.S. Agency for International Development (USAID) and its predecessor agencies, including the International Cooperation Administration.

702.170-7 Foreign Assistance Act.

Foreign Assistance Act means the Foreign Assistance Act of 1961, as amended (22 U.S.C., Chapter 32).

702.170-8 Government, Federal, State, local and political subdivisions.

As used in the FAR and AIDAR, these terms do not refer to foreign entities except as otherwise stated.

702.170-9 Head of agency.

Head of agency means, for USAID, the Administrator, and the Deputy Administrator, and in accordance with the responsibilities and limitations set forth in 701.601(a)(1), the M/OP Director.

[50 FR 52780, Dec. 26, 1985, as amended at 64 FR 42041, Aug. 3, 1999]

702.170-10 Head of the contracting activity.

(a) The heads of USAID contracting activities are listed below. The limits of their contracting authority are set forth in 701.601.

(1) USAID/Washington Heads of Contracting Activities:

- (i) Director, Office of Procurement;
- (ii) Director, Office of U.S. Foreign Disaster Assistance; and
- (iii) Director, Center for Human Capacity Development (G/HCD).

(2) Overseas Heads of Contracting Activities: Each Mission Director or principal USAID officer at post (e.g. USAID Representative, USAID Affairs Officer, etc.)

(b) Individuals serving in the positions listed in (a)(1) and (a)(2) of this section in an "Acting" capacity may

exercise the authority delegated to that position.

[53 FR 4980, Feb. 19, 1988, as amended at 56 FR 67224, Dec. 30, 1991; 61 FR 39091, July 26, 1996; 62 FR 40466, July 29, 1997]

702.170-11 Mission.

Mission means the USAID mission or the principal USAID office or representative (including an embassy designated to so act) in a foreign country in which there is a program or activity administered by USAID.

702.170-12 Overseas.

Overseas means outside the United States, its possessions, and Puerto Rico.

702.170-13 Procurement Executive.

"Procurement Executive" is synonymous with "Senior Procurement Executive" as defined in FAR 2.101 and means the USAID official who is responsible for the management direction of USAID's assistance and acquisition ("A&A") system, as so delegated and more fully described in ADS 103.5.10f.

[64 FR 42041, Aug. 3, 1999]

702.170-14 [Reserved]

702.170-15 Third country national (TCN).

Third country national (TCN) means an individual who is neither a cooperating country national nor a U.S. national, but is a citizen of a country included in Geographic Code 935 (see 22 CFR 228.3).

[49 FR 13238, Apr. 3, 1984. Redesignated at 50 FR 16086, Apr. 24, 1985, as amended at 62 FR 40466, July 29, 1997]

702.170-16 U.S. national (USN).

U.S. national (USN) means an individual who is a U.S. citizen or a non-U.S. citizen lawfully admitted for permanent residence in the United States.

[49 FR 13238, Apr. 3, 1984. Redesignated at 50 FR 16086, Apr. 24, 1985]

702.170-17 Automated Directives System.

"Automated Directives System" ("ADS") sets forth the Agency's policies and essential procedures, as well

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as supplementary informational references. It contains six functional series, interim policy updates, valid USAID handbook chapters, a resource library, and a glossary. References to “ADS” throughout this chapter 7 are references to the Automated Directives System. Procurement-related sections of this system are accessible to the general public at the following internet address: <http://www.info.usaid.gov/pubs/ads>. The entire ADS is available on the ADS Compact Disk (ADS CD), which may be purchased from the Agency at cost by submitting a completed ADS CD order form. To request a fax copy of the ADS CD order form, send an e-mail with your fax number to ADS@USAID.GOV.

[64 FR 42041, Aug. 3, 1999]

Subpart 702.270—Definitions Clause

702.270-1 Definitions clause.

Use the appropriate clause in 752.202-1, in addition to the clause in FAR 52.202-1.

PART 703—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 703.1—Safeguards

Sec.

703.104-5 Disclosure, protection, and marking of proprietary and source information.

703.104-10.1 Violations or possible violations.

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 703.1—Safeguards

703.104-5 Disclosure, protection, and marking of proprietary and source information.

A Contracting Office may authorize release of proprietary and/or source se-

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lection information outside the Government for evaluation purposes pursuant to FAR 15.305(c) and (AIDAR) 48 CFR 715.305(c).

[64 FR 16648, Apr. 6, 1999]

703.104-10.1 Violations or possible violations.

Requests for concurrence under paragraph (a)(1) of FAR 3.104-10 shall be forwarded to one level above the Contracting Officer.

[64 FR 16648, Apr. 6, 1999]

PART 704—ADMINISTRATIVE MATTERS

Subpart 704.4—Safeguarding Classified Information Within Industry

Sec.

704.404 Contract clause.

Subpart 704.8—Contract Files [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 704.4—Safeguarding Classified Information Within Industry

704.404 Contract clause.

If the contract involves access to classified (“Confidential”, “Secret”, or “Top Secret”), or administratively controlled (“Sensitive But Unclassified”) information, use the contract clause in 752.204-2.

[49 FR 13239, Apr. 3, 1984. Redesignated at 54 FR 16122, Apr. 21, 1989, as amended at 62 FR 40467, July 29, 1997]

Subpart 704.8—Contract Files [Reserved]