

## Agency for International Development

716.506

(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. Re-designated 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]

716.406 Contract clauses.

### Subpart 716.5—Indefinite-Delivery Contracts

716.501-270 Partner vetting—indefinite-delivery contracts.

716.505-70 Vetting orders under indefinite delivery contracts.

716.506 Solicitation provision and contract 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.

### 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/OAA Director (see 701.601(a)(1)) is required in order to use a cost-sharing contract with an educational institution.

[54 FR 46390, Nov. 3, 1989, as amended at 64 FR 42042, Aug. 3, 1999; 72 FR 19670, Apr. 19, 2007]

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—Indefinite-Delivery Contracts

SOURCE: 77 FR 8171, Feb. 14, 2012, unless otherwise noted.

#### 716.501-270 Partner vetting—indefinite-delivery contracts.

If a task order or delivery order under an indefinite-delivery contract has the potential to be subject to vetting, then the contract itself will be subject to the applicable procedures and requirements for partner vetting in (48 CFR) AIDAR 704.70.

#### 716.505-70 Vetting orders under indefinite delivery contracts.

(a) The task order contracting officer will specify in the request for task or delivery order proposals whether the order is subject to vetting and when awardees must submit the USAID Partner Information Form.

(b) For orders under multiple award contracts, fair opportunity selection procedures are conducted separately from vetting. The contracting officer for the order must follow the ordering procedures in the contract to select the order awardee without knowledge of vetting-related information, other than that the contractor has passed or not passed vetting.

(c) The contracting officer may only place an order subject to vetting with an awardee that has passed vetting for that order.

#### 716.506 Solicitation provision and contract clause.

(a) As prescribed in 48 CFR 704.7005(a), the contracting officer will insert the provision at 752.204-70 Partner Vetting Pre-Award Requirements, in solicitations for indefinite delivery contracts when USAID anticipates that any orders placed under the contract will be subject to vetting.

(b)(1) The contracting officer will insert the clause at 752.216-71 Partner Vetting, in those solicitations and contracts for indefinite-delivery contracts

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that USAID identifies as subject to vetting.

(2) The contracting officer will use the clause with its Alternate I when USAID determines that subcontracts at any tier for certain classes of supplies or services are subject to vetting.

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

**48 CFR Ch. 7 (10-1-12 Edition)**

**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]