topic, or issue to be addressed; (2) the speaker's name, title, company or organization, address, phone number, and e-mail address; and (3) the approximate length of time requested to speak. We encourage consolidation of like-minded presentations to enable a broad range of views to be presented.

Agenda and Transcript: The agenda for the public meeting will be available on FDA's Center for Drug Evaluation and Research (CDER) Web site at: *http://www.fda.gov/cder/meeting/ozone2007.htm*. After the meeting, the agenda, presentations, and transcript will be placed on file in the Division of Dockets Management under Docket No. 2006N–0454 and on CDER's Web site identified previously.

Copies of the transcript may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 20 working days after the meeting at a cost of 10 cents per page, or on compact disc at a cost of $14.25 each. You may also examine the transcript at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and on the Internet at *http://www.fda.gov/ohrms/dockets/default.htm*.

IV. Comments

Regardless of your attendance at the meeting, you may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments related to the proposed rule by August 10, 2007. All relevant data and information should be submitted with the written comments. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one copy. Comments are to be identified with Docket No. 2006N–0454. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 2, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–13300 Filed 7–6–07; 8:45 am]

BILLING CODE 4160–01–S

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 201

[USAID Regulation 1]

RIN 0412–AA–51

Rules and Procedures Applicable to Commodity Transactions Financed by USAID: Miscellaneous Amendments

AGENCY: U.S. Agency for International Development.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Agency for International Development (USAID) proposes to amend its regulation governing commodity transactions that are financed by USAID to:

1. Revise the criteria for noncompetitive procurement for private-sector programs to more closely reflect private-sector practices; 2. revise the commodity and package marking requirements to address the use of the new USAID Identity; 3. revise and add definitions to better specify the terminology used; 4. revise agency organizational names and acronyms to specify the current USAID usage; 5. reinstate § 201.13 coverage on ocean transportation costs because it was inadvertently deleted from prior editions; 6. provide for advertising public-sector procurements over $25,000 in the USAID Procurement Bulletins as the primary means of advertising these procurements to U.S. suppliers (in lieu of advertising public-sector procurements over $100,000 in ''FedBizOpps,'' the successor to ''Commerce Business Daily'') to facilitate prompt public notification of procurement opportunities and minimize government expense in providing notice; 7. make numerous clarifications and editorial amendments to better specify the regulation; and 8. specify the current Paperwork Reduction Act approval expirations, as required by the Act.

DATES: Submit comments on or before September 7, 2007.

ADDRESSES: submit comments by any of the following means:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions there for submitting comments.
- *Fax:* (202) 216–3395.
- *Mail:* USAID, Office of Acquisition and Assistance, Policy Division, Room 7.9–18, 1300 Pennsylvania Avenue, NW., Washington, DC 20523–0001.

Instructions: All submissions must include the title of the proposed action, and Regulatory Information Number (RIN) for this rulemaking. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message.

FOR FURTHER INFORMATION CONTACT: Kenneth Monsess, Telephone: (202) 712–4913, E-mail: *kmonsess@usaid.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation: Because security screening precautions have slowed the delivery and dependability of surface mail to USAID/Washington, USAID recommends sending all comments to the Federal eRulemaking Portal listed above (all comments must be in writing to be reviewed).

All comments will be made available for public review without change, including any personal information provided, from three days after receipt to finalization of rule at *http://www.Regulations.gov.*

Order of Precedence: The procurement of commodities and commodity-related services by other parties that are financed by USAID pursuant to 22 CFR part 201, as opposed to those that are procured by USAID, are not normally subject to 48 CFR chapters 1 and 7 (the Federal Acquisition Regulation [FAR] and the USAID Acquisition Regulation [AIDAR]). In exceptional circumstances where this part 201 is made applicable, pursuant to § 201.02, to a transaction that is subject to 48 CFR chapters 1 and 7, the latter shall take precedence in areas of conflict except under authority of a FAR or AIDAR deviation pursuant to 48 CFR 1.4 or 48 CFR 701.4; and § 201.02 has been clarified to so state.

Executive Order 12866 determination: This rule is significant under Executive Order 12866 and has been reviewed by the Office of Management and Budget. The rule has been reviewed in accordance with the Regulatory Flexibility Act. USAID has determined that the rule will not have a significant economic impact on a substantial number of small entities, and therefore a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act statement: OMB approvals for information collections under this regulation are addressed in § 201.03 and Appendices A and B to part 201.

List of Subjects in 22 CFR Part 201

Administrative practice and procedure, Commodity procurement, Foreign relations.

For the reasons set out in the preamble, USAID proposes to amend 22 CFR part 201 as follows:

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY USAID

1. The authority citation continues to read as follows:

Authority: 22 U.S.C. 2381.

Subpart A—Definitions and Scope of This Part

2. Revise § 201.01 to read as follows:

§ 201.01 Definitions.

As used in this part, the following terms shall have the meanings:

(The) Act means the Foreign Assistance Act of 1961, as amended from time to time.

Approved applicant means the individual or organization designated by the borrower/grantee to establish credits with banks in favor of suppliers or to instruct banks to make payments to suppliers, and includes any agent acting on behalf of such approved applicant.

Bank means a banking institution organized under the laws of the United States, or any State, commonwealth, territory, or possession thereof, or the District of Columbia.

Borrower/grantee means the government of any cooperating country, or any agency, instrumentality or political subdivision thereof, or any private entity, to which USAID directly makes funds available by loan or grant.

Commission means any payment or allowance made or agreed to be made by a supplier to any person for the contribution which that person has made to securing the sale for the supplier or which the person makes to securing similar sales on a continuing basis for the supplier.

Commodity means any material, article, supply, goods, or equipment.

Commodity Approval Application means the Application for Approval of Commodity Eligibility (Form USAID 11) which appears as Appendix B to this part 201.

Commodity-related services means delivery services and/or incidental services.

Cooperating country means the country receiving the USAID assistance subject to provisions of this part 201.

Dead freight means freight charges paid by the charterer of vessel for the contracted space, which is left partially unoccupied.

Delivery means the transfer to, or for the account of, an importer of the right to possession of a commodity, or, with respect to a commodity-related service, the rendering to, or for the account of, an importer of any such service.

Delivery service means any service customarily performed in a commercial export transaction which is necessary to effect a physical transfer of commodities to the cooperating country. Examples of such services are the following: export packing, local drayage in the source country (including waiting time at the dock), ocean and other freight, loading, heavy lift, wharfage, tollage, switching, dumping and trimming, lighterage, insurance, commodity inspection services, and services of a freight forwarder. Delivery services may also include work and materials necessary to meet USAID marking requirements.

Demurrage means charge for the failure to remove cargo from equipment within the allowed time. Also, a charge for failure to load or unload a ship within the allowed time

Despatch means an incentive payment paid to a carrier for loading and unloading the cargo faster than agreed. Usually negotiated only in charter parties.

Detention means the penalty paid by the carrier for delay of equipment or a vessel.

Implementing document means any document, including a letter of commitment, issued by USAID which authorizes the use of USAID funds for the procurement of commodities and/or commodity related services and which specifies conditions which will apply to such procurement.

Importer means any person or organization, governmental or otherwise, in the cooperating country who is authorized by the borrower/grantee to use USAID funds under this Regulation for the procurement of commodities, and includes any borrower/grantee who undertakes such procurement.

Incidental services means the installation or erection of USAID-financed equipment, or the training of personnel in the maintenance, operation and use of such equipment.

Incoterms means the standard trade definitions that are most commonly used in international sales contracts. Devised and published by the International Chamber of Commerce, they are found on its Internet Web site: *http://www.iccwbo.org/incoterms/preambles.asp.*

Mission means the USAID Mission or representative in a cooperating country.

Non-vessel-operating common carrier (NVOCC) means a common carrier pursuant to §§ 3(6) and 3(17) of the Shipping Act of 1984 that does not operate any of the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean carrier.

Origin means the country where a commodity is mined, grown, or produced. A commodity is produced when, through manufacturing, processing, or substantial and major assembling of components, a commercially recognized new commodity results that is significantly different in basic characteristics or in purpose of utility from its components.

Purchase contract means any contract or similar arrangement under which a supplier furnishes commodities and/or commodity-related services financed under this part.

Responsible bidder means one who (one) has the technical expertise, management capability, workload capacity, and financial resources to perform the work successfully or the ability to obtain them, (two) has a satisfactory record of integrity and business ethics, and (three) is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Responsive bid means a bid that complies with all the terms and conditions of the invitation for bids without material modification. A material modification is a modification which affects the price, quantity, quality, delivery or installation date of the commodity or which limits in any way responsibilities, duties, or liabilities of the bidder or any rights of the importer or USAID as any of the foregoing have been specified or defined in the invitation for bids.

Schedule B means the ''Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States'' issued and amended from time to time by the U.S. Bureau of the Census, Department of Commerce and available as stated in 15 CFR 30.92.

Source means the country from which a commodity is shipped to the cooperating country, or the cooperating country if the commodity is located therein at the time of the purchase. Where, however, a commodity is shipped from a free port or bonded warehouse in the form in which received therein, *source* means the country from which the commodity was shipped to the free port or bonded warehouse.

State means the District of Columbia or any State, commonwealth, territory or possession of the United States.

Supplier means any person or organization, governmental or otherwise, who furnishes commodities and/or commodity-related services financed under this part 201.

Supplier's Certificate means Form USAID 282 ''Supplier's Certificate and

Agreement with the U.S. Agency for International Development,'' including the ''Invoice and Contract Abstract'' on the reverse of such form (which appears as Appendix A to this part 201), or any substitute form which may be prescribed in the letter of commitment or other pertinent implementing document.

Tariff means a publication setting forth the charges, rates, and rules of transportation companies.

United States means the United States of America, any State(s) of the United States, the District of Columbia, and areas of U.S. associated sovereignty, including commonwealths, territories, and possessions.

USAID means the U.S. Agency for International Development or any successor agency, including when applicable, each USAID Mission abroad.

USAID Geo-Code Table means the official listing of current USAID geographic codes, a mandatory reference in USAID's Automated Directives System, Chapter 260, Geographic Codes, which may be found at: *http://www.usaid.gov/policy/ads/200/260.pdf.*

USAID Geographic Code means a code in the USAID Geo-Code Table which designates a country, a group of countries, or an otherwise defined area. The principal USAID geographic codes used for identifying source, origin and nationality for commodities and services financed by USAID are described in § 228.03 of this chapter.

USAID Identity (Identity) means the official marking for the United States Agency for International Development (USAID) comprised of the USAID logo or seal and new brandmark with the tagline that clearly communicates our assistance is ''from the American people.'' The USAID Identity is available on the USAID Web site at *http://www.usaid.gov/branding* and is provided without royalty, license or other fee.

USAID Regulation 28 means ''Rules on Source, Origin and Nationality for Commodities and Services Financed by USAID,'' published as 22 CFR Part 228.

USAID/W means the USAID in Washington, DC 20523, including any office thereof.

Vessel operating common carrier (VOCC) means an ocean common carrier pursuant to § 3(18) of the Shipping Act of 1984 which operates the vessel by which ocean transportation is provided.

3. Amend § 201.02 to republish paragraph (a) and add paragraph (d) to read as follows:

§ 201.02 Scope and application.

(a) The appropriate implementing documents will indicate whether and the extent to which this part 201 shall apply to the procurement of commodities or commodity-related services or both. Whenever this part 201 is applicable, those terms and conditions of this part will govern which are in effect on the date of issuance of the direct letter of commitment to the supplier; if a bank letter of commitment is applicable, the terms and conditions govern which are in effect on the date of issuance of an irrevocable letter of credit under which payment is made or is to be made from funds made available under the Act, or, if no such letter of credit has been issued, on the date payment instructions for payment from funds made available under the Act are received by the paying bank.

* * * * *

(d) When procurements of commodities and commodity-related services are subject to both this part 201 and to 48 CFR chapters 1 and 7, the latter shall take precedence in instances of conflict, except under authority of a deviation authorized under 48 CFR 1.4 or 48 CFR 701.4.

4. Revise § 201.03 to read as follows:

§ 201.03 Office of Management and Budget (OMB) approval under the Paperwork Reduction Act.

(a) OMB has approved the following information collection and record-keeping requirements established by this part 201(OMB Control No. 0412–0514), expiring March 31, 2009:

201.13(b)(1)(a) Ocean Transportation Waivers
201.15(c) Unavailability U.S. Flag Ocean Vessel
201.31(f) Shipping Documents
201.31(g) Notice of Adjustments
201.32(b) Notice of Adjustments
201.32(c) Notice of Loss Payments—Insurance
201.51(c) Bank Charges and Reports
201.52(a) Payment Documents
201.74 Additional Bank Recordkeeping

(b) USAID will use the information requested in these sections to verify compliance with statutory and regulatory requirements and to assist in the administration of USAID-financed commodity programs. The information is required from suppliers in order to receive payment for commodities or commodity-related services. The public reporting burden for this collection of information is estimated to average a half hour per response, including the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

(1) U.S. Agency for International Development, Office of Acquisition and Assistance, Policy Division (M/OAA/P), 1300 Pennsylvania Avenue, NW., Washington, DC 20523–7800; and

(2) Office of Management and Budget, Paperwork Reduction Project (0412–0514), Washington, DC 20503.

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for USAID Financing

5. Amend § 201.11 to revise paragraphs (a), (b), (d) introductory text, and (d)(2) to read as follows:

§ 201.11 Eligibility of commodities.

* * * * *

(a) *Description and condition of the commodity.* The commodity shall conform to the description in the implementing document. Unless otherwise authorized by USAID in writing, the commodity shall be unused, and may not have been disposed of as surplus by any governmental agency.

(b) *Source, origin, and nationality.* The authorized source for procurement shall be a country or countries authorized in the implementing document by name or by reference to a USAID geographic code. The source and origin of a commodity must be an authorized source country. The applicable rules on the source and origin for commodities and on the nationality of suppliers of commodities and commodity-related services are in subparts B, C, and F of part 228 of this chapter.

* * * * *

(d) *Medium of transportation (See §§ 228.21 and 228.22 of this chapter).* Shipment shall not be effected:

(1) * * *

(2) Under any ocean or air charter which has not received prior approval by U.S. Agency for International Development, Office of Acquisition and Assistance, Transportation Division.

* * * * *

6. Amend § 201.13 to revise paragraphs (b), and (e) to read as follows:

§ 201.13 Eligibility of delivery services.

* * * * *

(b) *Transportation costs.*—(1) *Ocean transportation costs.* (i) Unless

otherwise authorized, USAID will finance only those ocean transportation costs which meet the requirements of this paragraph (b)(1).

(A) When Geographic Code 000 is the authorized source for procurement, USAID will finance only those costs incurred on vessels under U.S. flag registry.

(B) When Geographic Code 941 is the authorized source for procurement, USAID will finance only those costs incurred on vessels under flag registry of countries in Code 941 and the cooperating country.

(C) USAID will finance costs incurred on vessels under flag registry of any country not designated as foreign policy restricted if the costs are part of the total cost of a through bill of lading paid to a carrier for the initial carriage on a vessel which is authorized in accordance with paragraphs (b)(1)(i)(A) and (b)(1)(i)(B) of this section.

(D) When a commodity is shipped out of a free port or bonded warehouse, ocean transportation costs for the shipment to the free port or bonded warehouse are eligible for USAID financing as follows:

(*1*) The commodity was shipped on vessels under the flag registry of a country within the authorized geographic code, if the commodity was shipped in anticipation of USAID financing, or

(*2*) The commodity was shipped on vessels under the flag registry of a country within Geographic Code 935, if the commodity was not shipped in anticipation of USAID financing.

(ii) When an eligible flag vessel is not available for shipment, a supplier may request a waiver of the eligibility requirements, prior to shipment, from:

USAID, Office of Acquisition and Assistance, Transportation Division, Washington, DC 20523–7900, (Telephone (202) 712–4283 or (202) 712–5060).

(2) *International air transportation costs.* (i) USAID will finance only those international air transportation costs which meet the requirements of this paragraph (b)(2). For the purposes of this paragraph, *U.S. flag air carrier* means one of a class of air carriers holding a certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) authorizing operations between the United States and or its territories and one or more foreign countries.

(ii)(A) Under USAID grants and under USAID loans, when the authorized source for procurement is Geographic Code 000, USAID will finance only those costs incurred on U.S. flag carriers unless such service is not available.

(B) Under USAID loans, when the authorized source for procurement is Geographic Code 941, USAID will finance only those costs incurred on United States, cooperating country, or Geographic Code 941 flag air carriers unless such service is not available.

(C) USAID will finance international air transportation costs incurred on aircraft under flag registry of any country not designated foreign policy restricted if the costs are part of the total cost on a through bill of lading paid to an eligible carrier for initial international carriage on an aircraft which is eligible in accordance with paragraph (b)(2)(ii)(A) or (b)(2)(ii)(B) of this section.

(iii)(A) Expenditures for international air transportation furnished by air carriers which are not eligible under the provisions of paragraph (b)(2)(ii) will be financed by USAID only when service by eligible air carriers is unavailable. Criteria for determining when service by eligible air carriers is unavailable are the same as those published at 48 CFR 47.403–1 (Reference: *http://acquisition.gov/far/index.html*) for determining when U.S. flag air carriers are unavailable. Additional guidance on determining when service is unavailable may be obtained from:

USAID, Office of Acquisition and Assistance, Transportation Division, Washington, DC 20523–7900, (Telephone (202) 712–4283 or (202) 712–5060).

(B) When service by eligible flag air carriers is unavailable, any Geographic Code 935 air carrier may be used.

(C) In the event the supplier selects an air carrier other than an eligible flag carrier for international air transportation, it must include the following certification on invoices which include such transportation cost:

Certification of unavailability of eligible flag air carriers:

I hereby certify that transportation service by eligible flag air carriers was unavailable for the following reason(s): (state reason(s)).

(3) Other conditions and limitations. Notwithstanding paragraphs (b)(1) and (b)(2) of this section, unless otherwise authorized, USAID will not finance transportation costs:

(i) For shipment beyond the point of entry in the cooperating country except when intermodal transportation service covering the carriage of cargo from point of origin to destination is used, and the point of destination, as stated in the carrier's through bill of lading, is established in the carrier's tariff; or

(ii) On a transportation medium owned, operated or under the control of any country not included in Geographic Code 935; or

(iii) Under any ocean or air charter covering full or part cargo (whether for a single voyage, consecutive voyages, or a time period) which has not received prior approval by USAID, Office of Acquisition and Assistance, Transportation Division; or

(iv) Which are attributable to brokerage commissions which exceed the limitations specified in § 201.65(h) or to address commissions, dead freight, demurrage or detention.

* * * * *

(e) *Suspension and debarment.* In order to be eligible for USAID financing, the costs of any delivery services must be paid to carriers, insurers, or suppliers of inspection services who, prior to approval of the USAID Commodity Approval Application, have neither been suspended nor debarred under part 208 of this chapter, nor included on the ''Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs'' published by the U.S. General Services Administration (Ref; *http://www.epls.gov/*).

7. Amend § 201.14 to revise the last sentence to read as follows:

§ 201.14 Eligibility of bid and performance bonds and guaranties.

* * * Nationality requirements for sureties, insurance companies or banks that issue bonds or guaranties under USAID-financed transactions are set forth in § 228.38(b) of this chapter.

8. Amend § 201.15 to revise the first sentence of paragraph (c) to read as follows:

§ 201.15 U.S. flag vessel shipping requirements.

* * * * *

(c) *Non-availability of U.S. flag vessels.* Upon application of the borrower/grantee or the supplier, USAID, Office of Acquisition and Assistance, Transportation Division, shall determine and advise the applicant whether privately owned U.S. flag vessels are available for any specific shipment of commodities at fair and reasonable rates. * * *

* * * * *

Subpart C—Procurement Procedures; Responsibilities of Importers

9. Amend § 201.22 to revise paragraph (h)(1) to read as follows:

§ 201.22 Procurement under public sector procedures.

* * * * *

(h) *Advertising.*—(1) *Requirements.* For each procurement estimated to exceed $25,000, or equivalent (exclusive

of ocean and air transportation costs), notice of the availability of the invitations for bids, requests for quotations, or specific information about procurements shall be published by the USAID Office of Acquisition and Assistance, Transportation Division, in a Procurement Information Bulletin that is posted on USAID's Internet Web site at: *http://www.usaid.gov/business/ocean/solicitation.logon.html*. The purchaser shall submit three copies of each invitation for bids or request for quotations (if any) to the USAID Mission with its request for advertising. The Mission will forward the request for advertising and the procurement documents to USAID, Office of Acquisition and Assistance, Transportation Division. The request for advertising should be transmitted to arrive at least 45 days prior to the final date for receiving bids or quotations in: USAID, Office of Acquisition and Assistance, Transportation Division, Washington, DC 20523–7900 (Telephone (202) 712–4283 or (202) 712–5060). The purchaser may, in addition, advertise in appropriate local, regional, and international journals, newspapers, etc., and otherwise, in accordance with local practice.

* * * * *

10. Amend § 201.23 to revise paragraphs (a), (b), (c), and (e) to read as follows:

§ 201.23 Procurement under private sector procedures.

(a) *General requirements.* Procurements under private sector procedures will normally be carried out by importers using negotiated procurement procedures, unless the importer chooses to follow the procedures in § 201.22. Procurement on a negotiated basis shall be in accordance with good commercial practice. Unless solicitations by the importer for quotations or offers fall within the criteria of paragraph (e) of this section, they shall be made uniformly to a reasonable number of prospective suppliers, including, where feasible, producers of a commodity, and all quotations or offers received, whether or not specifically solicited, shall be given consideration before making an award.

(b) *Publicizing.* To provide suppliers in the United States with an opportunity to participate in furnishing commodities which may be purchased on a negotiated basis under USAID financing, USAID will advertise on its Internet Web site at: *http://www.usaid.gov/business/ocean/solicitation.logon.html* the existence of the program, the commodities traditionally being solicited, and the underlying procedures used in each cooperating country. USAID will not publicize specific proposed purchases which are to be undertaken by private sector importers on a negotiated basis unless specifically requested to do so by the importer in accordance with the provisions of paragraph (c) of this section.

(c) *Notification.* If the importer elects to solicit quotations and offers for specific proposed purchases through publication by USAID, USAID will notify prospective suppliers of the export opportunity through Procurement Information Bulletins. Requests for such notification shall be submitted to: USAID, Office of Acquisition and Assistance, Transportation Division, Washington, DC 20523–7900 (Telephone (202) 712–4283 or (202) 712–5060). These requests shall contain the name and contact information for the importer, a full description of the commodities and any commodity-related services required, applicable price and delivery terms and other relevant procurement data, in the English language. The metric system of measurements shall be used for specifications unless USAID determines in writing that such use is impractical or is likely to cause significant inefficiencies or the loss of markets to U.S. firms.

* * * * *

(e) *Procurement under special supplier-importer relationships and special situations.* (1) Solicitation of offers from more than one supplier is not required if:

(i) The importer is the supplier's regularly authorized distributor or dealer;

(ii) The importer is purchasing a registered brand-name commodity from a supplier who is the exclusive distributor of that commodity to the area of the importer;

(iii) The importer has standardized on a particular brand product in order to benefit from compatibility with on-hand equipment through economies in maintenance of spare parts inventories and/or greater familiarity by operating personnel;

(iv) The importer has standardized on a particular brand product in order to benefit from a stronger local dealer organization, better repair facilities, and/or the requirement for a special design or operational characteristics;

(v) A manufacturing importer has standardized on one brand name intermediate good used in production, in order to ensure a standard end-product; or

(vi) The necessary equipment, materials, or spare parts are available from only one source.

(2) USAID may require the importer to furnish, or cause to be furnished, to USAID documentary evidence of the existence of the criteria described in paragraph (e)(1) of this section.

* * * * *

11. The heading for § 201.24 is revised to read as follows:

§ 201.24 Progress and advance payments [applicable only to public sector programs].

* * * * *

12. The heading for § 201.25 is revised to read as follows:

§ 201.25 Bid and performance bonds and guaranties [applicable only to public sector programs].

* * * * *

13. The heading for § 201.26 is revised to read as follows:

201.26 Expenditure of marine insurance loss payments [applicable only to public sector programs].

* * * * *

Subpart D—Responsibilities of Suppliers

14. Amend § 201.31 to revise paragraphs (b)(2), (d) (f), (g), and (i) to read as follows:

§ 201.31 Suppliers of commodities.

* * * * *

(b) * * *

(1) * * *

(2) The source and origin of the commodity complies with the provisions of § 201.11(b) relating to source as required by its contract, letter of credit or direct letter of commitment;

* * * * *

(d) *Marking of shipping containers and commodities.*—(1) *Affixing the USAID Identity and identification numbers.* The supplier of commodities shall be responsible for assuring that all export packaging, whether shipped from the United States or from any other source country, carries the official USAID Identity. Additionally, except as USAID may otherwise prescribe, when the supplier is given notice by the importer that the importer is the government of the cooperating country or any of its subdivisions or instrumentalities, the supplier shall also be responsible for assuring that, in addition to the shipping cartons or other export packaging, all commodities carry the USAID Identity. The USAID financing document number shall be marked on each export shipping carton and box in characters at least equal in height to the shipper's marks. When

commodities are shipped as containerized freight in a reusable shipping container, the container is not considered export packaging within the meaning of this paragraph and the outside of the container need not be marked; however, the cartons, boxes, etc., inside the container must be marked.

(i) *Durability of the USAID Identity.* The USAID Identity shall be affixed by metal plate, decalcomania, stencil, label, tag or other means, depending upon the type of commodity or export packaging and the nature of the surface to be marked. The USAID Identity placed on commodities shall be as durable as the trademark, commodity or brand name affixed by the producer; the USAID Identity on each export packaging unit shall be affixed in a manner which assures that the USAID Identity will remain legible until the units reaches the consignee.

(ii) *Size of the USAID Identity.* The size of the USAID Identity may vary depending upon the size of the commodity and the size of the export packaging, but it shall be at least as large as the trademark, commodity or brand name affixed by the producer and in every case large enough to be clearly legible at a normal viewing distance.

(iii) *Design, color, and other standards for the USAID Identity.* The USAID Identity, including the appropriate Country Sub-Brandmark, shall conform in design and color to the appropriate template provided at *http://www.usaid.gov/branding/templates.html* and affixed in accordance with the USAID Graphic Standards Manual that is provided at *http://www.usaid.gov/branding/gsm.html.*

(2) *Exceptions to requirement for affixing the USAID Identity.* (i) Affixing the USAID Identity is not required on commodities purchased by the private sector; however, suppliers shall affix the USAID Identity and the required identification numbers on the export packaging in compliance with paragraph (d)(1) of this section.

(ii) To the extent the supplier determines that compliance is impracticable, the USAID Identity shall not be required for:

(A) Raw materials shipped in bulk (including grain, coal, petroleum, oil, and lubricants);

(B) Vegetable fibers packaged in bales; and

(C) Semi-finished products which are not packaged in any way.

(3) *Waiver.* If compliance with the marking requirement is found to be impracticable with respect to other commodities not excepted by paragraph (d)(2) of this section, the supplier (or, when appropriate, the borrower/grantee) may request a waiver from USAID (the Regional Assistant Administrator or his/her designee).

(4) *Marking at the port of discharge.* If the supplier is unable to meet the marking requirements before shipment, the supplier may, with USAID concurrence, comply with them at the port of discharge.

(5) *Recourse for noncompliance with marking requirements.* If the supplier fails to comply with the above marking requirements repeatedly or if there are major lapses in compliance, USAID may withdraw approval of the commodity transaction and require refund of any advances.

* * * * *

(f) *Distribution of shipping documents.* The supplier shall make the customary commercial document distribution, as well as any special distribution (*e.g.*, to the USAID Mission in the importing country) which may be specified in the letter of credit, direct letter of commitment or other payment instruction covering the transaction. Prior to presenting the documents specified in § 201.52 for payment, the supplier shall mail not later than 30 days from the date of shipment a legible copy of all rated ocean bill(s) of lading described in § 201.52(a)(4)(i) to:

(1) U.S. Department of Transportation, Maritime Administration, Office of Cargo Preference, 400 Seventh Street, SW., Washington, DC 20590–0001; and

(2) U.S. Agency for International Development, Office of Acquisition and Assistance, Transportation Division (M/OAA/T), 1300 Pennsylvania Avenue, NW., Washington, DC 20523–7900.

(g) *Adjustment refunds, credits, and allowances.* All adjustments in the purchase price in an USAID-financed transaction in favor of the importer arising out of the terms of the contract or the customs of the trade shall be made by the supplier in the form of a dollar payment to USAID. Any such payment shall be transmitted to: USAID, Office of the Chief Financial Officer, M/CFO/CMP, Washington, DC 20523–7700, or to the respective USAID overseas Mission's Office of Financial Management. It shall be accompanied by a statement explaining the adjustment and shall specify the name and address of the importer, the date and amount of the original invoice, and the identification number of the implementing document, if known, under which the original transaction was financed. USAID will advise the borrower/grantee of such adjustment refunds received. Despatch earned by the supplier, other than despatch earned at the port of loading on CIF and CFR shipments, shall be refunded to USAID in accordance with § 201.67(a)(5).

* * * * *

(i) *Termination or modification of USAID financing.*

The supplier shall be responsible for compliance with the provisions of § 201.45 applicable to it.

15. Amend § 201.32 to revise the first sentence of paragraph (b) and paragraph (c) to read as follows:

§ 201.32 Suppliers of delivery services.

* * * * *

(b) Adjustment in the price of delivery services. The supplier of delivery services shall pay to: USAID, Office of the Chief Financial Officer, M/CFO/CMP, Washington, DC 20523–7700, or to the respective USAID overseas Mission's Office of Financial Management, all adjustments in the purchase price in favor of the importer (or person purchasing the ocean transportation services) arising out of the terms of the contract or the customs of the trade. * * *

(c) *Marine insurance reporting requirement.* With respect to any loss payment exceeding $10,000 in value which a supplier of marine insurance makes under a marine insurance policy financed pursuant to this part, the supplier of marine insurance shall, within 15 days of making such payment, report to: USAID, Office of Acquisition and Assistance, Transportation Division, Washington, DC 20523–7900, the amount and date of the payment, a description of the commodity, the USAID identification number, name of the carrier, vessel, and voyage number (alternatively, flight or inland carrier run number), date of the bill(s) of lading, the identity and address of the assured, and the identity and address of the assignee of the assured to whom payment has actually been made.

Subpart E—General Provisions Relating to USAID Financing of Commodities and Commodity-Related Services.

16. Amend § 201.42 to revise the section heading to read as follows:

§ 201.42 Re-export of USAID-financed commodities.

* * * * *

Subpart F—Payment and Reimbursement

17. Amend § 201.51 to revise paragraphs (b)(1) introductory text, (b)(1)(vi), (c)(2)(i) introductory text, and (c)(4) to read as follows:

§ 201.51 Methods of financing.

* * * * *

(b) * * *

(1) *Requests for bank letters of commitment.* All requests for bank letters of commitment shall be in the English language and shall be submitted to USAID by the borrower/grantee. They shall contain the following:

* * * * *

(vi) Identification of the items to be financed under the letter of commitment.

* * * * *

(c) * * *

(2) * * *

(i) The monthly statement of advance account established under the letter of commitment showing:

* * * * *

(4) *Report.* The bank shall submit a report showing the financial status of each letter of commitment issued to it by USAID. The content, format and frequency of the report shall be prescribed in the letter of commitment. The report shall be prepared and distributed according to instructions contained in the letter of commitment. The report shall be certified by an authorized signatory of the bank.

* * * * *

18. Amend § 201.52 to revise paragraphs (a)(1), (a)(2)(i)(F), (a)(2)(iii)(A), (a)(2)(iii)(C), (a)(3) introductory text, (a)(3)(i), first sentence of (a)(4) (i), (a)(4) (iii) introductory text, (a)(4) (iii)(B), and first sentence of (a)(8), and add the phrase ''Note to paragraph (a)(3):'' to the undesignated paragraph following (a)(3)(ii) and revise it to read as follows:

§ 201.52 Required documents.

(a) * * *

(1) *Voucher.* Voucher SF 1034 to be prepared by the borrower/grantee, by the approved applicant, by the bank as assignee or agent for the approved applicant, or, in the case of a direct letter of commitment, by the supplier.

(2) * * *

(i) * * *

(F) The delivery terms (*e.g.*, FOB, FAS, CIF or CFR, as specified in the latest edition of Incoterms);

* * * * *

(iii) * * *

(A) The USAID marking requirements set forth in § 201.31(d) have been met or will, with USAID's concurrence, be met at the port of discharge;

(B) * * *

(C) If shipment is effected by ocean vessel, one copy of all bill(s) of lading described in § 201.52(a)(4) has been mailed to:

(*1*) U.S. Department of Transportation, Maritime Administration, Division of National Cargo, 400 Seventh Street, SW., Washington, DC 20590–0001; and

(*2*) U.S. Agency for International Development, Office of Acquisition and Assistance, Transportation Division (M/OP/TC), 1300 Pennsylvania Avenue, NW., Washington, DC 20523–7900.

(3) *Charter party.* A copy of any approved charter party under which shipment is made, submitted:

(i) By the commodity supplier whenever USAID finances any portion of the dollar price of a commodity sale under CFR or CIF delivery terms, or

(ii) * * *

Note to paragraph (a)(3): If shipment is made under a consecutive voyage or time charter and the person or organization seeking reimbursement or payment has previously submitted to USAID a copy of said charter party in support of a prior claim for reimbursement or payment, such person or organization may, in lieu of further submission of the charter party, certify to the fact of prior submission.

(4) *Evidence of shipment.* (i) A copy of the bill(s) of lading (ocean, charter party, air, rail, barge, or truck) or parcel post receipt evidencing shipment from the point of export in the source country or free port or bonded warehouse.* * *

* * * * *

(iii) When the supplier is not responsible under the terms of its agreement with the importer for assuring that the commodities are loaded on board the vessel, such as when delivery terms are FAS port of shipment, the importer may request and USAID, Office of Acquisition and Assistance, Transportation Division, Washington, DC 20523–7900, may authorize the following documents, instead of a bill of lading, to be submitted with a claim for reimbursement or payment for the commodities:

* * * * *

(B) A letter from the consignee addressed to USAID undertaking to arrange for shipment of the goods to the cooperating country and to deliver to: USAID, Office of the Chief Financial Officer, M/CFO/CMP, Washington, DC 20523–7700, or to the respective USAID overseas Mission's Office of Financial Management, within 15 days from the date of shipment, a copy of the bill of lading evidencing shipment to the cooperating country. The bill of lading shall indicate the carrier's complete statement of charges, as in paragraph (a)(4)(i) of this section.

* * * * *

(8) *Commodity approval application (Form AID 11).* One signed original (unless photocopies are authorized in the letter of commitment) of the Commodity Approval Application executed by the commodity supplier and countersigned by USAID. * * *

* * * * *

Subpart G—Price Provisions

19. Amend § 201.62 to revise paragraph (a) to read as follows:

§ 201.62 Responsibilities of borrower/grantee and of supplier.

(a) *Responsibilities of borrower/grantee.* The borrower/grantee shall insure that the importer:

(1) Procures in accordance with the conditions set forth in subpart C as applicable, and

(2) Except as provided otherwise in § 201.22, pays no more than the lowest available competitive price, including transportation cost, for the commodity.

* * * * *

20. Amend § 201.63 to revise paragraphs (f)(1)(i) and (f)(2) to read as follows:

§ 201.63 Maximum prices for commodities.

* * * * *

(f) * * *

(1) * * *

(i) The maximum price FOB or FAS source country eligible for USAID financing under the foregoing provisions of this § 201.63: plus

* * * * *

(2) The purchase price of a commodity FOB or FAS a free port or bonded warehouse shall not exceed the maximum price established in paragraph (f)(1) of this section, minus transportation costs from the free port or bonded warehouse to the cooperating country, calculated on the basis of the prevailing ocean freight rate from the free port or bonded warehouse to the cooperating country for the type and flag of vessel on which the commodity actually moved between those points.

* * * * *

21. Amend § 201.64 to revise first sentence of paragraph (b)(1) and paragraph (c)(2) introductory text to read as follows:

§ 201.64 Application of the price rules to commodities.

* * * * *

(b) *Calculation of commodity prices which involve transportation costs.* (1) In testing the purchase price which includes transportation cost (customarily known as CFR or CIF price) for compliance with the requirements of § 201.63 (a), (c), (d) and (e), USAID will subtract transportation cost as calculated by reference to the freight rate, for the type and flag of vessel on which the commodity was

shipped, prevailing on the date the purchase price is fixed. * * *

* * * * *

(2) When a shipment is FOB or FAS a free port or bonded warehouse, USAID will finance no more than the lower of the following:

* * * * *

22. Amend § 201.67 to revise paragraph (a)(2)(i) introductory text, (a)(5)(i)(A), (a)(5)(i)(B), (a)(5)(ii) and to read as follows:

§ 201.67 Maximum freight charges.

(a) Ocean freight rates.

* * * * *

(2) Maximum charter rates.

(i) USAID will not finance ocean freight under any charter which has not been submitted to and received prior approval by USAID, Office of Acquisition and Assistance, Transportation Division. USAID will not approve a charter if the freight rate exceeds: * * *

* * * * *

(5) *Despatch.*

* * * * *

(A) At the port of unloading on CIF or CFR shipments, or

(B) At the port of loading or unloading on FOB or FAS shipments, to the extent that despatch exceeds demurrage incurred on the same voyage.

* * * * *

(ii) Refunds of despatch, supported by the vessel's signed laytime statement(s), must be transmitted to: USAID, Office of the Chief Financial Officer, M/CFO/CMP, Washington, DC 20523–7700, or to the respective USAID overseas Mission's Office of Financial Management, within 90 days after date of discharge of cargo on which the despatch was earned.

* * * * *

Subpart H—Rights and Responsibilities of Banks

23. Amend § 201.72 to revise paragraph (b)(2) to read as follows:

§ 201.72 Making payments.

* * * * *

(b) * * *

(2) *Source and origin of commodities.* The documents submitted in connection with the claim for reimbursement on commodities may not indicate that the source and origin of the commodities is inconsistent with the USAID geographic code designation contained in the letter of commitment.

* * * * *

25. Revise Appendix A to Part 201 to read as follows:

Invoice and Contract Abstract/Supplier's Certificate and Agreement With the U.S. Agency for International Development (AID 282)

BILLING CODE 6116–01–P

USAID
FROM THE AMERICAN PEOPLE

(OMB No. 0412-0012; Exp. Date 02/28/2007)

INVOICE-AND-CONTRACT ABSTRACT

1. COMMODITY SUPPLIER'S NAME AND ADDRESS	2. FOR USAID USE 3. USAID IMPLEMENTATION NUMBER

4. IMPORTER'S NAME AND ADDRESS

5. VESSEL	6. FLAG	7. PORT OF LOADING

8. COMMODITY INFORMATION

a. Description of commodity and Schedule B No.	b. Gross Weight	c. Measurement

9. INVOICE INFORMATION	10. CONTRACT INFORMATION	11. SUPPLIER INFORMATION	
a. Number	a. Number	a. U.S. Small Business ☐ Yes ☐ No (Complete b)	b. Estimated Value (% of block 9c) Furnished From U.S. Small Businesses %
b. Date	b. Date	c. U.S. Small Disadvantaged Business ☐ Yes ☐ No (Complete d)	d. Estimated Value (% of block 9c) Furnished From U.S. Small Disadvantaged Businesses %
c. Amount After Discount	c. Total Amount		
	d. Source/Origin (Country)	e. U.S. Women-Owned Small Business ☐ Yes ☐ No (Complete f)	f. Estimated Value (% of Block 9c) Furnished From U.S. Women-Owned Small Business %
		g. U.S. Veteran-Owned Small Business ☐ Yes ☐ No (Complete h)	h. Estimated Value (% of Block 9c) Furnished From U.S. Veteran-Owned Small Business %
		i. U.S. Service-Disabled Veteran-Owned Small Business ☐ Yes ☐ No (Complete j)	j. Estimated Value (% of Block 9c) Furnished From U.S. Service-Disabled Veteran-Owned Small Business %

12. INSURANCE INFORMATION		13. TRANSPORTATION INFORMATION	
a. Insured Value	c. ☐ All-Risk Rate	a. Vessel Type ☐ Bulk ☐ Liner ☐ Tanker ☐ Air	d. Freight Rate
b. Premium	☐ War Risk Rate	b. B/L or Air Waybill Number	Other Freight Charges
	☐ Other (Specify) Rate	c. B/L or Air Waybill Date	Total Freight Charges

14. INFORMATION AS TO COMMISSIONS, CREDITS, ALLOWANCES, SIMILAR PAYMENTS, AND SIDE PAYMENTS

a. Recipient's Name	b. Recipient's Address	c. Amount Paid or To Be Paid

15. ADDITIONAL INFORMATION AND REMARKS	16. If Certification On Other Side Is Made By ☐ Carrier Or ☐ Insurer, Type Or Print Name And Address Of Company.
Note to Paying Offices: Forward one(1) copy of the form submission to OSDBU/MRC, USAID/W	

SUPPLIER'S CERTIFICATE AND AGREEMENT WITH THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

The supplier hereby acknowledges that the sum claimed on the accompanying invoice to be due and owing under the terms of the purchase contract identified on the reverse hereof ('said contract') is to be paid, in whole or in part, out of funds made available by the U.S. Agency for International Development (USAID) under the Foreign Assistance Act of 1961, as amended. In consideration of the receipt of such sum, the supplier agrees with and certifies to USAID as follows:

1. The undersigned is the supplier of the commodities or commodity-related services indicated in the Invoice-and-Contract Abstract on the reverse hereof, has complied with the applicable provisions of Regulation 1 (22 CFR Part 201), as in effect on the date hereof is entitled under said contract and under the applicable letter of credit, credit advice, or other payment instructions to payment of the sum claimed, and is executing this Certificate and Agreement to obtain such payment from USAID funds.

2. On the basis of information from such sources as are available to the supplier upon reasonable investigation and to the best of its information and belief, the purchase price is not higher than the maximum price permitted under each of the applicable price rules of subpart G of USAID Regulation 1.

3. The supplier will, upon request of USAID, promptly refund to USAID any amount by which the purchase price exceeds the maximum price permitted under such provisions of subpart G of Regulation 1, plus interest [at rate established in accordance with the Internal Revenue Code, 26 U.S.C. 6621 (a)(2)] from the time of payment to the supplier.

4. The supplier will, upon request of USAID, promptly make appropriate refund to USAID, plus interest from the time of payment to the supplier, in the event of

(a) its nonperformance, in whole or in part, under said contract, or including any failure to pay dispatch or
(b) any breach by it of any of its undertakings in this Certificate and Agreement, or
(c) any false certificate or representation made by it in this Certificate and Agreement or in the Invoice-and-Contract Abstract on the reverse hereof.

5. The amount shown on the reverse hereof in block 9c is net of all trade discounts, whether in the form of payments, credits, or allowances by the supplier or its agent to or for the account of the importer, including quantity and prompt payment discounts allowed other customers under similar circumstances. The supplier will promptly pay to USAID any adjustment refunds, credits, or allowances which hereafter become payable to or for the account of the importer arising out of the terms of said contract or the customs of the trade in compliance with instructions received from USAID.

6. The supplier has complied with the provisions of Section 201.65 of USAID Regulation 1 and has not compensated any person to obtain said contract except to the extent, if any, indicated on the reverse hereof.

7. The supplier or its agent has not given or received and will not give or receive a side payment, "kickback," commission, or any other payment, credit, allowance or benefit of any kind in connection with the said contract or any transaction or series of transactions of which said contract is a part, other than those payments or benefits permitted under Section 201.65 of USAID Regulation 1 and those referred to in paragraphs 1 and 5 above.

8. Any commodity supplied under said contract

(a) is accurately described on the reverse hereof and, unless otherwise authorized by USAID, is new and unused, is not rebuilt or reconditioned, does not contain any rebuilt or reconditioned components, and has not been disposed of as surplus by any government agency; and
(b) on the basis of information from such sources as are available to the supplier upon reasonable investigation, and to the best of its information and belief, meets the requirements of Section 201.11(b) of USAID Regulation 1 as to source, origin and nationality, and limitation on components.

9. If the supplier is the producer, manufacturer, or processor of the commodity, said contract is not a cost-plus-percentage-of-cost contract.

10. The supplier will for a period of not less than three (3) years after the date hereof maintain all business records and other documents which bear on its compliance with any of the undertakings and certifications herein and will, at any time requested by USAID, promptly make such records and documents available to USAID for examination and promptly furnish to USAID additional information in such form as USAID may request concerning the purchase price, the cost to the supplier of the commodities and/or commodity-related services involved, and/or any other facts, data, or business records relating to the supplier's compliance with its undertakings and certifications in this certificate and agreement.

11. The supplier has complied with the provisions contained and referred to in subpart D of USAID Regulation 1.

12. The supplier was not ineligible to act as a supplier or otherwise participate in the USAID financed transactions at the time of approval of the USAID Commodity Approval Application.

13. The commodity supplier certifies that it has submitted a copy of every ocean bill of lading, applicable to the commodities and transactions described on the reverse hereof to: (i) the Maritime Administration, National Cargo Division, 400 Seventh Street, S.W., Washington, D.C. 20590-0001; and (ii) Office of Acquisition and Assistance, Transportation and Commodity Division, USAID, Washington, D.C. 20523-7900 and that such bill(s) of lading state all the carrier's charges including the basis for calculation, such as weight or cubic measurements.

14. The supplier has filled in all applicable portions of the Invoice-and-Contract Abstract on the reverse hereof and certifies to the completeness and correctness of the information shown therein.

PERSONAL CERTIFICATION BY NATURAL PERSON SIGNING THIS CERTIFICATE AND AGREEMENT

The natural person who signs this Certificate and Agreement hereby certifies either that he/she is the supplier or that he/she has actual authority to sign on behalf of the supplier and to bind the supplier with regard to all certifications and agreements contained in this Certificate and Agreement. He/she further certifies, if he/she is not personally the supplier, that he/she is either an employee of the supplier or has a written power of attorney to sign for and bind the supplier. He/she acknowledges signing and submitting this Certificate and Agreement to receive payment from USAID funds and that USAID in making such payment will rely on the truth and accuracy of this Personal Certificate as well as all other representations in this Certificate and Agreement.

The Supplier's Certificate and Agreement and the Personal Certificate herein shall be governed by and interpreted according to the laws of the United States of America.

_____

Type or print name and title of official authorized to sign

_____

Signature of official authorized to sign for (check one) Date

☐ Commodity Supplier ☐ Carrier ☐ Insurer

_____

Place executed (City, County, State, Country)

NOTES: (a) Any amendments of or additions to the printed provisions of this Supplier's Certificate and Agreement are improper and will not be considered a part hereof. (b) False statements herein are punishable by United States Law. (c) The word "Copy" must be written after the signature on all copies other than the original.

INSTRUCTIONS FOR COMPLETING FORM AID 282

PAPERWORK REDUCTION ACT NOTICE. Information furnished will be used to verify compliance with legal requirements, as a basis for recourse in the event of noncompliance, and to monitor participation in USAID programs. It will be disclosed outside USAID only as provided by law. Submission of this information has been determined to be necessary to receive payment from USAID funds pursuant to 22 U.S.C. 2381.

Public reporting burden for this collection of information is estimated to average thirty minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You are not required to provide information requested on the a form subject to the Paperwork Reduction Act unless the form displays a valid OMB control number (see OMB control number in upper right-hand corner of page 1). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

U.S. Agency for International Development
Office of Acquisition and Assistance
Policy Division (M/OAA/P)
Washington, D.C. 20523-7801
and
Office of Management and Budget
Paperwork Reduction Project (0412-0012)
Washington, D.C. 20503

Do NOT use the above addresses for submitting the form.

EXECUTION AND SUBMISSION OF FORM. This form is designed for use with the U.S. Standard Master for International Trade. An original and one (1) copy of this form, completed by the following suppliers, as applicable, must accompany each invoice for which payment is requested:

(a) Commodity Supplier – executed by the commodity supplier covering the cost of the commodity, including the cost of any commodity – related service paid by the commodity supplier for its own or the buyer's account;
(b) Transportation Supplier (Carrier) – executed by each carrier or in the case of a through Bill of Lading, the issuing carrier, for the cost of the ocean or air transportation financed by USAID, whether or not the transportation is paid by the commodity supplier;
(c) Insurance Supplier (Insurer) – executed by the insurer (or under the circumstances set forth in Section 201.52(b)(2) of USAID Regulation 1, by an insurance broker or the commodity supplier), whether or not the insurance is paid by the commodity supplier, for the cost of marine insurance financed by USAID when such cost exceeds $50.

The original *must* be signed by a person authorized by the supplier who shall indicate his/her title and certify to his/her authority.

SUBMISSION IN ENGLISH LANGUAGE. The form must be completed in the English language *only* and all amounts of money must be shown in U.S. dollars.

OBTAINING FORMS. The form (as well copies of USAID Regulation 1 referenced in this form) may be obtained in limited quantities from banks holding USAID Letters of Commitment, from district offices of the Department of Commerce, the USAID office in the supplier's country, or the Information and Records Division (M/AS/IRD), U.S. Agency for International Development, Washington, D.C. 20523-2701.The form is also available as a macro on USAID's website at http://www.usaid.gov/forms. The form may be reproduced, providing the reproduction is identical in size and format.

INSTRUCTIONS FOR COMPLETING ENTRIES ON INVOICE-AND-CONTRACT ABSTRACT

GENERAL INSTRUCTIONS

Except as provided in the instructions for specific blocks, suppliers must complete all blocks or enter the letters 'NA' (Not Applicable), as follows:

Commodity Supplier – Complete all Blocks except 12 and 13; however, if the commodity supplier has paid for the transportation and/or insurance for its own or the buyer's account, Blocks 12 and/or 13 will also be completed by the commodity supplier; Block 11 is to be completed only when the address in block 1 is a U.S. address.

Transportation Supplier (Carrier) – Complete Blocks 1 through 8 as well as 13, 14, and 16.

Insurance Supplier (Insurer) – Complete Blocks 1 through 8a as well as 12, 14, and 16.

INSTRUCTIONS FOR INDIVIDUAL BLOCKS

Block 1: Enter the commodity supplier's name and address

BLOCK 2: For USAID use *only*.

BLOCK 3: Enter USAID implementing document number furnished in the Letter of Credit or Importer's instructions. This number will normally be the Letter of Commitment number.

BLOCK 4: ENTER THE IMPORTER'S NAME AND ADDRESS.
Caution: on documents prepared from the Standard Master, such as the Bill of Lading, the corresponding block may call for the name and address of the party to whom the carrier is to give notice of arrival. When such party is not the importer; be sure to enter the importer's name and address.

BLOCK 5: Enter the name of the vessel or airline.

BLOCK 6: Enter the flag of registry of vessel or airplane.

BLOCK 7: Enter the port shown on the Bill of Lading.

BLOCK 8: COMMODITY INFORMATION
a. Enter the description of each commodity and its U.S. Department of Commerce Schedule B number, if available. For multi-item invoices, enter a summary description of the group of items and the appropriate Schedule B number (s), if available.
b. Enter the Bill of Lading/Air Way bill weight.
c. Enter the Bill of Lading/Air Way bill measurement.

BLOCK 9: INVOICE INFORMATION
a. Enter the number of the accompanying invoice to which this abstract relates.
b. Enter the invoice date.
c. Enter the net amount for which the supplier seeks payment *(see paragraphs 5 and 6 of the Supplier's Certificate)*.

BLOCK 10: CONTRACT INFORMATION
a. Enter the contract number.
b. Enter the date of the contract.
c. Enter the total contract amount.
d. Enter the country of source as defined in Section 201.01 of USAID Regulation 1.

BLOCK 11: SUPPLIER INFORMATION
Complete only when a U.S. address is indicated in Block 1. The information is required to enable USAID to compile reports requested by Congress.

a. Indicate whether the supplier is U.S. small business. "U.S. small business" means a concern, including its affiliates, that is: (i) located in the United States and making a significant contribution to the U.S. economy (through payment of taxes and/or use of American products, material and/or labor), (ii) organized for profit, (iii) independently owned and operated, (iv) not dominant in the field of operation in which it has bid on the subject contract, and (v) qualified as a small business under the criteria and size standards in 13 C.F.R. part 121. The size standards are available on the Internet at http://www.sba.gov/size.

For size standard purposes, a product or service shall be classified in only one industry, whose definition best describes the principal nature of the product or service being acquired even though for other purposes it could be classified in more than one. When a contract covers the purchase of multiple products or services that could be classified in two or more industries with different size standards, apply the size standard for the industry accounting for the greatest percentage of the contract price.

b. If the supplier is not a U.S. small business, enter the best estimate of the percentage of the total invoice amount paid or to be paid to subcontractors or suppliers of components who are U.S. small businesses.

c. Indicate whether the supplier is a U.S. small disadvantaged business. "Small disadvantaged business" means a business (i) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially disadvantaged individuals, and (ii) whose management and daily business operations are controlled by one or more such individuals.

"Socially disadvantaged" individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their qualities as individuals.

INSTRUCTIONS FOR COMPLETING FORM AID 282 (cont.)

"Economically disadvantaged individuals" means socially disadvantaged individuals whose ability to compete in the free enterprise system is impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business who are not socially disadvantaged. Provided that their individuals net worth does not exceed $750,000 (after taking into account exclusions set forth in 13 C.F.R. 124, 104 (c)(9)), individuals, who certify that they are members of named groups (Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent-Asian Americans) are rebuttably to be presumed socially and economically disadvantaged.

"Subcontinent Asian Americans" means United States citizens whose origins are in India, Pakistan, Bangladesh, Sri Lanka, Bhutan, Nepal, or the Maldives.

"Asian Pacific Americans" means United States citizens whose origins are in Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territory of the Pacific Islands (Republic of Palau), the Northern Mariana Islands, Laos, Cambodia, Taiwan, Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Republic of the Marshall Islands, the Federated States of Micronesia, or Commonwealth of the Northern Mariana Islands.

"Native Americans" means American Indians, Eskimos, Aleuts, and native Hawaiians.

d. If the supplier is not a small disadvantaged business, enter the best estimate of the percentage of the total invoice amount paid or to be paid to subcontractors or suppliers of components who are socially and economically disadvantaged enterprises.

e. Indicate whether the supplier is a U.S. women-owned small business. "Women-owned small business" means a business which is at least 51 percent owned by one or more women who are United States citizens and who also control and operate the business.

f. If the supplier is not a U.S. women-owned small business, enter the best estimate of the percentage of the total invoice amount paid or to be paid to subcontractors or suppliers of components who are women-owned business.

g. Indicate whether the supplier is a U.S. veteran-owned small business. "U.S. veteran-owned small business" means a U.S. small business that (i) not less than 51 percent of which is owned by one or more U.S. military veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly-owned business, not less than 51 percent of the stock of which is owned by one or more veterans, and (ii) the management and daily business operations of which are controlled by one or more veterans.

h. If the supplier is not a U.S. veteran-owned small business, enter the best estimate of the percentage of the total invoice amount paid or to be paid to subcontractors or suppliers or components that are U.S. veteran-owned small businesses.

i. Indicate whether the supplier is a U.S. service-disabled veteran-owned small business. "Service-disabled veteran-owned small business means:

1. A small business (i) not less than 51 percent of which is owned by one or more service-disabled veterans, or in the case of any publicly-owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans, and (ii) the management and daily business operations of which controlled by one or more service-disabled veterans, or in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

2. "Service-disabled veteran" means a veteran, with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

j. If the supplier is not a U.S. service-disabled veteran-owned small business, enter the best estimate of the percentage of the total invoice amount to be paid to subcontractors or suppliers of components who are U.S. service-disabled veteran-owned small businesses.

BLOCK 12: INSURANCE INFORMATION

COMPLETE BLOCK 12 *only* if the insurance premium exceeds $50.

a. Enter the insured value of the shipment.
b. Enter the total premium.
c. Enter the type of coverage and insurance rate. If "Other" is checked, explain in Block 15.

BLOCK 13: TRANSPORTATION INFORMATION

a. Check vessel type.
b. Enter Bill of Lading or air waybill number.
c. Enter Bill of Lading or air waybill date.
d. Enter the freight rate, other freight charges and the total dollar amount of freight charges after discount.

BLOCK 14: INFORMATION AS TO COMMISSIONS, CREDIT, ALLOWANCES, SIMILAR PAYMENTS AND SIDE PAYMENTS

Enter information on (a) all commissions and other payments, credits, allowances or benefits or any kind, paid or to be paid by the supplier to or for the benefit of its agent, the importer, or the importer's agent as required by Section 201.65 of USAID Regulation 1; and (b) any side payments, not shown on the invoice, made or to be made by the importer to the supplier, in connection with the transaction, as required by Section 201.66 of USAID Regulation 1. If there is insufficient space to furnish the required information in block 14, continue in block 15 or enter "Continued" or "See attached" in block 14a, and attach a separate sheet to the form. If no commissions or other payments, credits, allowances, benefits, or side payments are involved, enter "NONE" in block 14.

BLOCK 16: If the Supplier's Certificate is completed by the carrier or insurer, check the appropriate box and print or type carrier's or insurer's name and address.

DO NOT INCLUDE THE INSTRUCTIONS ON PAGE 3 AND 4
WITH THE SUBMISSION OF THE COMPLETED FORM.

USAID
FROM THE AMERICAN PEOPLE

OMB No. 0412-0004
Expiration Date 10/31/2008

APPLICATION FOR APPROVAL OF COMMODITY ELIGIBILITY (FORM AID 11)

Transaction No. *(Assigned by USAID)* ____

TRANSACTION IDENTIFICATION

1. USAID Letter of Commitment No.	2. Payment Terms		Name and Address of U.S. Bank (Advising Bank)	Other Payment Terms (If any)
	U.S Bank Letter of Credit			
	No.	Date		
____	____	____	____	____

3. Import License		4. Supplier's Relationship to Authorized Source Country			
No.	Date	☐ Corporation or Partnership Organized under Source Country Laws	☐ Individual: Citizen or Permanent Resident of Source Country	☐ Controlled Foreign Corporation	☐ Other
____	____				

5. U.S. Supplier's Name and Address	6. Importer's Name and Address
____	____

7. Contract		8. Shipping Plans at Time of Application			
Total Amount (Funded by USAID)	Date	a. Partial Shipment ☐ No ☐ Yes	b. Loading Port	c. Destination Port	d. Month(s) of Shipment
____	____	$____	____	____	____

COMMODITY IDENTIFICATION

9. Schedule B 10-Digit Code(s)	10. Commodity Description, Quantity, Size	11. Unit and Unit Price, or Total FAS or FOB Vessel Price *(Named U.S. Port of Loading)*
(a) ____	____	____
(b) ____	____	____
(c) ____	____	____
(d) ____	____	____
(e) ____	____	____

12. Commodity Condition:

☐ New and Unused ☐ Used - Not Rebuilt or Reconditioned ☐ Rebuilt ☐ Reconditioned ☐ Other (Specify below)

____

13. Source of Commodity			14. Components (Parts of the Commodity)		
a. Authorized Area	b. Shipped From	c. Produced In	a. From Other than 13.a Source	b. If 14.a is "Yes", Name Country Imported From	c. Cost Per Unit of 14.b Components
____	____	____	☐ Yes ☐ No	____	____

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15. State the Producer Name and Address, if not the Supplier. Remarks and Additional Information, if any.

Deleted: Remarks and Additional Information

16. SUPPLIER'S CERTIFICATIONS

As a condition for securing a determination of commodity eligibility for funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment in whole or in part in the transaction described and for the commodity identified on this form, the undersigned, acting on behalf of the supplier whose name appears in block 5 above and authorized to bind the supplier, agrees with and certifies to USAID as follows:

1. The supplier has contracted with the importer named in block 6 for the purchase of the commodity described on this form, and the supplier has either attached to this form a copy of such contract or has furnished in block 2 information concerning a letter of credit confirmed or advised in its favor under a payment obligation assumed by the importer in the contract.

2. The supplier has filled in the applicable portions of this form and certifies to the correctness of the information shown herein.

3. The supplier agrees that the commodity will be shipped and invoiced in accordance with the information shown herein; that if any change in commodity identification takes place after USAID has approved this transaction, the supplier will resubmit this form to USAID for review and further approval for financing in light of the changed commodity; and that this Commodity Approval Application which the supplier proposes to use as a basis for securing payment from USAID funds, is in every respect the original or true copy of the original application approved by USAID. The supplier acknowledges that any commodity, other than a commodity described on this form by the supplier and approved by USAID below, is ineligible for USAID financing with respect to the purchase transaction for which this form must be submitted as a condition for payment.

4. The supplier certifies that it is an individual citizen or lawfully admitted permanent resident of a country included in the authorized source code; a corporation or partnership organized under the laws of a country included in the authorized source code and with a place of business in such country; or a controlled foreign corporation (within the meaning of § 957 et seq. of the Internal Revenue Code) as attested by current information on file with the Internal Revenue Service of the United States (on IRS Form 959, 2952, 3646, or any substitute or successor forms) submitted by shareholders of the corporation, or a joint venture or unincorporated – association consisting entirely of individuals, corporations or partnerships which fix any of the foregoing categories. If the supplier is a controlled foreign corporation without a regular place of business in the United States, the supplier appoints any shareholder or officer thereof agent for the supplier to receive service of process in the United States in connection with any dispute arising between the supplier and USAID and relating to the commodity sale financed by USAID.

5. The supplier has not, at the time of submission of this application, been debarred or suspended by USAID or placed on the "Lists of Parties Excluded from Federal Procurement or Non-procurement Programs," published by the General Services Administration, or the Treasury Department's Consolidated List of Designated Nationals" and thereby rendered ineligible to receive USAID funds. To the best of its knowledge upon reasonable investigation, the supplier has not acquired, nor will it acquire, for resale under USAID financing the goods described on this form from any supplier included on the "Lists of Parties Excluded from Federal Procurement or Non-procurement Programs," or included on the Treasury "Consolidated List of Designated Nationals" or from any affiliate of such a person.

6. The supplier acknowledges that this application, when approved, is not valid for shipments having a delivery date on or after the expiration date shown below.

Type or Printed Name and Title _____ *Signature of Authorized Representative of Supplier* _____ *Date* _____

17. USAID APPROVAL

By the signature and seal which appear below, USAID has given limited approval to the sale described on this form. This approval is limited strictly to a determination that the commodity which the supplier has described is of a description, condition, and source eligible for USAID financing. This approval and determination of commodity eligibility does not represent an approval of the purchase price and does not in any way preclude an USAID refund claim based upon a detailed post-audit of the transaction in accordance with the provisions of USAID Regulation 1 (22 CFR Part 201). USAID expressly reserves such rights as it may have under that Regulation and under such other USAID forms as the supplier may be required to submit by the terms of financing documents and by the terms of Regulation 1.

EXPIRATION DATE _____

APPROVED FOR USAID _____
Authorized Signature

Date _____

18. CERTIFICATE FOR PARTIAL SHIPMENT

I hereby certify that the partial shipment for which payment is being requested from USAID funds is being made under the contract by the original validated form AID 11 of which this is a true copy.

Type or Printed Name and Title _____ *Signature of Authorized Representative of Supplier* _____ *Date* _____

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GENERAL INSTRUCTIONS

Paperwork Reduction Act Notice. Information furnished will be used to verify compliance with legal requirements, as a basis for recourse in the event of noncompliance, and to monitor participation in USAID programs. If will be disclosed outside USAID only as provided by law. Submission of this information has been determined to be necessary to receive payment from USAID funds pursuant to 22 U.S.C. 2381.

Public reporting burden for this collection of information is estimated to average thirty minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

U.S. Agency for International Development
Office of Acquisition and Assistance
Policy Division (M/OAA/P)
Washington, D.C. 20523-7801;
and
Office of Management and Budget
Paperwork Reduction Project (0412-0004)
Washington, D.C. 20503

Requirement for Payment. Section 201.11(k) of USAID Regulation 1 (22 CFR 201)declares that a commodity purchase transaction is eligible for USAID financing only if USAID provides a determination of the commodity eligibility on the Commodity Approval Application. Section 201.52(a) (8) of the Regulation states that to secure payment a supplier must submit the signed original of this form, countersigned by USAID. As appropriate, a reproduced copy of the validated form, certified as provided in the second paragraph following, is required with each subsequent claim for partial shipments made under the original validated form AID-11. Alterations to Block 16 are not acceptable.

Form submission and USAID approval. To secure USAID approval, a supplier must submit the signed and properly executed original and one copy of the form addressed to USAID Commodity Office listed in the letter of credit or direct letter of commitment pursuant to which this approval of commodity eligibility is requested. USAID will indicate its approval in block 18 of the form if the form is properly executed and if USAID has no objection to financing the described commodity. If USAID refuses approval, the Agency will return the form to the supplier with an explanation for refusal. In either case, an identification number will be assigned by USAID in the upper right-hand corner of the form. Any follow-up correspondence between the supplier and USAID should refer to this number. Partial Shipments. In the event a supplier expects to make more than one shipment under a single contract, letter of credit, or collection document, it may either submit a separate form AID-11 covering each shipment, or submit a single form AID-11 covering the entire contract. In the latter case, the original USAID-approved form will be presented to the paying bank with the supplier's first request for payment and a reproduced copy of the approved form, properly certified in block 18, will be presented with each request for payment for subsequent partial shipments. See detailed instructions for block 8.

Duration of USAID Approval. USAID approval remains valid for six (6) months as evidenced by the expiration date entered by USAID in block 17. If the letter of credit is valid for a longer period, upon request from the supplier and submission of a copy of the letter of credit, USAID will provide an approved expiration date corresponding to the expiration date of the letter of credit. If the USAID approval expires prior to delivery, the supplier must reapply for approval, making reference to the transaction number assigned by USAID.

Timing of Submission. Under letter of credit financing the application should be submitted subsequent to receiving confirmation or advice of credit, but prior to shipment. The form may, however, be submitted prior to receipt of such credit provided that an original or true copy of the purchase contract accompanies the application. Under any other method of financing, the application will be submitted following receipt of instructions that the transaction is to be USAID – financed and must be accompanied by an original or true copy of the contract with the importer. The form should not be submitted prior to the time supplier is able to furnish all required information in blocks 12 through 15.

Language. Every commodity description which appears on the form must be stated in English. If a supplier furnishes as an attachment to this form in a contract in a language other than English, an English translation of the commodity description must also be furnished.

Completeness. All numbered blocks MUST be fully and appropriately completed. If the application contains incomplete blocks, it will NOT be processed but will be returned for completion.

Obtaining Forms. The form is available as a macro on USAID's website at http:// www.usaid.gov/forms. Forms may be obtained in limited quantities from banks holding USAID letters of commitment, field offices of the Department of Commerce, the USAID office in the supplier's country, or the Information and Records Division (M/AS/IRD), U.S. Agency for International Development, Washington, D.C. 20523-2701. A supplier may reproduce the form provided the reproduction is identical with the original copy in every respect, including size, and format. A supplier may overprint its name and address in block 5.

INSTRUCTIONS RELATING TO SPECIFIC ITEMS

BLOCK 1: Enter the letter of commitment number. If not available, enter the loan or grant agreement number. USAID cannot act on an application unless one of these numbers is provided.

BLOCK 2: Indicate the method of financing. If by letter of credit, enter the letter of credit number assigned by the U.S. bank, the date the bank issued, advised, or confirmed the letter of credit, and the name and address of the bank concerned. If the application is submitted prior to receipt of this information, enter the words "Firm contract" and attach a copy of the contract.

If the transaction is not to be financed by letter of credit, enter the applicable payment terms (e.g., sight draft collection, open account) and attach a copy of the contract.

BLOCK 3: The importer should provide the supplier with this information. Generally the import license number appears on the letter of credit. If the information is not known or is not available at the time of submission of the application, enter "Unknown." (In some cases it may be necessary for USAID to require this information before approving the application.)

Enter "N/A" (not applicable) if the importer has not been required by its government to secure an import license.

BLOCK 4: Check the appropriate box to indicate the supplier's relationship to a country or area in the authorized source code. This information relates to certification 4 in block 16. If "Other" is checked, furnish explanation of relationship in block 15.

BLOCK 5: Enter name and address.

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BLOCK 7: Enter the purchase price funded by USAID under the contract. Enter contract date or date pro forma invoice was accepted.

BLOCK 8: (a) Check the appropriate box to indicate whether the supplier expects to make partial shipments. If "yes" and a separate application form will be submitted for each partial shipment, enter the value of the shipment to which this application relates. If only one application form will be submitted to cover all partial shipments, omit the dollar value.

(b) Enter the proposed loading port. If only the range of ports is known, enter the range of ports; e.g., North Atlantic, South Atlantic, Gulf, Pacific, Great Lakes. If expected that partial shipments will be made, but only one application form is to be submitted, entries under (b) and (c) will relate to the first shipment only.

(c) Enter the proposed destination port.

(d) Enter the month in which it is expected shipment will be made. In the case of partial shipments, indicate the estimated first and last months of shipments: e.g., April-September.

BLOCKS 9 and 10: Enter the U.S. Department of Commerce Schedule B 10-digit code in block 9 and describe the commodity in block 10, giving size, quantity, and a clear word description of the commodity, including any special formula or other distinguishing characteristics, such as substandard quality (e.g., reject, imperfect, second) which will help to identify it.

If the contract or letter of credit identifies the commodity by other than Schedule B code (e.g., importing country tariff classification), this identification should be furnished as part of the commodity description.

If the commodity description varies significantly within the same Schedule B Code, separate entries must be furnished for each commodity.

BLOCK 11: Enter the unit and unit price, or total, for the commodity on an FAS or FOB basis for the loading port specified in block 8.(b). For other delivery terms, enter a constructive price FAS or FOB vessel; i.e., subtract from a C&F or CIF price estimated ocean freight and accessorial costs necessary to place the commodity in the custody of the ocean carrier.

If the supplier is unable to compute a unit price FAS or FOB vessel, the unit price of the commodity may be shown on the basis of the inland price with estimated inland freight cost, if available, footnoted in an explanatory entry in block 15.

SPECIAL INSTRUCTIONS—MULTIPLE ITEMS: If the shipment (or contract) is made up of commodities bearing differing Schedule B codes, or if the commodity description varies significantly within the same Schedule B code, separate entries must be furnished for each code or description. When there are six or more items to be listed in blocks 9 through 11, a signed and dated accepted contract, order, invoice, or other separate listing of the information may be attached to the original and copy of the form AID 11, provided the full 10-digit Schedule B code, complete and accurate description of the commodity, and FAS or FOB vessel unit price are shown for each. If the information required by blocks 12 through 14 is not common to all commodities listed, appropriate information related to each such commodity is also required to be shown either on the attachment or in the blocks 12 through 14 and related to the appropriate line of the attachment. If an attachment is used in lieu of entry of the information on form AID-11, complete blocks 9 – 11 inclusive, and 12 – 14 inclusive (when applicable) by entering the words "See attachment."

SPECIAL INSTRUCTIONS—BLOCKS 12 through 14: If more than one commodity is listed in block 9, provide information required b blocks 12 through 14 on separate lines in those blocks, identified to the corresponding line on which the commodity is listed in block 9. For example, information concerning a commodity listed on line (c) in block 9 would be identified as line (c) in blocks 12 through 14. When only one form AID-11 is submitted, information in these blocks should be descriptive of the total contract. If a separate form AID-11 is submitted for each shipment under the contract, the information in these blocks should cover only that single shipment.

BLOCK 12: Enter check mark in the appropriate box to indicate the condition of the commodity. If the commodity is other than new and unused, describe the condition in the space below or in block 15. For this purpose, any commodity declared surplus by the U.S. Government agency and any commodity which has been rebuilt or reconditioned or contains components which have been rebuilt or reconditioned are not considered as "unused."

BLOCK 13: See § 201.11 (b) (4) of USAID Regulation 1 (22 CFR 201) for countries and areas included in geographic code numbers.

(a) Enter in block 13(a) the authorized geographic source area stated in the letter of credit or USAID direct letter of commitment.

(b) Enter in block 13(b) the country from which the commodity will be shipped to the importer. If the commodity will be shipped from a free port or bonded warehouse, indicate this fact in block 16 and give location.

(c) Enter in block 13(c) the country in which the commodity has been or will be mined, grown, or produced through manufacturing, processing or assemble.

BLOCK 14: (a) Enter "Yes" in block 14(a) if the commodity includes components imported into the country of production from a country not included in the authorized geographic source area indicated in block 13(a). If such components are not included, enter "no."

(b) If yes is entered in block 14(a), identify in block 14b each country from which components were imported into the country of production.

(c) In block 14(c), enter the total cost, within each unit of the finished product, attributable to components imported from each country indicated in block 14(b). The supplier must thereafter be prepared to demonstrate the accuracy of the information contained in block 14(a) , (b) and (c) upon the request of USAID.

BLOCK 15: State the Producer Name and Address, if not the Supplier. This block may also be used to furnish explanation or additional information in connection with any entries on the form. Identify block (and line, as appropriate) to which entry relates.

BLOCK 16: The supplier, or its authorized representative, must manually sign this certification, showing name, title and date signed.

BLOCK 17: For USAID use. Note that USAID approval is not valid for deliveries on and after the expiration date shown in this block.

BLOCK 18: If reproduced copies of this original form are presented with the supplier's request for payment (see fifth paragraph of General Instructions), the supplier or its authorized representative must manually sign this certification in block 18 of the reproduced form, showing name, title and the date signed.

DO NOT INCLUDE THE INSTRUCTIONS ON PAGE 3 AND 4 WITH THE SUBMISSION OF THE COMPLETED FORM.

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Dated: June 22, 2007.

Michael F. Walsh,

Procurement Executive.

[FR Doc. 07–3309 Filed 7–6–07; 8:45 am]

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