



## ADS Chapter 330

# Source and Nationality Rules for Administrative Procurement

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## ADS 330 – Source and Nationality Rules for Administrative Procurement

### 330.1 OVERVIEW

Effective Date: 04/29/2013

This ADS chapter provides source and nationality rules for the procurement of goods and services with funds appropriated for Operating Expenses for the administrative support (direct benefit and use) of USAID offices in the United States and abroad. This chapter does not apply to any program assistance procurement for the benefit of third parties or to motor vehicles governed by the [FAA, Section 636\(i\)](#). (See [ADS 310](#) for policy regarding source and nationality for program-funded procurements and see [ADS 312](#) for policy regarding procurement of motor vehicles).

### 330.2 PRIMARY RESPONSIBILITIES

Effective Date: 04/29/2013

- a. The Director of the Office of Acquisition and Assistance, in the Bureau for Management (M/OAA) serves as the Agency's Chief Acquisition Officer (CAO) and Senior Procurement Executive (SPE) and is responsible for:
  - (1) Ensuring implementation of the policies stated in this chapter, as part of the overall procurement responsibilities cited in [ADS Chapter 302, USAID Direct Contracting](#); and
  - (2) Making determinations for USAID/W procurements provided in [Federal Acquisition Regulations \(FAR\) 25.103\(b\)\(2\)](#), [25.202\(a\)\(2\)](#), and [25.603\(a\)\(1\)\(i\)](#). The Procurement Executive may redelegate this authority.
- b. **Mission Directors**, as the overseas Heads of Contracting Activities (as defined in [ADS 302](#) and [AIDAR 702.170-10](#) and within the authorities specified in [AIDAR subpart 701.601](#)), or **principal USAID officials at post** are responsible for making determinations provided in [FAR 25.103\(b\)\(2\)](#), [25.202\(a\)\(2\)](#), and [25.603\(a\)\(1\)\(i\)](#) for procurements in USAID Missions overseas, except for the administrative procurement of airplanes, boats, or furniture manufactured host country or any country included in USAID Geographic Code [937](#) (See [22 CFR 228.3](#)), which are the responsibility of the Procurement Executive. The Heads of Contracting Activities may redelegate this authority.
- c. The **Bureau for Management, Office of Acquisition and Assistance (M/OAA)** is responsible for developing, issuing, and maintaining the Agency's regulations and procedures for administrative procurements as part of the responsibilities cited in [ADS Chapter 302](#).
- d. **Contracting Officers**, within the limits of their delegated authority, are responsible for ensuring that USAID-direct contracts are in accordance with the policy and guidelines in this chapter.

### 330.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

#### 330.3.1 Source of Procurement

Effective Date: 08/29/2002

The Agency's procurement of goods and services for the administrative support of USAID offices in the United States and abroad must be in accordance with [FAR Part 25](#) and [AIDAR Part 725](#). In summary, such procurements are subject to the Buy America Act and/or to trade agreement provisions.

#### 330.3.2 Approval Requirements

Effective Date: 04/29/2013

Administrative procurement of planes, boats, and furniture manufactured in other than the partner country or any country included in USAID Geographic Code [937](#) (See [22 CFR 228.3](#)) must be referred to the Procurement Executive for approval.

#### 330.3.3 Waiver Requirements

Effective Date: 04/29/2013

For USAID procurements subject to the Trade Agreements Act of 1979, only the U.S. Trade Representative has authority to grant waivers as provided in [FAR 25.402](#). This authority is delegated to the Trade Representative in Section 1-201 of [EO 12260](#).

### 330.4 MANDATORY REFERENCES

#### 330.4.1 External Mandatory References

Effective Date: 08/29/2002

- a. [22 CFR 228.3](#)
- b. [Executive Order 12260](#) (as published January 6, 1981 in The Federal Register, Volume 46, page 1658).
- c. [FAR Part 25, Foreign Acquisition](#)
- d. [Foreign Assistance Act \(FAA\) of 1961, as amended, Section 621\(a\) and Sec.636\(i\)](#)
- e. Trade Agreements Act of 1979 ([Public Law 96-39](#), [19 U.S.C. 2501-2582](#))

#### 330.4.2 Internal Mandatory References

Effective Date: 08/29/2002

- a. [ADS 302, USAID Direct Contracting](#)
- b. [ADS 312, Eligibility of Commodities](#)

- c. [AIDAR 701.601, General](#)
- d. [AIDAR Part 725, Foreign Acquisition](#)

### **330.5            ADDITIONAL HELP**

Effective Date: 08/29/2002

There are no additional help documents for this chapter.

### **330.6            DEFINITIONS**

Effective Date: 08/29/2002

#### **Federal Acquisition Regulation (FAR)**

The primary document containing the uniform policies and procedures for all executive agencies for acquisition of supplies and services with appropriate funds. It is issued as Chapter 1 of Title 48, Code of Federal Regulations (CFR). (Chapters [302](#) and 330)

#### **Head of the Contracting Activity (HCA)**

The official who has overall responsibility for managing the contracting activity. AIDAR 702.170-10 lists each HCA in USAID and the limits on the contracting authority for each are listed in AIDAR 706.601. Also see Contracting Activity. (Chapters [302](#), 330, and [331](#))

#### **USAID Acquisition Regulation (AIDAR)**

USAID's supplement to the FAR, issued as Chapter 7 of Title 48, CFR. (Chapters [302](#) and 330)

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