

MODIFICATION OF ASSISTANCE AWARD

1. MODIFICATION NUMBER: P002	2. EFFECTIVE DATE OF MODIFICATION: See Block 15	3. AWARD NUMBER: 720FDA19IO00007	4. EFFECTIVE DATE OF AWARD: February 7, 2019
---------------------------------	--	-------------------------------------	---

5. RECIPIENT: Tariq Islam United Nations Development Program (UNDP) 22.217 Diwan UN Compound Green Zone Baghdad, Iraq DUNS NO: 645521498 TIN NO.: N/A LOC NO.: HHS-17A8P	6. ADMINISTERED BY: U.S. Agency for International Development Office of Acquisition and Assistance M/OAA 500 D Street SW Washington, DC 20024-4721
--	---

7. FISCAL DATA: REQM No.: REQM-BHA-21-000740 Fund Account: Program Element: Operating Unit: BHA Program Area: Distribution: BGA: SOC: OFDA Control No.: ME20211093 Total Amount Obligated: \$0.00	8. TECHNICAL OFFICE: BHA
	9. PAYMENT OFFICE: U.S. Agency for International Development Office of the Chief Financial Officer 500 D Street SW Washington, DC 20024-4721 Letter of Credit E-Mail: loc@usaid.gov

10. FUNDING SUMMARY:	<u>Obligated Amount</u>	<u>Total Est. Amount</u>
Amount Obligated prior to this Modification:	\$ 4,744,440.00	\$ 4,744,440.00
Change made by this Modification:	\$ -	\$ -
New/Current Total:	\$ 4,744,440.00	\$ 4,744,440.00

11. DESCRIPTION OF MODIFICATION:

The purpose of this modification No. P002 is to extend the completion date of the agreement from February 28, 2021 to October 31, 2021. Accordingly, the changes are as follows:

ATTACHMENT 1 - SCHEDULE

Section 1.2, PERIOD OF AGREEMENT, paragraph (a), DELETE "February 28, 2021" and INSERT "October 31, 2021" in lieu thereof.

This modification will also change the Agreement Officer's Representative (AOR) in the Global Acquisition and Assistance System (GLAAS).

All other terms and conditions remain unchanged and in full force and effect.

12. THIS MODIFICATION IS ENTERED INTO PURSUANT TO THE AUTHORITY OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED. EXCEPT AS SPECIFICALLY AMENDED HEREIN, ALL TERMS AND CONDITIONS OF THE AWARD REFERENCED ON BLOCK #3 ABOVE, AS IT MAY HAVE HERETOFORE BEEN AMENDED, REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

13. RECIPIENT IS IS NOT REQUIRED TO SIGN THIS DOCUMENT TO RECONFIRM ITS AGREEMENT WITH THE CHANGES EFFECTED HEREIN.

14. RECIPIENT:	15.
BY:  <u>Zena Ali Ahmad</u> (Name Typed or Printed)	THE UNITED STATES OF AMERICA U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
TITLE: <u>Resident Representative</u>	BY: MICHAEL ANTHONY CLARK (affiliate) <small>Digitally signed by MICHAEL ANTHONY CLARK (affiliate) Date: 2021.02.25 19:45:42 -0500</small>
DATE: <u>1/3/2021</u>	<u>Michael Clark</u> (Name Typed or Printed)
	TITLE: <u>Agreement Officer</u>
	DATE: _____



**Agreement Officer's Representative Designation
Agreement Administration**

TO: Douglas Wiitala, Primary AOR
Kara Zinger, Alternate AOR

FROM: Michael A. Clark, Agreement Officer

SUBJECT: Agreement Administration Authorities

DATE: 2/3/2021

REF: Agreement Number 720FDA19IO00007 with UNDP - United Nations Development Program in Iraq

You have been nominated to be the designated representative to provide technical and administrative oversight of the above referenced assistance agreement. In this letter, I formally accept this nomination and designate you the Agreement Officer's Representative (AOR) for the agreement. As the AOR, you must work as part of a team with me (or my successor AO) to ensure that USAID exercises prudent management over its assistance funds.

This letter and the relevant sections of Automated Directives System (ADS) [Chapter 308, Awards to Public International Organizations](#), state the specific duties, authorities, and limitations that accompany this designation.

Your familiarity with applicable USG-wide and USAID specific policies and procedures including but not limited to [ADS 308; 22 CFR 211, Transfer of Food Commodities for Food Use in Disaster Relief, Economic Development and Other Assistance](#); BHA Functional Policies (BHAFFPs); and [Acquisition and Assistance Policy Directives \(AAPDs\)](#) issued periodically that affect your duties as an AOR is critical to carrying out your responsibilities successfully. You should maintain frequent liaison and direct communications with the recipient, but you must understand that the nature of the relationship is that of supporting their public purpose and not for obtaining the recipient's technical assistance or services for USAID.

As an AOR, you may be held personally liable for unauthorized acts. In order to perform these functions you must be AOR Certified according to the requirements laid out in ADS 308.3.8 Failure to obtain AOR certification or maintain your certification will result in the expiry of your certification and the loss of your authority to function as an AOR. If your AOR certification expires you must immediately notify the AO and contact the FAC Acquisition Career Manager in the Professional Development and Training Division or send an email to FAC-CORInquirymailbox@usaid.gov for consultation on next steps to regain your certification. The AO will revoke your AOR delegation or

Agreement Administration Authorities

with appropriate approvals may provide you written authority to continue your AOR functions for a limited time until you can receive your re-certification. Failure to inform the AO of the expiry of your certification and continuing to perform the functions/duties of an AOR will result in you acting without authority and potentially making unauthorized commitments. You will be held accountable and required to accept responsibility for the unauthorized commitment and you must assist the AO in processing all documentation required to formalize the commitment. Properly discharging your duties and responsibilities as an AOR minimizes your risk of facing disciplinary action. The areas in which you must be particularly cautious involve contracting authority and financial management because your improper actions could indicate gross negligence.

- In Agreement Administration, this involves exceeding your authority as an AOR and taking actions that are beyond your authority as delegated in this letter. If you have any questions in this area, contact the AO for advice BEFORE you take any action.
- In Financial Management, your risk increases when you act in a manner that is other than what would be expected of a reasonable individual. At a minimum, a reasonable individual would be expected to
 - Take reasonable steps to assure that the recipient has submitted all required program and financial reports;
 - Make logical decisions from the information they have available (even if it isn't complete); and
 - Document and provide justification for the action. (The documentation need not be formal or extensive, but it should be easily understood by an auditor or other third party individual reviewing it.)

I. RESPONSIBILITIES

As AOR, you must read the entire agreement and thoroughly acquaint yourself with its purpose, terms, conditions, and the respective roles and responsibilities of the recipient, the AO, and the AOR in ensuring it accomplishes its purpose. You should also periodically review the agreement to maintain familiarity with its terms and conditions.

AOR responsibilities include:

- A. Monitoring. You are responsible for monitoring the recipient's progress in achieving the objectives of the Program Description in the subject award and for verifying that the recipient's activities being funded by USAID under the referenced award conform to the terms and conditions of that award.
- B. Agreement Revisions. You must make written recommendations to the AO when any changes to the Program Description, technical provisions, and/or any other term or condition of the award are necessary, along with a justification for the proposed action.
- C. Financial Management. Although the responsibility for making payments and accounting for funds and balances rests in the Bureau for Management, Office of Financial Management (M/FM) or overseas Controller, you must administer financial management responsibilities by:
 - Ensuring that all funding actions comply with USAID's forward funding guidelines in [ADS 602, Forward Funding of Program Funds](#).

Agreement Administration Authorities

- Reviewing the recipient's request for payments or financial reports and providing or denying your administrative approval if required by the policy and required procedures in [ADS 630, Payables Management](#).
- Monitoring the financial status of the award on a regular basis to ensure that the level of funding is the minimum necessary. If the funding exceeds forward funding guidelines without proper authorization, you must adjust the next incremental funding amount to achieve compliance with the forward funding guidelines.
- Developing accrued expenditures on a quarterly basis in accordance with ADS 631, Accrued Expenditures, and instructions from M/FM or the Mission controller. Please note that you must accomplish this task using information on hand and must not interpret this requirement as authority to request any additional financial reports from the recipient.
- Reviewing and documenting the review (for example, signing and dating a copy of the financial report) of financial status reports for U.S. organizations with letters of credit and periodic advance payments to monitor financial progress. This includes:
 - a. Contacting the recipient for further explanation if questions arise regarding the appropriateness of expenditures,
 - b. Contacting the AO if not satisfied with the recipient's explanation, and
 - c. Ensuring that where multiple Operating Units are funding a single agreement, that the recipient submitted a breakdown of their financial reporting by funding Operating Unit.
- Notifying the AO if at any point it is apparent that the funds are no longer needed for the purpose for which they were obligated. Guidance on this process is found in [ADS 621, Obligations](#), and [Mandatory Reference 621maa, Deobligation Guidebook](#).

Upon completion of the work under the agreement, reviewing any unliquidated obligation balance in the agreement and working with the AO to deobligate excess Section 202(e) and ITSH funds and, per 22 C.F.R. 211.11.b "Expiration of Program," recommend to the AO the appropriate use of unexpended monetized proceeds, program income, and real or personal property procured under the award. You may also approve the close-out plans, as applicable.

II. ADMINISTRATION

- A. Communications. ADS 308 contains the policy directives and required procedures for our joint administration of agreement. AOs are the mandatory control point of record for all official communication that would constitute an amendment to the agreement; therefore, please ensure that you provide me, within two business days after you transmit it to the recipient, a copy of any communications between you and the recipient that may lead to an amendment to the agreement or that may affect the recipient's rights or responsibilities under this grant. You are responsible for reviewing all performance and financial reports for adequacy and responsiveness and for requesting that I take the necessary action when these reports are not submitted, are inadequate, or indicate a problem.
- B. AOR Files. As the AOR, you have an important responsibility for establishing and maintaining adequate AOR files. These files are your primary tools for carrying out your duties and

Agreement Administration Authorities

responsibilities as the AOR for this agreement and provide documentation for your actions. These files will also help successor AORs to understand your actions as AOR and the reasons behind such actions, as well as to have adequate files for audit purposes.

You must ensure that the files contain the following:

- A copy of this AOR designation letter;
- A copy of the agreement and all of its amendments;
- A copy of all correspondence between the AOR and the recipient;
- The names of technical and administrative personnel assisting the AOR;
- A copy of records of AOR approvals, invoices, and other financial documents, initialed to demonstrate AOR review, as well as other administrative paperwork and correspondence;
- The basis for the AOR's accrual estimates, see [ADS 63.Accrued Expenditures](#), and [ADS 631sab, Accrual Documentation](#);
- A copy of financial documentation to support their activities in the financial management area such as the SF-425 (ADS 630, Payables Management);
- Budget pipeline analysis documentation; and
- Documentation of any other action taken by the AOR in accordance with this delegation of authority.

The Agency Secure Image and Storage Tracking (ASIST) System is the Agency's official electronic repository for all Acquisition & Assistance (A&A) award documentation. AORs must maintain award files in ASIST. You must not use text messages for any official communications with the recipient.

III. LIMITATIONS

- A. Scope of Authority/Avoiding Unauthorized Commitments. Your authority does not include making any changes in the Program Description, the period of performance, the terms and conditions of the award, or the total estimated budget. I must caution you that actions you take or directions you give beyond the authorities provided in this memorandum or in [ADS 308. Agreements with Public International Organizations](#) may create unauthorized commitments under the agreement. Any such unauthorized actions may lead to serious disputes and legal action that unnecessarily tie up Agency personnel and resources. You may be held personally liable for such actions and in the worst case, you may be subject to disciplinary action if it is determined that the unauthorized commitment is a violation of the Anti-Deficiency Act, [31 U.S.C. secs. 1341-1351](#), which provides for criminal penalties.
- B. Re-delegation. You may not re-delegate the authorities or responsibilities contained in this memorandum to any other person. When carrying out your AOR duties, you may ask others to assist you, but such assistance has limits. For example, you may ask others to conduct fact-finding, assist with monitoring, or make recommendations regarding actions you may take as AOR. However, anyone assisting you must not take any action that directly affects the recipient's rights or ability to carry out the program for which the agreement was awarded. The ultimate responsibility for any actions taken, by you or others assisting you, remains with you.
- C. Designation of the Alternate AOR. In your absence, and only in your absence, **Kara Zinger** is hereby authorized to act on your behalf. If this individual is not available to carry out your AOR responsibilities during your absence, notify the AO as soon as possible to discuss alternatives. To ensure minimal disruptions, please notify the recipient and the AO as soon as possible when you will be unavailable to discharge your AOR responsibilities for a period of more than

Agreement Administration Authorities

two weeks. If the alternate is not available in your absence, direct the recipient to receive any guidance from the AO.

- D. Duration of AOR Designation. This designation will remain in effect for the life of the agreement, unless the AO rescinds it in writing or you resign from this position. If you cannot fulfill your responsibilities as AOR for any reason (for example, transfer to another post or your certification expires), please notify the AO as soon as possible in order to ensure the timely designation of a successor.

IV. TRAINING

USAID has a COR/AOR Certification Program with formal classroom courses that complies with USAID internal policy and FAC-COR requirements. [ADS Chapter 458](#) and [ADS 303](#) establish the Agency's policy and required procedures for AOR certification. Also, you are required to complete at least 40 hours of Continuous Learning Points (CLPs) every two years in order to maintain your certification. Failure to complete the required continuous learning requirements and maintain your certification will result in an expiry of your AOR certification and loss of authority to perform AOR functions.

V. STANDARDS OF CONDUCT AND CONFLICTS OF INTEREST

As an employee of the Federal Government, you must respect and adhere to the principles of ethical conduct set forth in Title 5 of the Code of Federal Regulations, Part 2635-[Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR 2635](#). You must notify the AO immediately of any suspected fraud, bribery, conflict of interest, or improper conduct on the part of the recipient or any member of its staff.

As an AOR, you are responsible for protecting the U.S. Government's interests, while supporting its reputation for fair and equal dealings with all partners, including agreement recipients. Therefore, if you have any direct or indirect financial interests in violation of [18 U.S.C. 208](#) and/or [5 CFR 2635.401](#) and [5 CFR 2635.501](#) that may place you in a position where there is a conflict between your private interests and the public interest of the United States, you must immediately inform your supervisor, the AO, and the Assistant General Counsel for Ethics Administration (GC/EA) of this conflict so that appropriate action may be taken. (Note this information is only available on the USAID intranet.) As AOR, you must avoid the appearance of such conflict in order to preserve public confidence in the U. S. Government (USG) employee's conduct of business. Furthermore, you must be aware of the post-employment restrictions on former USG employees, including Personal Service Contractors (PSCs), found in [18 U.S.C. 207](#) to detect possible violations.

ACKNOWLEDGEMENT

REF: Agreement Number **720FDA19IO00007** with **UNDP - United Nations Development Program in Iraq**

Your signature below confirms that you

- 1) Accept this appointment,
- 2) Agree to comply with all duties, responsibilities, and limitations outlined in this letter, particularly those pertaining to conflicts of interest, by agreeing to conduct business dealings in a completely impartial manner that avoids conflicts of interest; and
- 3) Meet all AOR eligibility requirements, are certified in FAITAS and have completed the COR/AOR certification program

I HEREBY ACCEPT THIS APPOINTMENT AND ACKNOWLEDGE MY DUTIES AND RESPONSIBILITIES AS AOR:

Douglas Wiitala Digitally signed by Douglas Wiitala
 Date: 2021.02.03 14:36:11 -05'00'

 AGREEMENT OFFICER'S DATE
 REPRESENTATIVE

After signing, return this original memorandum (and retain a copy) to me within 3 days. I will acknowledge your acceptance of this designation by signing below and send a copy to you and the others indicated below.

MICHAEL ANTHONY CLARK (affiliate) Digitally signed by MICHAEL ANTHONY CLARK (affiliate)
 Date: 2021.02.25 19:42:13 -05'00'

 AGREEMENT OFFICER DATE

cc:
Kara Zinger Alternate AOR
 Paying Office - M/CFO
 DivisionChief, Division Chief
UNDP - United Nations Development Program
 Official File

**Alternate Agreement Officer's Representative Designation –
Agreement Administration**

TO: **Kara Zinger**, Alternate AOR

REF: Agreement Number **720FDA19IO00007** with **UNDP - United Nations Development Program**
in Iraq

ACKNOWLEDGEMENT

Your signature below confirms that you

- 1) Accept this appointment,
- 2) Agree to comply with all duties, responsibilities, and limitations outlined in this letter, particularly those pertaining to conflicts of interest, by agreeing to conduct business dealings in a completely impartial manner that avoids conflict of interest,
- 3) Understand that you are only authorized to perform these duties in the absence of the AOR, meet all AOR eligibility requirements, are certified in FAITAS and have completed the COR/AOR certification program

I HEREBY ACCEPT THIS APPOINTMENT AND ACKNOWLEDGE MY DUTIES AND RESPONSIBILITIES AS ALTERNATE AOR:

Kara Zinger Digitally signed by Kara Zinger
Date: 2021.02.04 08:01:20 -07'00'

ALT. AGREEMENT OFFICER'S
REPRESENTATIVE

DATE

After signing, return this original memorandum (and retain a copy) to me within 3 days. I will acknowledge your acceptance of this designation by signing below and send a copy to you and the others indicated below.

MICHAEL ANTHONY Digitally signed by MICHAEL ANTHONY
CLARK (affiliate)
Date: 2021.02.25 19:42:59 -05'00'
CLARK (affiliate)

AGREEMENT OFFICER

DATE

cc:

Paying Office - M/CFO

DivisionChief, Division Chief

Recipient

Official File