



Motor Vehicle Source/Manufacture Waiver Request Template

Additional Help for ADS Chapter 312

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Responsible Office: GC
File Name: 312sab_020612

MOTOR VEHICLE
SOURCE MANUFACTURE WAIVER REQUEST TEMPLATE

TO: [Name and Bureau of Approving Authority]

FROM: [Name and Bureau of Requestor]

SUBJECT: Request for Authorization for Waiver of Manufacture [and Source] Requirements for the Procurement of [Number and Type of Motor Vehicles] under [Award Number] for [Program Name] with [Name of Contractor/Recipient]

Authority

Assistant Administrators: In accordance with ADS 103.3.5.1d(1), the Administrator has delegated to Assistant Administrators (AAs) for their respective areas of responsibility, the authority to waive manufacture [and source] requirements for the procurement of goods and services, other than transportation services, in accordance with applicable criteria.

Mission Directors or other: Pursuant to [specific relevant delegation of authority in ADS 103], the AA/[Insert Bureau Code] has delegated the authority at ADS 103.3.5.1.d. manufacture [and source] for Procurement to [Approving Authority Official's Position].

Recommendation

That you approve a waiver of manufacture [and source] requirements of Section 636(i) of the Foreign Assistance Act of 1961, as amended (FAA), and 22 CFR 228, from USAID Geographic Code 937 to Code 935 for the [Program Name], to permit procurement of [Number and Type of Motor Vehicles]. The source of the vehicle(s) will be [source of the vehicles proposed for purchase], and the manufacture will be [Insert manufacture location of the vehicles proposed for purchase]. The estimated cost of the vehicles will be [\$0.00].

Approve: _____ Disapprove: _____

Date: _____

Background

As stated in 22 CFR 228, Geographic Code 937 (the United States, the Cooperating Country, and Developing Countries except Advanced Developing Countries) is the authorized Geographic Code for the procurement of goods and services by contractors and grantees. In addition, Section 636(i) of the FAA, provides that absent special circumstances, USAID funds may not finance the purchase of motor vehicles unless they are manufactured in the United States. The regulations that implement the requirements of Section 636(i) are found in ADS 312 and 22 CFR 228.19. This memorandum requests these manufacture [and source] requirements be waived in order to permit procurement under this award of motor vehicle(s) from any country under Geographic Code [937/935].

ADS 312 provides for a waiver of the requirement that motor vehicles be manufactured in the United States when special circumstances exist, including:

- 1) The inability of U.S. manufacturers to provide a particular type of needed motor vehicle;
- 2) The present or projected lack of adequate service facilities and supply of spare parts for U.S. manufactured motor vehicles in the country or region within a country where the vehicle will be used; or
- 3) An emergency requirement for vehicles that can be met in time only by purchase of non-U.S. manufactured vehicles and for which no non-USAID funds are available.

Facts and Justification

Special circumstances: The special circumstances for this award that warrant waiving the U.S. manufacture requirement for purchases or long-term leases of vehicles is (*check one below*):

- The inability of U.S. manufacturers to provide a particular type of needed vehicle.
- The present or projected lack of adequate service facilities and supply of spare parts for U.S.-manufactured vehicles in the country or region within a country where the vehicle will be used.
- An emergency requirement for vehicles that can be met in time only by purchasing non-U.S. manufactured vehicles and for which no non-USAID funds are available.
- [Other special circumstances _____].
[Waivers based on special circumstances other than those listed above require clearance by the Office of General Counsel (GC) or the cognizant Regional Legal Advisor (RLA).]

[Briefly describe the program purpose, location, and program activities that will be carried out with the requested vehicles, i.e., to deliver medical supplies, visit patients, conduct training in rural areas.]

[Identify the type of vehicle that will fulfill that need and that is appropriate for the intended use, i.e. passenger vehicles; utility vehicles; all wheel drive] [Describe any additional functionality i.e., payload for moving or delivering items to field locations; off-road or lightweight motorcycles for use in remote, mountainous areas or other areas largely inaccessible by other types of vehicles, etc. See the **Standardized Source Manufacture Vehicle Waiver Request Guide, Section IV** for types of supporting information to include in this section based on the specific special circumstances selected above.]

Conclusion

Since [insert the special circumstances above that justify the waiver], a waiver of manufacture [and source] requirements of Section 636(i) of the FAA and 22 CFR 228, from USAID Geographic Code 937 to Code 935 for the [Program **Name**], is necessary to permit procurement of [Number and Type of Motor Vehicles]. The source of the vehicle(s) will be [Source of the vehicles proposed for purchase], and the manufacture will be [manufacture location of the vehicles proposed for purchase]. The estimated cost of the vehicles will be [\$0.00].

This waiver is being requested with the understanding that:

- 1) There is sufficient funding in the award to cover these expenditures.
- 2) This approval does not increase the total estimated amount of the award.
- 3) Additional funding will not be required.

All other conditions of the award remain unchanged.

Attachments:

Request letter from [Name of Contractor/Recipient] with supporting documentation attached.

Clearances:

GC/RLA (required for use of “Other Special Circumstances” above)

Name, title

Date

[Insert any additional clearances]

Name, title

Date

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