



USAID
FROM THE AMERICAN PEOPLE

Agreement Officer's Technical Representatives Appointment Procedures

A Mandatory Reference for ADS Chapter 303

Partial Revision Date: 08/25/2011
Responsible Office: M/OAA/P
File Name: 303mai_082511

Table of Contents

| | | |
|------------|--|----------|
| <u>A.</u> | <u>AOTR RESPONSIBILITY AND AUTHORITY</u> | <u>2</u> |
| <u>B.</u> | <u>STANDARDS OF CONDUCT AND CONFLICTS OF INTEREST</u> | <u>2</u> |
| <u>*C.</u> | <u>CERTIFICATION PROGRAM</u> | <u>3</u> |
| <u>D.</u> | <u>ISSUING THE AOTR DESIGNATION LETTER</u> | <u>3</u> |
| <u>E.</u> | <u>AO TAILORING OF THE LETTERS</u> | <u>3</u> |
| <u>F.</u> | <u>NAMING AN ALTERNATE AOTR</u> | <u>4</u> |
| <u>G.</u> | <u>SPECIFIC GUIDANCE ON SECTIONS OF THE LETTER</u> | <u>5</u> |
| <u>H.</u> | <u>APPROVALS FOR DESIGNATING AN UNCERTIFIED AOTR</u> | <u>5</u> |
| <u>I.</u> | <u>DISTRIBUTION OF THE DESIGNATION LETTER</u> | <u>6</u> |
| <u>J.</u> | <u>USAID’S CONTRACTING AND FINANCIAL SYSTEMS (GLAAS/NMS/PHOENIX)</u> | <u>6</u> |
| <u>K.</u> | <u>INSTRUCTIONS FOR USE OF THE STANDARDIZED DESIGNATION LETTER</u> | <u>6</u> |

**An asterisk and yellow highlight indicates that the adjacent material is new for this reference or substantively revised.*

A. AOTR Responsibility and Authority

USAID Agreement Officer's Technical Representatives (AOTR) perform a variety of duties, including working as part of a team with the Agreement Officer (AO) to ensure that USAID exercises prudent management over its assistance funds. The AOTR monitors the recipient's progress towards achieving the objectives of the Program Description in the subject award and verifies that the recipient's activities being funded by USAID under the referenced award conform to the terms and conditions of that award. In order to be authorized to manage an assistance award on behalf of the AO, the AOTR must complete the mandatory training and must be assigned this responsibility by the AO in an AOTR designation letter.

Other Agency regulations, including ADS chapters outside the [300 Series](#), may hold AOTRs accountable for duties and responsibilities that do not flow from the AO. Such responsibilities are not included in these letters. AOTRs should direct any questions they have about these additional responsibilities to the author office of that chapter or regulation or to the author office's representative in the operating unit (for example, an AOTR in a Mission should direct questions about the AOTR's financial management duties in [ADS 600 Series](#) chapters to the Mission Controller).

The AOTR must thoroughly review the designation letter to ensure that he or she understands the responsibilities and limitations of the AOTR designation. Section III of the Designation letter outlines the limitations of the delegation of authority to the AOTR. Exceeding the authorities designated in the letter may result in an unauthorized commitment, which can lead to serious disputes and legal actions that unnecessarily tie up Agency personnel and resources. Unauthorized commitments may result in a violation of the [Anti-Deficiency Act, 31 U.S. C. Sections 1341-1351](#), which provides for criminal penalties for any Government employee who willfully and knowingly violates it.

B. Standards of Conduct and Conflicts of Interest

As USAID employees, AOTRs are subject to the ethical standards that apply to all Federal employees by virtue of the terms of their employment. Being an AOTR does not impose a higher standard for an individual's conduct, but it may provide more occasions for improper behavior and increases the scrutiny that others may direct to an individual's behavior. The AOTR is responsible for protecting the U.S. Government's interests, while supporting its reputation for fair and equal dealings with all partners, including grant recipients. Therefore, if any direct or indirect financial interests place the AOTR in a position where there may be a conflict between his or her private interests and the United States public interest, it must be immediately reported to the appropriate parties. The AOTR must avoid the appearance of such conflict in order to preserve public confidence in the U.S. Government employee's conduct of business.

**An asterisk and yellow highlight indicates that the adjacent material is new for this reference or substantively revised.*

***C. Certification Program**

Any manager of an assistance award, designated by letter from an AO to be an AOTR, must meet the Agency’s certification requirements. USAID’s COTR/AOTR Training and Certification requirements are outlined in [ADS 458.3.5.5 \(b\)](#). Although FAC-COTR does not specifically apply to assistance awards, USAID implements its projects and programs primarily through both assistance and acquisition instruments; therefore, this certification program requires technical/program/project officers to be trained in both acquisition and assistance. The certification program includes completion of the following training requirements prior to appointment:

- Web-based Phoenix Accruals on-line course
- *A&A 104: Acquisition and Assistance Management for COTRs and AOTRs

*Warranted Contracting Officers and PMCP or FAC-C (Level I) certified individuals may be designated as AOTRs without completion of the COTR/AOTR certification program. No individual, including warranted and certified contracting officer and those with an approved exception to the certification requirements, is eligible to be an AOTR unless he or she has successfully completed the web-based Phoenix Accruals on-line course first.

***D. Issuing the AOTR Designation Letter**

*The AOTR Standardized Designation letters that outline the responsibilities of the AOTR are Additional Help items for [ADS 303, Grants and Cooperative Agreements to Non-Governmental Organizations](#). It is the responsibility of the AO to verify that the AOTR has completed the required training and been certified prior to designation in accordance with Agency policy. The AO should sign the front page of the letter and send it to the AOTR for acknowledgment. Once the AOTR has signed the acknowledgement page; the AO countersigns. By signing the AOTR designation letter, the AO verifies that he or she has confirmed that the individual is eligible for designation, including that the AOTR’s training status meets the established requirements. Depending on the type of assistance award, the AO should use one of the following letters:

| | |
|------------------------------|---|
| For a Cooperative Agreement: | *AOTR Designation Letter – Cooperative Agreement Administration |
| For a Grant: | *AOTR Designation Letter – Grant Administration |

E. AO Tailoring of the Letters

AOs must use the standardized letters essentially as written; however, some of the specific guidance provided below allows AOs to use discretion in tailoring

**An asterisk and yellow highlight indicates that the adjacent material is new for this reference or substantively revised.*

these letters as long as they do not affect the substance of the standardized letter. For example, AOs may:

- Include special instructions to account for unusual characteristics of the award;
- Limit or expand the AOTR's responsibilities depending on the level of training or experience of the individual receiving the designation;
- Emphasize additional oversight responsibilities if the AO has concerns about the grantee or recipient; or
- Edit the letter to reflect the AO's experience, judgment, and preference within the scope of the standardized letters.

The examples listed in this paragraph are not all-inclusive, nor are AOs expected to make changes to the letter if they have no reason to do so. **The AO must not change Section III, Limitations, in any of the letters.**

F. Naming an Alternate AOTR

Section III of the letter, Subsection B., Re-delegation, includes a space for naming the alternate AOTR. When designating an alternate AOTR, the AO must insert the name of the individual in the blank space in the second paragraph of this subsection. The alternate AOTR is subject to the same certification requirements as the primary AOTR.

When the requiring office nominates the primary candidate for the AOTR designation, it should also indicate who should be named as the alternate. The preference is for the alternate to be from the requiring office because he or she is more likely to be familiar with the award and can therefore step in as AOTR. However, if the requiring office can not provide an alternate, then the AOTR's immediate supervisor may need to serve as alternate. If the requiring office nominates an individual who is not from the requiring office and is not the AOTR's immediate supervisor to be the alternate AOTR, the nomination must include a justification supporting this nomination, including an explanation of the nominated alternate's involvement in overseeing the contractor's or recipient's performance.

AOs must also remind AOTRs and their alternates that the alternate may **ONLY** perform AOTR duties or responsibilities if the AOTR is absent. Ideally, the alternate will only perform AOTR duties when the AOTR is absent for an extended period of time. The alternate AOTR may not countermand an AOTR's decision on a matter pertaining to his or her duties as an AOTR. In addition, the primary AOTR is not responsible or accountable for the actions of the alternate AOTR—the alternate AOTR is responsible and accountable for his or her actions.

**An asterisk and yellow highlight indicates that the adjacent material is new for this reference or substantively revised.*

Neither the AOTR nor the alternate may further delegate this authority. If neither the AOTR nor the alternate is available to perform their duties, the AOTR must direct the recipient to the AO for guidance.

G. Specific Guidance on Sections of the Letter

The following guidance addresses Section I, Subsection C - Substantial Involvement, of the cooperative agreement designation letter. Please consider the following when preparing a letter and tailor the letter only if needed and only as authorized in the specific guidance below.

When stating the Agency's substantial involvement (see [303.3.11](#)) in the performance of the cooperative agreement, the AO may choose to include in this section those substantial involvement approvals the AO is re-delegating to the AOTR. However, the AO must then formally amend the CA to make any changes to the AOTR's authority. The AO may instead choose to list in the AOTR designation letter those substantial involvement approval responsibilities the AO re-delegates to the AOTR. In this case, the AO will only revise the letter to make any changes to the AOTR's authority. For either option, the AO may also specify any approvals the AO retains, such as the authority to consent to sub-agreement provisions.

H. Approvals for Designating an Uncertified AOTR

In exceptional circumstances, designation of an uncertified individual as AOTR may be authorized in USAID/W by the Evaluation Division of the Office of Acquisition and Assistance (M/OAA/E) or in the Mission by the Mission Director for a period not to exceed six months. The Nominating Office's request for approval of an AOTR designation for an uncertified individual must include a:

- Description of the compelling circumstances requiring the exception,
- Affirmation that the individual has completed the Phoenix Accruals on-line course, and
- Confirmation from the individual's supervisor that the individual will complete AOTR certification within six months.

Approvals must be in writing and maintained in the contract file.

Extensions beyond six months can only be approved by the Director of the Office of Acquisition and Assistance (M/OAA) and will not exceed one year.

AOs must rescind the AOTR designation letter if the extension period passes and the AOTR has still not completed the certification program.

**An asterisk and yellow highlight indicates that the adjacent material is new for this reference or substantively revised.*

I. Distribution of the Designation Letter

AOs must provide copies of the AO-signed and AOTR-acknowledged designation letter to the:

- Recipient,
- Paying office,
- AOTR's supervisor,
- Named alternate AOTR, and
- Alternate AOTR's supervisor.

Providing courtesy copies to any party other than those mentioned above is at the discretion of the AO.

*J. GLAAS and Phoenix

*The Global Acquisition and Assistance System (GLAAS) requires that the AOTR be named in the award. The AO will identify the AOTR under the Main / General Information Screen of the award in GLAAS. Because the AOTR is included in the award, the AO must issue a unilateral modification to the contract to change the AOTR.

K. Instructions for use of the Standardized Designation Letter

The Standardized Designation Letters are designed as a form that will guide you to make certain selections and include the specific information described below as you tab through. For this to work, you must enable the macros when you open the form. You should use the Tab key (Shift Tab to move backwards) to move through the document rather than the mouse as this will highlight the blocks to be modified and allow the easiest updates. Once you have filled in the shaded boxes, this information will be automatically filled in other sections of the letter where it is needed.

In order to add or remove information outside of the shaded areas, select 'Unprotect Document' from the Tools menu. This will open the document for changes and disable the macros, so it is recommended that you only do this once you have completed the shaded blocks. This will be necessary if you need to tailor the letter as described in section F of these procedures. The box shading will automatically be removed once you have completed the last of the fill in boxes.

303mai_082511

**An asterisk and yellow highlight indicates that the adjacent material is new for this reference or substantively revised.*