

TITLE: CIB 94-8 Guidelines on Contracting With Cooperating Country Nationals (CCNs) versus Third Country Nationals (TCNs) for Personal Services Under AIDAR Appendix J

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: DAA/M, Michael D. Sherwin, Procurement Executive

SUBJECT: Guidelines on Contracting With Cooperating Country Nationals (CCNs) versus Third Country Nationals (TCNs) for Personal Services Under AIDAR Appendix J

CONTRACT INFORMATION BULLETIN 94-8

As a result of recent field evaluations, USAID/Washington has once again become aware that the Agency's policy regarding employment of TCNs and CCNs as Personal Services Contractors (PSCs) is still unclear. This CIB cancels and supersedes CIB 88-16 dated May 19, 1988.

A TCN is an individual (a) who is neither a citizen nor a permanent legal resident alien of the United States nor of the country to which assigned for duty, and (b) who is eligible for return to his/her home country or country of recruitment at U.S. Government expense. Also required is that the TCN return to his/her home country or country of recruitment within (30) days after termination or completion of employment or forfeit all right to it.

A CCN is an individual who is a cooperating country citizen, or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country. It may also be an individual who has left his/her native country to live on the economy of the cooperating country. Example: An individual from Great Britain comes to Uganda to live. He or she responds to a solicitation for local hire PSC services at the USAID Mission. This individual is considered a CCN and shall be compensated according to the local compensation plan to the extent it covers employees of the type or category being employed unless the Mission Director determines otherwise (see paragraph 4(c) (2) of Handbook 14, Appendix J). The distinction here is that while the individual may be from another country, he or she is not entitled to the same benefits package an offshore hire would receive and a repatriation agreement should not be authorized.

The Agency's policy regarding both CCNs and TCNs is as follows:

1. The use of PSC contractors from the Cooperating Country is preferred over the use of TCNs because it integrates the foreign assistance effort into the community, enhances the skills of the Cooperating Country's population, and contributes to the local economy.
2. Third Country Nationals should only be used when (a) qualified persons are not available in the Cooperating Country; (b) or limitation of time or other conditions prevent the training of persons in the Cooperating Country for the work; or (c) the requiring office concludes that achieving program efficiency and policy objectives requires using Third Country Nationals as a substitute for available, qualified U.S.

citizens or persons from the Cooperating Country. TCN positions should always be temporary in nature.