

# **Acquisition & Assistance Policy Directive**

(AAPD)

From the Director, Office of Acquisition and Assistance Issued: October 15, 2004

# **AAPD 04-15**

TITLE: CASH AWARDS FOR USPSCs AND TCNPSCs

Subject Category: PERSONAL SERVICES CONTRACTS

Type: POLICY/PROCEDURE

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are **EFFECTIVE AS OF THE ISSUED DATE** unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD:	_X_ls New	Replaces/Amends CIB/AAPD No:	
Precedes change to:	Code of Federal Regular	tions	
	No change to regulations		
Applicable to:	X Existing awards; Modification required: NO		
	Effective immediately		
	N	o later than	
	<u>X</u>	As noted in guidance below	
	RFPs/RFAs issued on or Pending Awards, i.e., 8(	after the effective date of this AAPD; all other a), sole source	
	Other or N/A		
New Provision/Clause Provided Herein:	Yes; Scheduled update _X_No	e to Prodoc:( <u>insert date)</u>	
	MICHAEL F. W	ALSH	

# PURPOSE:

The purpose of this AAPD is to provide policies and procedures for implementation of a cash awards system for Personal Services Contractors. This policy applies to U.S. Personal Service Contractors hired under AIDAR Appendix D-Direct USAID Contracts with U.S. Citizens or U.S. Residents for Personal Services Abroad, and to those Third Country National Personal Service contractors who are not compensated under the local compensation plan. The types of cash awards available include On-the-Spot Cash Awards, Special Act Awards and Time-Off Awards.

# BACKGROUND:

Prior to the issuance of the General Notice dated May 14, 2004, entitled "Cash Awards for U.S. Citizen and Third Country National Personal Services Contractors" (Attachment 1), existing Agency policy and regulations allowed for USPSCs and affected TCNPSCs to receive only non-cash awards. Over the last 15 years, the hiring of USPSCs and TCNPSCs by USAID has evolved from contracting for a technical expertise for a limited period of time, to contracting as a necessity for carrying out the Agency's mission worldwide. As this evolution has occurred, recognition of individual accomplishments has been limited by statute-Section 636(a)(3) of the Foreign Assistance Act of 1961, as amended, and by regulation---Appendix D of the Agency for International Development Acquisition Regulations (AIDAR). The statute and regulations do not allow the participation of PSCs in any program administered by the Office of Personnel Management (OPM). Consequently, up to this point, individual recognition has been limited to non-monetary awards and certificates of appreciation. Since the Agency depends so much on PSCs and their contributions to the Agency, the Administrator has decided to change the Agency's method of recognizing the work of its PSCs by utilizing the Agency's discretionary authority to establish a separate cash awards program for its USPSCs and those TCNPSCs whose compensation is based on the USPSC scale.

As provided in the Agency General Notice at Attachment 1, cash awards are now allowed for these groups of PSCs. An AIDAR deviation has been processed to accommodate this policy change. This AAPD provides specific policies and procedures for PSC cash awards. The USPSC cash awards system will closely parallel the program for U.S. direct hire personnel, but will be a separately maintained pool of funds, to be administered as provided herein. This new awards program for USPSCs and TCNPSCs is intended to recognize and reward those PSCs for excellence in service to the Agency's Mission overseas and/or in AID/W. The proportion of USPSCs and TCNPSCs receiving cash awards at a Mission, Bureau, or Independent Office, and the total amount of the awards, should be consistent with, and should not exceed, the existing Agency policy for awards to US direct hire employees, as set by the Agency's Senior Management.

This AAPD applies only to USPSCs, and TCNPSCs whose compensation is based on the Appendix D sections noted in Appendix J. As a reminder, a TCNPSC is someone who is neither a US citizen nor a US resident alien nor a citizen of the Host Country, and who is eligible to return to the person's home country or country of recruitment at US Government expense (repatriation). The fact that an applicant is neither a US citizen nor a citizen of the Host Country does not automatically make that person a TCN. A TCNPSC is a contract under Appendix J not under Appendix D. In fact, there is no such thing as "an Appendix D TCN". A TCN compensated as noted above, and not under the local compensation plan, does not change the Appendix under which the contract is covered.

# **GUIDANCE:**

This AAPD provides interim directives, pending revision to the Agency for International Development Acquisition Regulations (AIDAR), Appendices D and J. The policies and procedures are therefore presented in the form of revisions to applicable sections of the AIDAR:

AIDAR Appendix D is modified at Section 4, "Policy", paragraph (f), "Incentive Awards" by deleting the existing language and including the following language:

USPSCs may receive certain monetary and non-monetary awards. The monetary awards are limited solely to:

- On-the-Spot Cash Awards
- Special Act Awards
- Time-Off Awards

USPSCs and TCNPSCs are not eligible for nomination for any other types of cash awards other than the specific awards outlined and described in this AAPD guidance.

#### GENERAL

Administration: A Mission, Bureau or Independent Office may establish a cash awards program specifically for its USPSCs and TCNPSC as provided here. Independent Office, as referred to here, refers to a USAID/W office that is not a part of a USAID pillar bureau, but rather reports directly to the Administrator. Establishment of a cash awards program is not required of any of the aforementioned operating units and is at management discretion, based on funds availability and other resources. All operating units are encouraged to emphasize and demonstrate transparency in the administration of their programs to the maximum extent practicable to ensure fairness and equity.

Requirement for Performance Beyond Satisfactory Level: Since USPSCs receive a pay comparability adjustment, and a 3 percent increase for work evaluated at the "satisfactory performance" level, appropriateness of a cash award, in addition to pay comparability adjustments, requires careful consideration. Any cash award provided under this section must be justified for performance or an act that goes <u>above and</u> beyond the basic requirements of "satisfactory performance" under the contract.

<u>Award Nomination Document:</u> USPSCs and TCNPSCs must be nominated for awards by using the form JF-66, "Nomination for Award" (See Attachment 2). Please note that in using this form, reference to "grade" does not apply since there are no "grades" for either US or TCNPSCs. (NOTE: For purposes of internal Mission/Bureau/Independent Office procedures, Forms AID 400-11, Time-Off Award Form, and AID 456-1, On-the-Spot-Cash Award may be used instead of the JF-66. The JF-66 is used in this AAPD because it may be used for any of the three cash awards.)

<u>Timeliness:</u> Awards must be given no later than 6 months after the act being recognized, and within the performance period of the contract.

<u>Multiple Award Nominations</u>: A USPSC or TCNPSC may be nominated for more than one award within the period of contract performance, or other benchmark period stated in the contract. Each award nomination will be reviewed on its own merit, and decisions to approve it will be based on whether the employee's performance meets the criteria for that particular award. However, a USPSC or a TCNPSC may not receive multiple cash or time-off awards for the same act or service.

Separation from Post Award Process: For those cash awards presented overseas, the USAID USPSC award program must be established and administered separately from any post award process. Doing so will avoid any confusion between the authorities used to make such awards, and the awards programs themselves. The cash awards addressed in this guidance may, however, be presented during the post award ceremony.

 $\underline{\text{Funding}}$ : USPSC/TCNPSC cash awards are not to be budgeted for or funded under the USPSC/TCNPSCs contract. Cash awards that require a disbursement of funds are to be accommodated outside of the contract through a Miscellaneous Obligating Document (MOD).

# SPECIFIC "CASH" AWARDS AVAILABLE

# I. On-the-Spot Cash Award

a. Criteria/Standards for Award

This cash award is given to encourage and reward superior accomplishments, beyond the minimum satisfactory performance required under the contract, that contribute to the quality, efficiency, and/or economy of Government operations, or for special and specific nonrecurring commendable acts or contributions during the contract performance period.

# b. Documentation/Approval

- 1) Complete Form JF-66, "Nomination for Award", with justification for award in accordance with criteria/standard above. The specific superior performance above the satisfactory level, or specific act/contribution must be discussed.
- 2) Nomination for an On-the-Spot Cash Award is ordinarily provided by the PSC's supervisor. Work units other than that to which the PSC belongs may also nominate the PSC for such an award, but funding for that award must come from the nominating work unit's PSC cash award pool. If the nomination comes from a work unit other than that to which the PSC belongs, the nomination must be routed through the PSC's supervisor.
- 3) The Approving officials for On-the-Spot Awards are as follows:
  - Mission Director: all USAID Mission On-the-Spot Awards
  - USAID/W Bureau's Assistant Administrator: all USAID/W Bureau On-the-Spot Awards
  - Independent USAID/W office heads: Independent Office On-the-Spot Awards

This approval authority may not be re-delegated.

#### c. Funding

- 1) Funding for the award must come from the same fund account/citation from which the PSC contract is funded, but the award must be funded <u>outside</u> of the contract through a Miscellaneous Obligating Document (MOD). The MOD must not refer to the PSC's contract as the funding source.
- 2) On-the-Spot Cash Awards must not be budgeted under the PSC contract, and are separate and distinct from the pay comparability increase, and the 3% annual increase for satisfactory performance available within the PSC contract. (AIDAR Appendix D)
- 3) The MOD is completed by the Controller or obligating official after a properly approved award nomination has been received in the applicable Financial Management Office.
- 4) Each Mission, Bureau and Independent Office has the discretion to establish additional written guidelines for funding these awards, as long as the general guidelines above are followed.

#### d. Parameters/Limitations

- 1) A USPSC or TCNPSC may receive one or more On-The-Spot Award not to exceed a total of \$500 in any one year period from the individual's employing Bureau/Mission/Independent Office. A USPSC or TCNPSC may receive additional On-The-Spot Cash Awards up to \$500 combined total from USAID organizations outside of the individual's Bureau/Independent Office/Mission.
- 2) The minimum dollar value for an individual On-The-Spot Cash Award is \$25. The maximum dollar value of an individual On The Spot Award is \$500. An award may be provided in any amount between \$25 and \$500, ensuring compliance with the limitation noted in paragraph 1. above.
- 3) These awards are considered income for US citizens/resident aliens by the Internal Revenue Service, and are subject to withholding and other taxes.

# II. <u>Time-Off Award</u>

#### a. Criteria/Standards for Award

- 1) This award is given in the form of excused absence from official duty time, without loss of pay or charge to the individual's leave balance. This award is given to encourage and reward superior accomplishments, beyond minimum satisfactory performance required under the contract, that contribute to the quality, efficiency, and/or economy of Government operations, or for special and specific nonrecurring commendable acts or contributions during the contract performance period.
- 2) A Time Off award is granted based on the same criteria as an On-the-Spot Cash award, and there is no general preference for one or the other, as a matter of agency policy. Conditions within the operating unit and circumstances of the individual being nominated will dictate the most appropriate choice.
- 3) A Time-Off Award is categorized as a "cash" award because it represents paid time away from official duty.

# b. Documentation/Approval

- 1) Complete Form JF-66, "Nomination for Award", with justification for award in accordance with criteria/standards above.
- 2) Nomination for a Time-Off Award must come from the PSC's first-line supervisor.
- 3) The Approving Officials for Time-Off Awards are as follows:
  - First line supervisor: One Day, Up to 9 hours
  - Second line supervisor: Two Days, Up to 18 hours
  - Mission Director, Bureau Assistant Administrator, Independent Office Head(as defined above): Three Days, Up to 27 hours

The effective date of the award is the date of the approving official's signature. This approval authority may not be redelegated.

4) In scheduling the time off, the employee and immediate supervisor are required to complete the appropriate Request for Leave or Approved Absence form. In completing the form, the supervisor and the PSC are to indicate the dates and number of hours of award time off to be taken. "Other paid absence" is to be selected as the type of leave/absence, with reference to the time-off award specifically provided.

5) Bureaus, Missions and Independent Offices may institute additional internal procedures for documenting/approving Time-Off Awards in their organizations within the above general parameters.

# c. Funding

- 1) A Time-Off Award does not represent a direct additional outlay of funds, so no funding action is required. However, the individual's timekeeper must ensure that those hours taken are recorded as "Other Paid Absence", with reference to the Time-Off Award, and are appropriately coded on the individual's time sheet for the specific pay period in which the Time-Off Award is used.
- 2) A Time-Off Award is separate and distinct from the pay comparability increase, and the 3% annual increase for satisfactory performance available within the PSC contract. (AIDAR Appendix D)

#### d. Parameters/Limitations

- 1) A full-time USPSC or TCNPSC (i.e., 2087 work hours/year) may be granted up to a total of 27 hours in awards during any one-year period of the contract.
- 2) The minimum amount of time for which a full-time USPSC/TCNPSC may be granted time off is one(1)hour. The maximum amount of time for which an individual Time-Off Award may be granted is 27 hours. An award may be granted in any one-hour time increment between 1-27 hours for a full-time USPSC/TCNPSC.
- 3) The maximum amount of time for which any part-time USPSC/TCNPSC may be granted a Time-Off Award is to be calculated by prorating the maximum available to a full-time USPSC/TCNPSC (27 hours/year) commensurate with the number of work hours in the part-time USPSC/TCNPSC's work year. As an example, if the individual works approximately 1044 hours/year the maximum amount of time in a year for which he/she may be granted a time-off award is 14 hours.
- 4) The following scale is provided as a general guide in determining the appropriate amount of time to grant for a Time-Off Award. The scale is based on an individual working under a full-time (2087 hours/year) contract. The figures are to be prorated as noted above for individuals working under a part-time contract:

Contribution Above and Beyond Satisfactory Performance	Recommended Time Off Award
A contribution that is of sufficient value to merit recognition. Beneficial change or modification to policies/procedures.  Contribution benefits immediate unit or staff.	Up to One Work Day, (not to exceed 9 hours)

An important contribution to the value of an activity program, or service. Significant change to policies/procedures. Contribution benefits several units or an entire Mission/Bureau/Office.	Up to Two Work Days, (not to exceed 18 hours)
A highly significant contribution to the value of an activity, program, or service. A complete revision of policies/procedures with considerable impact. Contribution benefits an entire Mission/Bureau/Office or is of a cross-cutting nature impacting several organizations within the Agency.	Up to Three Work Days, (not to exceed 27 hours)

- 5) The scheduling of Time-Off Awards must be approved by the individual's supervisor because this award type represents time away from official duty, which has the potential to impact the operating unit's operations.
- 6) A PSC who becomes physically incapacitated while using a Time-Off Award may be granted sick leave for the period of incapacitation. The employee is responsible for notifying the supervisor immediately to report the illness during the period of excused absence.
- 7) A Time-Off Award is granted to recognize a superior achievement and may not be used as a substitute for compensatory time off.
- 8) In deciding whether a Time-Off award is the appropriate award type, the supervisor must consider the individual's leave balance. If the individual has an excessive leave balance, a cash award may be more appropriate, so as not to adversely affect the PSC who may have annual leave subject to forfeiture at the end of the contract.
- 9) Time-Off Awards must be used within 6 months of approval and may not be transferred to a new or follow-on contract with either the same or new work unit under any circumstances. In cases where the time off is not used within six months after the date of approval, the time-off must be forfeited.
- 10) Under no circumstances may a Time-Off Award be converted to a lump-sum payment or transferred to any other contract. A Time-Off Award not used by the end of the contract period must be forfeited, even if less than 6 months from the date of approval.

# III. Special Act Awards

a. Criteria/Standards for Award:

This cash award recognizes <u>a specific nonrecurring</u> superior act or contribution to the public interest that is beyond or outside normal job responsibilities as covered by the individual's job description. The specific act or contribution must be beyond the standard for minimum satisfactory performance required by the contract. *Unlike other cash awards, this award may not be given for general superior performance of the work required by the contract.* 

b. Documentation/Approval

- 1) Complete Form JF-66, "Nomination for Award", with justification for award in accordance with criteria/standards above.
- 2) Nomination for a Special Act Award is ordinarily provided by the PSC's supervisor. Work units other than that to which the PSC belongs may also nominate the PSC for such an award, but funding for that award must come from the nominating work unit's PSC cash award pool. If the nomination comes from a work unit other than that to which the PSC belongs, the nomination must be routed through the PSC's supervisor.
- 3) The approving officials for Special Act Awards are as follows:
  - Mission Director/Bureau Assistant Administrator/ Independent USAID/W Office Head (as defined above): \$1,000 or less
  - Cognizant Bureau Assistant Administrator or Independent USAID/W Office Head: \$1,001 to \$2,000
  - USAID Administrator: More than \$2,000

# c. Funding

- 1) Funding for the award must come from the same fund account/citation from which the PSC contract is funded, but the award must be funded <u>outside</u> of the contract through either a Miscellaneous Obligating Document (MOD), with the requisite award form completed, approved, and attached to the MOD, or using the award form as the obligating document. The funding document used must not refer to the PSC's contract as the funding source.
- 2) The Special Act Award must not be budgeted under the PSC contract, and is separate and distinct from the pay comparability increase, and the 3 percent annual increase for satisfactory performance available within the PSC contract. (AIDAR Appendix D)
- 3) The MOD is completed by the Controller or appropriate obligating official after a properly approved award nomination has been received in the applicable Financial Management Office.
- 4) Missions, Bureaus, and Independent Offices in AID/W have the discretion to establish additional procedures/processes for funding these awards as long as the guidelines here are followed.

# d. Parameters/Limitations

- 1) No more than one Special Act Award may be granted to a USPSC or TCNPSC in any one year period.
- Special Act Awards are considered income by the Internal Revenue Service, and are subject to withholding and other taxes for US citizens and US resident aliens.

(End of paragraph (f)).

AIDAR Appendix J is modified at Section 4, "Policy", Part (c), "Conditions of Employment", paragraph (2), "Compensation", subparagraph (ii)(B), to read as follows:

"Paragraphs 4 (c), (d), (e), (f), (g), (h), and (i) of Appendix D."

The remaining requirements of this subparagraph remain the same.

This awards program does not apply to TCNPSCs compensated under the local compensation plan.

Supervisors continue to be encouraged to provide non-monetary forms of recognition for PSCs, such as certificates of appreciation or commendation, when cash awards are inappropriate or impractical.

The effective date of this AAPD is May 14, 2004 through October 12, 2006, consistent with AIDAR deviation requirements.

POINT OF CONTACT: Tom M. Henson, M/OAA/POL, 202-712-5448, 7.08-106.

USAID/General Notice M/OAA and M/HR 05/14/2004

POLICY

SUBJECT: Cash Awards for U.S. Citizen and Third Country National Personal Services Contractors

The offices of Acquisition and Assistance (OAA) and Human Resources (HR) are pleased to announce that effective immediately U.S. citizen personal services contractors (USPSC) and Third Country National personal services contractors (TCNPSC) are eligible for cash awards. Within the next month, implementing instructions and changes to the ADS 491 and AIDAR, and an Acquisition and Assistance Policy Directive (AAPD) will be issued. In the interim, awards for USPSCs and TCNPSCs may be processed based upon the policy guidance provided in this General Notice.

Over the last 15 years, the hiring of USPSCs and TCNPSCs by USAID has evolved from contracting for a technical expertise for a limited period of time, to contracting as a necessity for carrying out the Agency's mission worldwide. As this evolution has occurred, recognition of individual accomplishments has been limited by statute-Section 636(a)(3) of the Foreign Assistance Act of 1961, as amended, and by regulation---Appendix D of the Agency for International Development Acquisition Regulations (AIDAR). Up to this point, individual recognition has been limited to non-monetary awards and certificates of appreciation. Since the Agency depends so much on PSCs and their contributions to the Agency, the Administrator has decided to change the Agency's method of recognizing the work of its PSCs by utilizing the Agency's discretionary authority to establish a cash awards program for its USPSCs and those TCNPSCs whose compensation is based on the USPSC scale.

M/OAA, M/HR, and M/FM will collaborate in carrying out this change through the implementation of specific policies and procedures for establishing cash awards. The USPSC awards system will closely parallel the program for U.S. direct hire personnel. Cash awards, as specified below, will be funded, approved, and controlled at the Mission or Bureau level, as appropriate.

- -USPSCs and TCNPSCs continue to be eligible for non-monetary awards, such as Certificates of Appreciation and honorary awards including the Meritorious, Superior, and Distinguished Honor Awards, along with Time-Off Awards.
- -On-the-spot awards may be granted up to a maximum of \$500 per award and are subject to the provisions of ADS 491.
- -Special acts awards may be approved by Operating Units up to the established maximums -- Mission Directors can approve up to \$1000 and Heads of Independent Offices and Bureaus can approve up to \$2000, subject to review by Post Awards Committee or Bureau/Office Awards Committee, as appropriate. Any award above \$2,000 requires review by the Special Awards Committee and the Administrator.
- -The responsible Operating Units must provide funds for all

such awards, and the type of funding must be from the same source as the PSC contract.

Within the next thirty (30) days, instructions, changes, and the specifics of the process will be issued in an Acquisition and Assistance Policy Directive (AAPD) with HR and FM collaboration. Conforming changes will be made to other policies and regulations, including ADS 491, USAID Awards Program.

Point of Contact: Any questions regarding this Notice can be directed to Tom M. Henson, M/OAA/POL, (202)712-5448.

Notice 0544

FOR OFFICE USE							
STATE USAID	TE REC'D BY AWA	ARDS OFFICE:	DATE RELE	ASED TO PERSONNEL RECORDS:			
Nomination for Award							
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NOMINATED BY: (Name, Title , Signature)				DATE ( <i>mm-dd-yyyy</i> )			
APPROVED BY: (Supervisor's Name, Title , Signal supervisor	ature) Applicable	e only if nominated by other	than	DATE ( <i>mm-dd-yyyy</i> )			

JF-66 06-2000

	PART II .	ACTION TAKEN/TIME O	FF FROM DUTY AWARD - Optional - For period not to ex	ceed one work day		
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