Environmental Compliance Language for USAID Procurement Instruments
Why address Env Compliance in Procurement Instruments?

- IEEs and EAs are meaningless unless conditions are implemented.*
- Environmental management must be an integral part of project planning and implementation
  - generally partners implement,
  - USAID monitors/oversees
- For partners to implement, env. management/compliance responsibilities need to be written into procurement instruments

(*ADS requires implementation)
Why address Env Compliance in Procurement Instruments?

But to operationalize partner responsibility for environmental compliance/ESDM, procurement instruments should also require that:

1. The partner verifies current and planned activities annually against the scope of the RCE/IEE/EA.

2. Proposals address qualifications and proposed approaches to compliance/ESDM for environmentally complex activities.

3. The necessary mechanisms and budget for partner implementation of IEE/EA conditions are in place.

To assure that projects do not “creep” out of compliance as activities are modified and added to over their life.
Review:
prerequisites for implementation of IEE/EA conditions

Effective implementation & monitoring of M&M conditions requires that:

- Complete Environmental Mitigation and Monitoring Plan (EMMP) exists
- Workplans and budgets integrate the EMMP
- PMPs track EMMP implementation

CTOs are required to actively manage and monitor compliance with any IEE conditions per ADS 202 and 303 (202.3.6 AND 303.2.F)

Systematic, accountable implementation of IEE/EA conditions is required—and almost impossible without these prerequisites.

See Session 13a for more detail
Problems:

- Many agency procurement instruments do not address environmental compliance requirements (or do so incompletely)
- Lack of guidance requires CTOs, COs, Activity Managers to “reinvent the wheel” repeatedly

NEEDED:
Easy step-by-step guidance and “boilerplate” language
Introducing . . .
Environmental Compliance: Language for Use in Solicitations and Awards

- For RFAs/ RFPs/ agreements/ grants/ contracts
- Optional, not required
- Being added as an “Additional Help” document to ADS 204
- Addresses all the issues presented here

Hardcopy in your sourcebook. Also available from the online MEO Resource Center

Transect Walk Field Exercise. visit www.encapafrica.org
In addition to improving LOP compliance...

By clearly communicating to partners that primary responsibility for Reg. 216 compliance in project implementation lies with them,

\textit{and}

by assuring that environmental monitoring and reporting is integrated into routine activity monitoring and reporting

\textbf{The ECL should reduce demands on mission staff}