

August 30, 2018



United States  
Department of  
Agriculture

Trade and Foreign  
Agricultural  
Affairs

Foreign  
Agricultural  
Service

1400 Independence  
Ave, SW  
Stop 1052  
Washington, DC  
20250-1052

**SUBJECT: Submission of Contracting Guidelines**

**TO: All Agricultural Trade Promotion (ATP) Program Participants**

This program notice is effective immediately.

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**Background**

The ATP regulations were published in the Federal Register on August 30, 2018, and were effective beginning with program year 2018. Regulations regarding contracting procedures are found at 7 CFR 1489.28.

Section 1489.28 requires all Participants to submit to FAS, for review and approval, written contracting guidelines that outline the procedures the Participant will follow when awarding contracts funded, in whole or in part, with ATP funds.

During their reviews, FAS' Compliance Review Staff will confirm if the contracting guidelines are being implemented as approved.

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**Contracting Guidelines – All Participants (1489.28(d)):**

1. At a minimum, the guidelines submitted for approval must address the elements identified in 7 CFR 1489.28(d).
2. Individual ATP contracts do not need to be identified in such guidelines. Instead, Participants may establish universal contracting guidelines for a variety of different contracting situations.
3. A Participant's written contracting guidelines may detail special situations where the requirements found in 7 CFR 1489.28(d)(3) do not apply, such as situations involving highly specialized technical services or where specific services are not commonly offered in a particular market.
4. Contracts for in-country representation are not required to be re-competed after the initial award. If a Participant prefers not to re-bid such a contract, the performance of the in-country representation must be evaluated and documented by the Participant annually to ensure that the terms of the contract are being met in a satisfactory manner.

5. All contracting guidelines must be received by FAS no later than 30 days after the applicant submits their application to the ATP.
6. Participants should submit electronic versions of their contracting guidelines to FAS via email to [uesadmin@fas.usda.gov](mailto:uesadmin@fas.usda.gov) within 30 days of applying to the program.
7. FAS has developed an optional contracting guidelines template that Participants can use to develop and submit their plans. This optional template is available to Participants on the homepage of the online UES system.
8. FAS will endeavor to evaluate the contracting guidelines and notify Participants of approval or disapproval within 30 days of receipt of the plan.
9. Once approved by FAS, the contracting guidelines will remain in place until FAS retracts its approval in writing or FAS approves revised guidelines submitted by the Participant.
10. Participants may modify or resubmit their contracting guidelines for re-approval by FAS at any time.

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