

Dear Colleagues and Partners:

Over the weekend the USAID Administrator, Samantha Power, approved two critical waivers for USAID-funded programs and activities in Ukraine. The effective dates for each waiver are noted below. Please see relevant details below on these two waivers:

- **Approval of a Blanket Waiver to Branding and Marking Requirements for USAID-Funded Awards in Ukraine (eff. March 5, 2022)**
 - This waiver covers branding and marking requirements applicable to programs, projects, activities, and public communications (radio and television spots, flyers, press articles, press conferences, media interviews, site visits, beneficiary testimonials, success stories, webcasts, videos, e-invitation, email blasts for training invitations) intended for external consumption and commodities with the USAID “Standard Graphic Identity.” USAID’s identity shall continue to be used on materials intended for internal use, and USAID’s support for the projects will continue to be conveyed verbally to targeted beneficiaries, as appropriate. Where circumstances warrant, the waiver includes removal of USAID markings already affixed. Additionally, the waiver flows down to recipients or subawards, unless specified otherwise.
 - USAID/Ukraine and other Agency B/IOs reserve the right on a case-by-case basis, to reinstate the branding and marking requirements on some activities, in whole or in part, as it deems appropriate at any time. In such cases, the CO or AO will communicate USAID’s position to the partner.
 - Every six months USAID will review the waiver. If the security environment improves in Ukraine, USAID may rescind the waiver, and the branding and marking requirements approved in the project’s branding and marking plans will apply from the day that the waiver is rescinded.
- **Approval of a Source and Nationality Waiver for Activities and Programs Related to the Fluctuating Regional Operating Environment and the Consequences of the Russian Invasion of Ukraine (eff. March 6, 2022)**
 - The USAID Administrator approved a source and nationality waiver establishing Geographic Code 935 (which includes any country except foreign policy restricted countries) for the procurement of

- goods and services for activities and programs related to Ukraine, Belarus, and Moldova.
- The approved waiver makes Code 935 fully applicable for procurement at both the prime contract and subcontract levels (including procurements under grants and cooperative agreements). The waiver covers unrestricted and restricted commodities, including non-U.S.-manufactured non-armored vehicles. However, the following rules apply:
 - For pharmaceuticals, the waiver does not waive the additional "restricted commodity" approvals required in ADS 312; as a result, for example, pharmaceuticals must meet the "restricted commodity" requirements for quality in ADS 312.
 - Overall procurement of non-U.S.-produced motor vehicles will be held to a minimum and carried out only when necessary. Implementing partners are required to document a special circumstance for each purchase, per ADS 312. Specifically, implementing partners must provide, within 90 days after each such purchase, an information copy of such documentation to the USAID Contracting Officer's Representative/Agreement Officer's Representative to be included in the contract or award file.

Partners must notify the cognizant CO/AO and COR/AOR when utilizing either of the waivers noted above.

If you have detailed questions related to the waivers, please contact your CO/AO as soon as possible.

Regards,
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