

Setting a High Bar for Post-ESIA Project Performance—USAID Best Practices Review



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USAID & Impact Assessment

US Government's foreign aid Agency (bilateral donor); FY2023 budget of \$29B+; core areas:

- Development Assistance: Economic Growth (principally ag.), Education, Health, and Democracy & Governance
- Humanitarian Assistance
- Climate Resilience

Environmental Impact Assessment process is prescribed in U.S. federal law (22 CFR 216)

- Preliminary Assessment (Initial Environmental Examination): low to moderate adverse impacts
- Scoping Statement and Environmental Assessment: significant adverse impacts
- Typically completed during project design (pre-implementation)
- Mitigation and monitoring requirements are delegated/assigned to the 'Implementing Partner'

Preparing for Contractor Success

Agency operating policy requires mitigation & monitoring of adverse impacts

Templates and tools for planning, budgeting and implementation

- Environmental Mitigation & Monitoring Plan (EMMP)

Agency project managers empowered to assess and determine contractor compliance with ESIA findings, and efficacy of mitigation and monitoring; can cease implementation, if need be

Priority-setting and resource allocation are largely functions of the contracting process; some project solicitations require offerors to state EIA qual's & management capacity or experience

Coordination with Agency contracts dept. (OAA) is in-built, but 'best practice' means dialogue and discernment

Embedding EIA in Contracting Process

EIA documents are verified as a 'gating' step in the solicitation process.

Contracts, project & environment staff often convene on "pre-award checklist"

Checklist is just that – quick and superficial

Additional guidance is made available and encouraged across the Agency:

Environmental Compliance Language for Use in Solicitations and Awards

[ADS 204sac | Document | U.S. Agency for International Development \(usaid.gov\)](#)

Env. Language for Solicitations & Awards

USAID's Environmental Compliance Language for Use in Solicitations and Awards

Approved and in-use since 2008; enhances contracting process by ...

explicitly enumerating the environmental compliance responsibilities of project implementers ... [helping] to ensure that environmental compliance requirements stemming from the Regulation 216 process are fully integrated into project designs, workplans, and implementation of activities

and

[alerting] USAID staff and implementing partners early on to the need for a budget to implement environmental compliance measures and to the importance of providing sufficient Regulation 216 technical capacity to implement, monitor, and report on environmental compliance. Doing so is intended to ensure that compliance is maintained throughout design and implementation—over the entire life of a project or program

4. Insert for all solicitations and awards

The language requires that the contractor/recipient must ensure all activities, over the life of the project, are included in the approved Regulation 216 documentation.

- 4a) As part of its initial Work Plan, and all Annual Work Plans thereafter, the [contractor/recipient], in collaboration with the USAID Cognizant Technical Officer and Mission Environmental Officer or Bureau Environmental Officer, as appropriate, shall review all ongoing and planned activities under this [contract/grant/CA] to determine if they are within the scope of the approved Regulation 216 environmental documentation.
- 4b) If the [contractor/recipient] plans any new activities outside the scope of the approved Regulation 216 environmental documentation, it shall prepare an amendment to the documentation for USAID review and approval. No such new activities shall be undertaken prior to receiving written USAID approval of environmental documentation amendments.
- 4c) Any ongoing activities found to be outside the scope of the approved Regulation 216 environmental documentation shall be halted until an amendment to the documentation is submitted and written approval is received from USAID.

7. For solicitations and awards when sub-grants are contemplated, and the IEE gives a Negative Determination with conditions that specifies use of a screening tool for sub-grants, insert 7a and 7b.

- 7a) A provision for sub-grants is included under this award; therefore, the [contractor/recipient] will be required to use an Environmental Review Form (ERF) or Environmental Review (ER) checklist using impact assessment tools to screen grant proposals to ensure the funded proposals will result in no adverse environmental impact, to develop mitigation measures, as necessary, and to specify monitoring and reporting. Use of the ERF or ER checklist is called for when the nature of the grant proposals to be funded is not well enough known to make an informed decision about their potential environmental impacts, yet due to the type and extent of activities to be funded, any adverse impacts are expected to be easily mitigated. Implementation of sub-grant activities cannot go forward until the ERF or ER checklist is completed and approved by USAID. [Contractor/Recipient] is responsible for ensuring that mitigation measures specified by the ERF or ER checklist process are implemented.

Environmental Procedures Best Practices Review (BPR)

Voluntary assessment of performance against more rigorous parameters
(Best Practice Standard)

Best Practice Standard is more detailed and prescriptive; includes:

- Training/capacity building objectives (for staff and implementing partners)
- Document and information-sharing criteria
- Effective resourcing/funding for environmental staff, field monitoring, etc.
- Particular emphasis on empowerment and engagement of Mission Environmental Office (MEO) role

Conducted on approx. 5-year cycle at USAID Mission (or Operating Unit) invitation

Independent (third-party) Facilitator leads the BPR; methodology is document review with interviews and sampling of project sites (approx. 2-week in-person component)

Facilitator prepares *BPR Action Plan* with recommendations vetted by Mission Counterpart

BPR Findings Validate Contracting Focus

~70 BPRs completed since 2008; mostly in Africa Region, but also Asia and Middle East

Similar assessment methodologies are used, but not against a distinct and more rigorous Best Practice Standard

Consistent opportunities to strengthen solicitation and award process; use of ECL where that is not uniform

BPR Action Plans also often recommend:

- More regular field monitoring
- Enhanced coordination between HQ and mission-based project managers
- Stronger environmental compliance reporting, integration with regular quarterly or biannual reports
- Sustained or structured engagement from environment staff (MEOs) over the life of the activity

Due Diligence: Flexibility & Innovation

USAID's Localization objectives bring in new partners, often without strong institutional experience (core IA or environmental management, and knowledge of Agency process)

Sub-awardees and sub-grantees are one step (or more) removed from Agency oversight and control—checklists and streamlined review forms

Tailored approaches (and tools) and targeted training are often needed to equip smaller organizations (e.g., administering local grants programs of <\$10,000)

Let's continue the conversation!

Post questions and comments in the IAIA24 app.



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