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Issuance Date: September 30, 2009  
RFA Clarification Questions Due: October 14, 2009  
Closing Date and Time for Application Submission: November 16, 2009  
Closing Time: 14h00 (Quito Time)

Subject: Request for Applications (RFA) Number: 518-09-000021  
Strengthening Ecuadorian Justice Project

Dear prospective applicants:

The United States Agency for International Development (USAID) is seeking applications for Assistance Agreements from qualified organizations interested in implementing a program entitled "Strengthening Ecuadorian Justice Project." The authority for the RFA is found in the Foreign Assistance Act of 1961, as amended. Please refer to the Program Description for a complete statement of goals and expected results.

This is a full and open competition, under which any type of organization (U. S. or non-U.S., large or small commercial [for profit] firms, educational institutions, and non-profit organizations) is eligible to compete.

While for-profit firms may participate, pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments such as cooperative agreements. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to the grant program and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A-122 for non-profit organization, OMB Circular A-21 for universities, and the Federal Acquisition Regulation (FAR) Part 31 for-profit organizations), may be paid under the LWA Cooperative Agreement.

Applicants under consideration for an award that have never received funding from USAID will be subject to a pre-award audit to determine fiscal responsibility, ensure adequacy of financial controls and establish an indirect cost rate.

Subject to the availability of funds, USAID intends to issue an award with a total estimated cost in the range of \$5,600,000 to \$6,611,000 covering a total estimated period of three years. USAID reserves the right to fund any or none of the applications submitted. Applicants should design their proposed budgets based on an initial obligation of \$2,564,000.

Award will be made to the responsible applicant whose application offer the greatest value to the U.S. Government. Issuance of this RFA does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of an application.

This RFA and any future amendments can be downloaded from <http://www.grants.gov>. Select "Find Grant Opportunities," then click on "Browse by Agency," and select the "U.S. Agency for International Development" and search for the RFA. In the event of an inconsistency between the documents comprising

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this RFA, it shall be resolved at the discretion of the Agreement Officer. If there are problems in downloading the RFA from the Internet, please contact the Grants.gov help desk at 1.800.518.4726 or [support@grants.gov](mailto:support@grants.gov) for technical assistance. Receipt of this RFA through Grants.gov must be confirmed by written notification to the USAID Agreement Officer and to the USAID/Ecuador Acquisition & Assistance Specialist identified below. It is the responsibility of the recipient of the application document to ensure that it has been received from Grants.gov in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion processes.

Applicants should also note that the documents listed in this RFA under "Useful References" are intended only as sources for background information that may be helpful to applicants, but are not a part of this RFA. For the purposes of this program, this RFA is being issued and consists of this cover letter and the following:

1. Section I, Funding Opportunity Description
2. Section II, Award Information
3. Section III, Eligibility Information
4. Section IV, Application and Submission Information
5. Section V, Application Review Information
6. Section VI, Award and Administration Information

Additionally, the term "Grant" is synonymous with "Cooperative Agreement"; "Grantee" is synonymous with "Recipient"; and "Grant Officer" is synonymous with "Agreement Officer".

Questions regarding this RFA must be submitted by e-mail or FAX to both: Ms. Doanh Van, Regional Agreement Officer (RAO), and Ms. Luisa Alvarado, Acquisition & Assistance Specialist:

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Your application should be received by the closing date and time indicated at the top of this cover letter. The applicant shall submit applications in BOTH electronic and hard copy format, and both technical and cost portions of its application in separate files as described in Section IV by the closing date and time indicated at the top of this cover letter as described in Section IV.

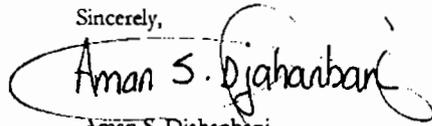
Issuance of this RFA does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of an application. In addition, final award cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, potential applicant is hereby notified of these requirements and conditions for award. Application is submitted at the risk of the applicant; should circumstances prevent award of a cooperative agreement, all preparation and submission costs are at the applicant's expense.

All guidance included in this RFA takes precedence over any reference documents referred to in the RFA. In the event of an inconsistency between the documents comprising this RFA, it shall be resolved by the following descending order of precedence:

- (a) Section IV – Application and Submission Information
- (b) Section I – Funding Opportunity Description
- (c) This Cover Letter.

We extend our best wishes to all for a successful competition, and certainly want to thank you for your interest in USAID/Ecuador's activities.

Sincerely,

A handwritten signature in black ink that reads "Aman S. Djahanbani". The signature is written in a cursive style with a large, looping initial "A".

Aman S. Djahanbani  
Supervisory Regional Agreement Officer

Encl: Section I, Funding Opportunity Description;  
Section II, Award Information  
Section III, Eligibility Information;  
Section IV, Application and Submission Information  
Section V, Application Review Information  
Section VI, Award and Administration Information  
Section VII, Agency Contacts

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## I. FUNDING OPPORTUNITY DESCRIPTION

### STRENGTHENING ECUADORIAN JUSTICE

#### I. INTRODUCTION

The US Government is committed to support Ecuador's long-term efforts to strengthen the Rule of Law because a functioning and respected rule of law, with an effective justice system, contributes to increase public satisfaction with government, reduce corruption, and enhance democratic stability.

Ecuador's justice system has operated poorly for many years and has failed to earn public confidence. It is perceived as corrupt, ineffective, and protective of those in power. The last decade has been marked by political instability in the country, and social and economic upheaval that severely affected the functioning of not only the judicial sector institutions but the entire constitutional system and rule of law.

Public confidence in key justice institutions such as the former Supreme Court, and the Attorney General's Office is low as shown by Vanderbilt University's (VU) Latin American Public Opinion Program (LAPOP), Political Culture Study, implemented in Ecuador since 2001. This, together with significant levels of petty corruption victimization suffered by citizens in judicial institutions; erode citizen overall confidence in the justice system (VU-LAPOP 2002-2008 studies).

The new constitution approved in September 2008 guarantees a wide range of individual, collective, and community rights. It also creates new judicial institutions such as the Public Defender Office, restructures other judicial entities, and incorporates selection and appointment processes including merit selection, civil service laws, and term limits for some key judicial offices. In addition, a new Organic Code for the Judiciary and reforms to the Criminal Procedures Code were recently approved. Enforcement of legal reforms as well as structuring and operations of new institutions under the new constitution will be challenging.

Through this project USAID will focus its support in key areas that will contribute to the strengthening of Ecuadorian Justice: (a) application of the criminal justice system –including the enforcement of recently passed reforms-, (b) access to legal services by vulnerable groups of the population, (c) civil society's oversight of the restructuring and functioning of justice institutions, and (d) transparency in the judiciary. This project will coordinate targeted efforts of citizen oversight of justice reforms with USAID/Ecuador's project "Strengthening Democracy in Ecuador" implemented by the local NGO *Participación Ciudadana*, activities in support to the Witness and Victims Protection Program with the project "Combating Trafficking in Persons in Ecuador" implemented by the PIO *Organization for International Migration*. Moreover, a number of civil society organizations participating in the Strengthening Justice in Ecuador project may also benefit from technical assistance and training on financial and organizational strengthening that will be provided through the "Strengthening Civil Society in Ecuador" project to be implemented in FY 2010.

The applicant should search for synergies with project from other international donors and USG agencies in support of justice reform. In addition, the applicant should explain how its project supports the GOE's National Development Plan. The recipient and USAID will coordinate the implementation of this project with the Government of Ecuador's (GOE) institutions such as AGECI and CODCI which are responsible for international cooperation monitoring and with the Ministry of Justice and the other national justice institutions that will participate in the implementation of this project.

## II. BACKGROUND

From 2002-2007 USAID pursued five areas of action: access to justice; implementation of the new Criminal Procedures Code; support for anti-corruption transparency measures; facilitation of the participation of civil society organizations; and support to vulnerable groups and their rights. In addition to USAID support to the justice sector, a significant effort by the U.S. Embassy's Narcotics Affairs Section (NAS) and other U.S. Government (USG) agencies has also been underway for several years, particularly in the training of prosecutors, judges and judicial police to strengthen the criminal justice system

The Strengthening Ecuadorian Justice project has been designed using the results and lessons learned from the previous USAID justice reform efforts, a brief assessment by a Rule of Law (ROL) specialist in September 2008 and a Democracy and Governance assessment undertaken in November, 2008.

In developing the activities in this Program Description, the applicant should take into account conclusions of earlier publications and reports mentioned below related to the justice sector (See Section VIII for the List of documents submitted as Attachments in Grants.gov).

Applicants may be interested in reviewing USAID's Guide to Rule of Law Country Analysis which provides a conceptual framework for justice sector programming with suggested design alternatives depending on the country situation.

Additional background documentation can be found in the publication "*Nueve Años de Apoyo a la Justicia*", *Fondo Justicia y Sociedad, Fundación Esquel-USAID*, February 2008. Of particular note are the activities related to legal services/public defense and the Cuenca project of penal justice, as these are areas included in this Program Description. Another important source of information is "*La Justicia Penal en Cuenca: Un Modelo en Marcha*", published by USAID-Fundación Esquel, February 2008.

A recent report, "Criminal Justice Reform in Ecuador: Towards a Short-Term Assistance Program for USAID Financing", September 2008, by Linn Hammergren contains additional relevant recommendations useful to the development of short-term initiatives in the sector.

## III. OBJECTIVE

The overarching objective of this justice sector project is to strengthen the effectiveness, fairness, and transparency of Ecuadorian justice.

## IV. SPECIFIC OBJECTIVES

- Improve the application of the criminal justice system.
- Increase and improve access to justice by vulnerable groups of the population.
- Promote citizen participation in justice reform
- Promote greater transparency in the judiciary

## V. INTENDED RESULTS

The problems to be addressed through this project include ineffective application of criminal justice due to unclear guidelines about how to implement recent reforms, weak coordination among justice sector institutions, and lack of knowledge and practice of specialized and modern criminal procedures. In addition, a lack of access to justice for vulnerable groups remains a serious problem as well as poor citizen participation

in justice reform and need for greater transparency and controls in the judiciary.

The applicant should design an approach that addresses both short-term, immediate interventions in the sector and a complementary longer term, sustainable set of interventions to meet the project objectives and intended results. Since the justice sector institutions are currently being restructured and complementary legislation and organic laws are being implemented as a result of the new constitution, the technical approach needs to be both innovative and flexible. Activities should include technical and financial assistance or training which are consistent with GOE and USG priorities.

#### **A. More Effective Application of Criminal Justice**

The reference documents cited in Section I outline USAID's efforts to promote a functional criminal procedures system during the period 2004-2007 focused on the city of Cuenca in central Ecuador. Much was accomplished Cuenca, especially in the coordinated efforts among the Provincial Prosecutorial Office, Courts and Judicial Police as well as civil society to make advances in the implementation of the reformed criminal procedures code, including improved public defense services, and effective citizen participation of the involved public and civil society groups.

Although work remains to be done in Cuenca to consolidate advances, the recent reforms to the Criminal Procedures Code and new Organic Code for the Judiciary bring most challenges to the larger cities of Quito and Guayaquil which account for approximately 60% of criminal cases throughout the country.

Therefore, the result of USAID's proposed new efforts in this area should contribute to a more effective criminal justice system in Quito or Guayaquil including reduction of persons incarcerated awaiting trials, speedier public hearings, timely and adequate disposition and adjudication of cases, and simplified procedures. Although Quito offers appropriate conditions to put the new reforms into practice in the short term given its proximity to national policymakers and those who are involved in the debate over implementation; the applicant should also analyze the conditions for project implementation in Guayaquil and propose, for USAID consideration, a recommendation on which of the two cities would be the suitable site to begin the implementation of this project component. Criminal justice best practices that would be established in either Quito or Guayaquil could be replicated in 1 or 2 additional cities during the life of the project.

The project should aim to develop, as permissible by the Criminal Procedures Code, promotion of fast-track approaches and alternative means to get "in flagrante" cases adjudicated quickly, as well as the new alternative procedures identified under the recent reforms to this Code, thus reducing backlog of court cases. Moreover, the project will promote effective coordination between all judicial actors including prosecutors, judges, public defenders, and judicial police.

On a case by case and limited basis the project could also consider targeted technical assistance to the national-level judicial institutions (i.e. Attorney General's Office, National Court of Justice, Ministry of Justice, Constitutional Court, Judicial Council) many of which have been newly established or with new roles and responsibilities mandated by the new constitution. Assistance would be provided for addressing targeted issues affecting the application of criminal justice legislation (including Trafficking in Persons crimes), and the institutional re-organization under the new Constitution.

For example, the Attorney General's Office is currently designing a new internal operations and management model which would imply substantial re-organization and institutional modifications. This is an endeavor that merits punctual technical assistance, such as observation of successful management experiences in other countries, analysis of concrete implications of the proposed model, and TA producing concrete recommendations of specific adjustments to its design and implementation.

In addition, this project shall diagnose the situation and current operations of the Witness and Victim's Protection Unit (also attached to the Attorney General's Office) and be able to provide targeted capacity building technical assistance and training support to enhance the operations of this Unit and its provincial coordinating units, especially in terms of the services that it provides to victims, particularly those from vulnerable groups including victims of Trafficking in Persons and sexual crimes.

Due to the fact the judicial institutions themselves and their defining laws are in major flux, proposed activities under this project component should have terms agile enough to respond to changes.

Results shall include:

- Identification and successful implementation of legal and administrative possibilities for shortening, or even eliminating superfluous steps in the handling of criminal cases, especially in flagrante crimes.
- Improved application of alternative procedures/means in the handling of criminal cases.
- More effective criminal procedures and coordination among justice sector operators that will result in the reduction of average time to process criminal cases, reduction in persons incarcerated awaiting trials, speedier public hearings, timely and adequate adjudication and disposition of cases, and simplified procedures.
- Improved quality and quantity of management statistics for more effective tracking of adjudication performance and reform progress. This would include the setting of benchmarks for processing cases such as reduction of times, scheduling of hearings, workflow management, number of cases processed, and quality benchmarks.
- Enhanced operations of the Witness and Victim's Protection Unit evidenced by the successful participation of victims of trafficking in persons and other related crimes in the effective prosecution of these cases.

#### Indicators

The recipient shall develop a baseline and track at least the following "custom" indicator to measure the impact of this project component:

- Reduction in average number of days to resolve criminal cases

The applicant may propose additional custom indicators if considered necessary.

In addition, jointly-accepted indicators from the Agency's standard indicators for Justice programs that should be tracked under this project component will be the following:

- Mean case disposition time in courts assisted by USG in the area of case management
- Number of justice sector personnel that received USG training.

#### **B. Expanded Access to Justice.**

Improving the quality of legal services available to indigent and minority populations, including women is a USAID priority. Prior USAID assistance in legal defense was carried out through a network of private, NGO and university legal clinics, with only a handful of public sector lawyers nationwide, and included supporting the Public Defense (PD) law. Among the principal recommendations from the CSO Justice Network was the creation of an adequate Public Defense system.

The newly organized Ministry of Justice and new constitution provide for a Public Defense Division temporarily attached to the MOJ through October 2010 and the establishment of the permanent Public Defender's Office immediately afterwards. The development of this project and its relation to how private defense is currently practiced presents an opportunity for support by the USAID Strengthening Justice Project. The applicant should propose a set of activities to enhance Public Defense including greater access for vulnerable groups, improved quality of the services provided to these groups, establishment of modern and agile operating methods, procedures, as well as monitoring and evaluation techniques.

Activities pursued in the public defender programs or legal resource NGOs need to be concerned not only with quantity of legal services available, but with the quality of those services. They also need to be sustainable and ultimately contribute to making the legal process and the court system accessible for those without the means to provide for their own defense.

An overriding activity in the immediate future should be the joint elaboration with the MOJ's *Unidad Transitoria de Gestión de Defensoría Pública Penal* of operating procedures and mechanisms for internal supervision and monitoring of the new Public Defense services. In addition, the project shall also seek to enhance the development strategy designed by this Unit in 2009 and the implementation of their Action Plan for the establishment of the permanent institution.

Once established, this project will also provide technical assistance and support to the permanent Public Defense in order to strengthen its capacity to provide expanded and effective legal defense services to the vulnerable groups of the population.

Results shall include:

- Institutional and organizational capacity of the Public Defense is strengthened on a nationwide basis. This would include among other aspects, establishment of provisions for the use and supervision of NGOs, universities, other operators; effective coordination with local governments in the provision of defense and related services; streamlined procedures; effective implementation of alternative dispute methods approved under current legal frameworks; definition of caseload quotas and payment schemes for contracted services; and sound outreach strategies and operating systems.
- Improved monitoring mechanisms for the performance of the lawyers and the administrative operations of the PD, including both quantitative and qualitative criteria, case-tracking and evaluation systems.
- At least ten civil society-managed legal aid clinics located in diverse cities (including those where program component #1 will be implemented) are strengthened to provide quality legal defense services and respond to the requirements set by the GOE Public Defense.

#### Indicators

The recipient shall develop a baseline and track at least the following "custom" indicator:

- Number of cases effectively processed by the new Public Defense system

In addition, the recipient should track the following standard indicators:

- Number of individuals/groups who received legal aid or victim's assistance with USG support.
- Number of legal aid groups and law clinics assisted by USG

### **C. Increased Citizen Oversight of Justice Reform**

Strengthening justice sector civil society organizations (CSOs) contributes to a more transparent administration of justice. CSOs can be an independent force for increasing transparency through monitoring mechanisms and creation of public awareness to deal with basic elements of inefficiency and corruption such as unnecessary delays in judicial proceedings, failure of judges/lawyers to appear at hearings, and payoffs in lower level courts to encourage such delays.

CSOs can provide oversight of the functioning of the Judicial Council as it implements the new Organic Code for the Judiciary. They might also play an important role in monitoring the staffing and operations of new justice sector institutions under the new Constitution, and application of laws to implement these justice sector reforms.

#### Results shall include:

- Effective and innovative criminal justice and transparency efforts are supported through a small grants program for CSOs.
- Technical evaluations of the application of the criminal justice system including rigorous quantitative and qualitative data on progress and weak points, are developed and effectively disseminated by CSOs.
- Effective citizen monitoring mechanisms are established in judicial institutions including adequate internal performance auditing systems and/or other transparency mechanisms.
- Better informed and trained citizens on criminal justice reforms and operations in targeted cities (preferably in those selected under component A. of this project).

#### Indicators

The recipient shall develop a baseline and track at least the following "custom" indicator:

- Number of CSO-recommended actions adopted by judicial sector

In addition, the recipient should track the following standard indicators:

- Number of legal institutions and associations supported by USG.
- Number of USG-assisted CSOs that engage in advocacy and watchdog functions.

- Number of USG-assisted campaigns and programs to enhance public understanding of judicial independence and accountability.

#### **D. Enhanced Transparency in the Judiciary**

The new *Código Orgánico de la Función Judicial* increases the disciplinary and control responsibilities of the Judicial Council (JC) within the judiciary and other institutions newly incorporated in the justice sector under the new Constitution, including the Attorney General's Office and the Public Defender. The Judicial Council will have to confront major challenges under the approved new legislation including the formulation and/or up-date of internal regulations and procedures, the strengthening of the technical capacity of the JC's Disciplinary Unit and decentralized Provincial Units, and enhancing the Unit's statistics and case tracking systems. A national anti-corruption plan was recently designed by the Judicial Council determining three areas of needed actions and reforms. The implementer should be ready to assess the key, priority assistance efforts in support of the Judicial Council's anti-corruption efforts.

This project component will be implemented during the first two years. Applicants should cost this activity only for the 2-year period. Prior to the completion of this period, and analysis of progress made, USAID and the implementer will determine if this activity will be expanded to year three.

##### Results shall include:

- Identification of key bottlenecks and recommendations for the Judicial Council's Disciplinary and Control Unit to effectively function under reformed laws and regulations.
- Strengthened institutional capacity of the Judicial Council, including targeted decentralized Provincial Units, to effectively investigate and process complaints and communicate with the provincial JC units.
- Disciplinary Unit's statistics and case tracking systems are enhanced and effectively function to monitor cases and provide information to the public.

##### Indicators

The recipient shall develop a baseline and track at least the following "custom" indicator:

- Number of cases effectively processed by the Judicial Council's Control and Disciplinary Unit.

In addition, the recipient should track the following standard indicator:

- Number of regulations or procedures that improve judicial transparency adopted with USG support.

#### **VI. GENDER CONSIDERATIONS**

Past efforts in the sector supported by USAID have focused on the problem of sexual abuse of women, especially through Trafficking in Persons initiatives and establishment of '*comisarias de la mujer*' which were created specifically to address violence against women. This support included direct grant assistance to women-run NGOs that made this their priority concern.

Although the proposal should take into account actions taken to address these gender issues, it should also prepare a specific plan for incorporating gender issues into the new project. Public Defense efforts should

place special attention to the provision of legal defense services for women. It will be essential that any laws, regulations or administrative actions for which the project is providing assistance include any gender biases explicitly or implicitly. In cases where past inequities have resulted in current imbalances, priorities for selection of trainees should be based on redressing such ills.

Finally, performance indicators will be disaggregated by gender as appropriate (e.g. persons trained, women receiving legal assistance), to monitor and evaluate gender results and impact.

**[End of Section I]**

## II. AWARD INFORMATION

### A. ESTIMATE OF FUNDS AVAILABLE

USAID expects to award one Cooperative Agreement based on this RFA. The anticipated total federal funding amount (subject to availability of funds) ranges from \$5,600,000 to \$6,611,000. The period of performance is January 4, 2010 to December 31, 2012 with an anticipated start date of January 4, 2010.

### B. NUMBER OF AWARDS CONTEMPLATED

The Government may issue one or more awards resulting from this RFA to the responsible applicant(s) whose application(s) conforming to this RFA are the most responsive to the objectives set forth in this RFA and which offer the greatest value. The Government may (a) reject any or all applications, (b) accept other than the lowest cost application, (c) accept more than one application, (d) accept alternate applications, and (e) waive informalities and minor irregularities in applications received.

The Government may make award on the basis of initial applications received, without discussions or negotiations. Therefore, each initial application should contain the applicant's best terms from a cost and technical standpoint. The Government reserves the right (but is not under obligation to do so), however, to enter into discussions with one or more applicants in order to obtain clarifications, additional detail, or to suggest refinements in the program description, budget, or other aspects of an application.

Neither financial data submitted with an application nor representations concerning facilities or financing, will form a part of the resulting agreement(s).

The Agreement Officer is the only individual who may legally commit the Government to the expenditure of public funds. No costs chargeable to the proposed award may be incurred before receipt of either a fully executed cooperative agreement or a specific, written authorization from the Agreement Officer.

### C. START DATE AND PERIOD OF PERFORMANCE

The period of performance anticipated for this agreement is thirty-six (36) months, from o/a January 4, 2010 to December 31, 2012. This agreement is subject availability of funds.

### D. SUBSTANTIAL INVOLVEMENT

According to ADS 303.3.11, USAID substantial involvement under a CA may include the elements listed below which are directly and specifically tied to the Program Description. The intended purpose for the USAID AOTR's substantial involvement during the administration of the award is to help the Recipient achieve the supported objectives of the CA. In this regard, USAID anticipates the following direct involvement in the carrying out of this Program:

#### Approval of recipient's Annual Implementation Plans

Activities and results not sufficiently discussed in the Program Description will be vetted through an Annual Implementation Plan, which will require AOTR approval. Significant changes which impact the timing or achievement of objectives identified in the plan will require approval by the Agreement Officer.

Implementation Plans should include a timeline for the planned achievement of milestones and outputs, as well as budgets identified with particular sub-activities.

Approval of the first year work plan within 60 days of signing the award as well as approval of the following annual work plans, 45 days after the termination of each fiscal year (September 30).

**Approval of specified key personnel**

Up to 3 persons should be clearly identified as “Key Personnel” with expertise in the areas of criminal justice system, public defense and legal services, civil society participation and oversight of the legal system, and anti-corruption processes and experiences in judicial institutions. Key personnel will include a full-time Project Director. Interested applicants are invited to propose combinations of key staff.

In addition to the Project Director the following staff positions may be included in this award as key personnel:

- Senior Criminal Justice and Public Defense Specialist -- Deputy Project Manager
- Senior Civil Society Specialist
- Financial Director

**Agency and Recipient Collaboration or Joint Participation**

Involvement is foreseen in the following areas of this Cooperative Agreement:

- Collaborative involvement in selection and approval of the cities for implementation of project component #1 More Effective Application of Criminal Justice.
- Approval of the Monitoring and Evaluation Plan to be submitted by the recipient 60 days after signing of the Award.
- Approval of the sub-grants or sub-awards directed to civil society organizations under Grants Fund, component #2 Increased Citizen Oversight of Justice Reform; and approval of sub-contracts and grants contemplated in this project.
- Monitoring to permit specified kinds of direction or redirection because of interrelations between with other USG sponsored projects.

**[End of Section II]**

### **III. ELIGIBILITY INFORMATION**

#### **A. ELIGIBLE APPLICANTS**

Any type of organization (U. S. or non-U.S., large or small commercial [for profit] firms, educational institutions, and non-profit organizations) is eligible to compete.

#### **B. COST SHARING OR MATCHING**

The minimum cost share for this RFA is 20% of *USAID funding*. Cost-share will be composed of in-kind contribution (cost allowable as per OMB Circular A-110 and 22CRF 226.23); and cash contributions from other international and/or national funding sources that support other projects and activities that directly or indirectly contribute to the goals and objectives of this project.

Given the need to promote greater buy-in from civil society and innovative alliances with other private or public sector organizations, the recipient shall motivate a counterpart contribution of 25% in civil society activities (component #3).

Any additional funding coming from other sources including international cooperation, public and private sector are encouraged and can be counted as leveraged funding.

Applications with a cost share less than this are non-responsive and will not be considered for award.

#### **C. CONSISTENCY WITH GRANTS AND COOPERATIVE AGREEMENTS TO US AND NON US NON-GOVERNMENTAL RECIPIENTS**

The modification to the award contemplated herein is consistent with the ADS 303 guidelines for US and Non US Nongovernmental Recipients.

**[End of Section III]**

#### IV. APPLICATION AND SUBMISSION INFORMATION

##### A. ADDRESS TO REQUEST APPLICATION PACKAGE

This application is found on the internet at [www.grants.gov](http://www.grants.gov). Potential applicants that cannot download application materials electronically may request paper copies of the RFA by contacting:

Ms. Luisa Alvarado  
Assistance Specialist  
USAID/Ecuador  
Av. Avigiras E12-170 y Eloy Alfaro  
Quito, Ecuador

Any questions concerning this RFA must be submitted in writing to Ms. Doanh Van, Regional Agreement Officer, via e-mail at [dvan@usaid.gov](mailto:dvan@usaid.gov) and to Ms. Luisa Alvarado at [lalvarado@usaid.gov](mailto:lalvarado@usaid.gov).

##### B. CONTENT AND FORM OF APPLICATION SUBMISSION

Hard copy and e-mail applications shall be submitted in two separate parts: (a) technical proposal or management plan, and (b) cost or business application.

##### C. TECHNICAL APPLICATION FORMAT

Technical applications should be specific, complete and presented concisely. The applications should demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. Technical applications should take into account requirements of the program and evaluation criteria found in this RFA.

The Technical Application shall contain the following sections: (1) a Cover Page; (1) an Application Executive Summary; (3) a Program Narrative; (4) an Implementation Plan; and (5) the Annexes. Page limitations are specified below for each section; applications must be on letter paper (8-1/2 by 11 inch), single spaced, 12 pitch type or larger, and have at least one inch margins on the top, bottom and both sides.

Applicant who include data that they do not want disclosed to the public for any purpose or used by the U.S. Government except for evaluation purposes, should:

(a) Mark the title page with the following legend:

"This application includes data that shall not be disclosed outside the U.S. Government and shall not be duplicated, used, or disclosed - in whole or in part - for any purpose other than to evaluate this application. If, however, a grant is awarded to this applicant as a result of - or in connection with - the submission of this data, the U.S. Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting grant. This restriction does not limit the U.S. Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets \_\_\_\_\_; and

(b) Mark each sheet of data it wishes to restrict with the following legend:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this application."

**C.1 Cover Page:** A single page with the names of the organizations/institutions involved in the proposed application. In the case of a group, please indicate the lead or primary applicant clearly; followed by any proposed sub-grantees and/or contractors (hereafter referred to as “subs”), including a brief narrative describing the unique capacities/skills being brought to the program by each institutions. In addition, the Cover Page should include information about a contact person for the prime applicant, including this individual’s name (both typed and his/her signature), title or position with the organization/institution, address, e-mail address and telephone and fax numbers. Also state whether the contact person is the person with authority to contract for the applicant, and if not, that person should also be listed.

**C.2 Application Executive Summary:** A three page brief description of proposed activities, goals, and anticipated results (both quantitative and qualitative). Briefly describe technical and managerial resources of your organization. Describe how the overall program will be managed. State the bottom line funding request from USAID and the bottom line funding secured from other sources (state sources and amounts) for the proposed program.

**C.3 Program Narrative:** In twenty (20) pages or less, please describe your proposed strategy and approach and the experience and personnel capabilities of the Applicant, excluding attachments. The narrative should provide a clear description of what the Applicant proposes to do. The following sections should be included:

**Implementation Plan:** Provide a project implementation plan (chart) including main activities for the three-year project. List on the vertical axis the activities, and on the horizontal axis the following information: (a) name of implementer(s); and (b) time frame, noting estimated dates of completion. Subject to the availability of funds and the annual approval of the Operational Plan, including receipt of timely Congressional approval, USAID plans to obligate funds according to the following time frame: \$2,564,000 on the date of this Modification.

**Institutional Capability and Past Performance:** In five (5) pages or less Include a description of all contracts, grants, and cooperative agreements which the applicant has implemented involving similar or related programs over the past four years with USAID or with other organizations (both commercial, governmental, and NGO). Include the following:

- (a) Name and address of organization for which the work was performed;
- (b) Current telephone number of responsible representative of the organization for which the work was performed;
- (c) Agreement (or grant/contract) name and number (if any), annual amount received for each of the last four years, and beginning and ending dates; and
- (d) Brief description of the project/assistance activity and a summary of results achieved.

**Annex:** Applicants are to include in this Annex the resumes and letters of commitment for each individual who will work at least 75% of his/her time on the. The resumes must be no more than two pages each, and the letters of commitment must not exceed a single page each.

## D. COST APPLICATION FORMAT

The Cost or Business Application shall be submitted separately from the technical application. Certain documents are required to be submitted by an applicant in order for the Agreement Officer to make a determination of responsibility. However, it is USAID policy not to burden applicant with undue reporting requirements if that information is readily available through other sources.

The following sections describe the documentation that applicants for Assistance award must submit to USAID prior to award. One CD with the same contents as the Cost/Business Application hardcopy must also be included to the hard copy Application. While there is no page limit for this portion, applicants are encouraged to be as concise as possible, but still provide the necessary detail to address the following:

A. Include a budget (scanned version and unprotected Excel format) with an accompanying budget narrative which provides in detail the total costs for implementation of the program your organization is proposing. Detailed budget notes and supporting justification of all proposed budget line items should be included. In addition, a summary of the budget must be submitted using Standard Form 424 and 424A.

The budget shall include:

1. The Cost/Business application must be completely separate from the applicant's technical application. The application must be submitted using SF-424 and SF-424A "Application for Federal Assistance."
2. The cost application should not exceed \$6,611,000 using the budget format shown in the SF-424A. If there are any training costs to be charged to this Agreement, they must be clearly identified. Standard Form 424 and 424A which can be downloaded from the USAID web site, [http://www.usaid.gov/procurement\\_bus\\_opp/procurement/forms/sf424/](http://www.usaid.gov/procurement_bus_opp/procurement/forms/sf424/)
3. The budget to be presented under Cost/Business Application should relate to results while also showing the inputs (see item 10, below) for each result as well as overall. A matrix format will probably be most suitable.
4. Applicant should assume notification of an award approximately sixty (60) days after the date established as a deadline for receipt of applications.
5. In the case of a group application, the Cost/Business application must include a copy of the legal relationship between the prime applicant and its partners. The application document should include a full discussion of the relationship between the applicant and its partners, including identification of the applicant with which USAID will treat for purposes of Agreement administration, identity of the applicant which will have accounting responsibility, how Agreement effort will be allocated and the express Agreement of the principals thereto to be held jointly and severally liable for the acts or omissions of the other.
6. The proposed budget should provide cost estimates for the management of the program (including program monitoring). Applicants should minimize their administrative and support costs for managing the project to maximize the funds available for project activities. Accordingly, those applications with minimal administrative costs may be deemed to offer a "greater value" than those with higher costs for program administration. Additionally, those applications with a greater proportion of cost share may be deemed to offer a "greater value."

Include a chart containing the main activities of the program. List on the vertical axis the activities, and on the horizontal axis the following information: (a) name of implementers; and (b) time frame, noting estimated dates of completion; and (c) the respective cost. Note that this is a similar chart to the one requested under the Technical Application, but also including cost.

7. The breakdown of all costs associated with the program according to costs of, if applicable, headquarters, regional and/or country offices; Discuss the management information procedure you will employ to ensure accountability for the use of U.S. Government funds. Describe program

budgeting, financial and related program reporting procedures.

8. In addition to providing summary cost data in the SF424A format noted above, applicant is required to summarize cost data using development-focused budgeting (DFB) in cost applications submitted in response to this solicitation. DFB is a customer-based, performance-driven, results-oriented budget system underpinned by outcome management. Outcome management is a management approach that focuses on the development results achieved by providing a service.

DFB involves summarizing cost data to corresponding development results/outcomes as set forth in the Mission’s approved Operational Plan. Cost data must be summarized in both the SF424A and DFB categories by the corresponding program elements. If an input serves multiple development results and program elements, the applicant must allocate the input across the corresponding results and provide a rationale in the budget narrative for the method used for each allocated input. See below budget areas.

Description of Components	Program Elements		Total
	Justice System (A07, 2.1.3)	Anticorruption (A08, 2.2.4)	
More effective application of Criminal Justice	\$ -	\$ -	\$ -
Expanded access to Justice	\$ -	\$ -	\$ -
Increased Citizen oversight of Justice Reform	\$ -	\$ -	\$ -
Enhanced Transparency in the Judiciary	\$ -	\$ -	\$ -
<b>Total</b>	\$ -	\$ -	\$ -

9. **Budget Notes:** an accompanying budget narrative by line item which provides in detail the total costs for implementation of the program and achieving results your organization is proposing per year. Please include the breakdown of all input costs according to each partner organization or subcontractor/subgrantee involved in the program, the costs associated with external, expatriate technical assistance and those associated with local in-country technical assistance, the breakdown of the financial and in-kind contributions of all organizations involved in implementing this Cooperative Agreement, and potential contributions of non-USAID or private commercial donors to this Cooperative Agreement;

**Salary and Wages** - Direct salaries and wages should be proposed in accordance with the applicant's personnel policies.

**Fringe Benefits** - If the applicant has a fringe benefit rate that has been approved by an agency of the Government, such rate should be used and evidence of its approval should be provided. If a fringe benefit rate has not been so approved, the application should propose a rate and explain how the rate was determined. If the latter is used, the narrative should include a detailed breakdown comprised of all items of fringe benefits (e.g., unemployment insurance, workers compensation, health and life insurance, retirement, etc.) and the costs of each, expressed in dollars and as a percentage of salaries.

**Travel and Transportation** - The application should indicate the number of trips, domestic and international, and the estimated costs. Specify the origin and destination for each proposed trip, duration of travel, and number of individuals traveling. Per diem should be based on the applicant's normal travel policies (applicants may choose to refer to the Federal Standardized Travel Regulations

for cost estimates).

**Other Direct Costs** - This includes communications, report preparation costs, passports and visas fees, medical exams and inoculations, insurance (other than insurance included in the applicant's fringe benefits), equipment (procurement plan for commodities), office rent abroad, etc. The narrative should provide a breakdown and support for all and each other direct costs.

**Administrative Fee** – The applicant should provide sufficient information of the proposed Administrative fee for USAID to determine the reasonableness of the rate. The applicant should support the proposed indirect cost rate with a letter from a cognizant U. S. Government audit agency or with sufficient information for USAID to determine the reasonableness of the rates.

**Seminars and Conferences** - The applicant should indicate the subject, venue and duration of proposed conferences and seminars, and their relationship to the objectives of the program, along with estimates of costs.

**Foreign Government Delegations to International Conferences:** Funds in this agreement may not be used to finance the travel, per diem, hotel expenses, meals, conference fees or other conference costs for any member of a foreign government's delegation to an international conference sponsored by a public international organization, except as provided in ADS Mandatory Reference "Guidance on Funding Foreign Government Delegations to International Conferences or as approved by the AOTR [<http://www.info.usaid.gov/pubs/ads/300/refindx3.htm>].

#### **A procurement plan for commodities**

**Source and Origin Requirements** - Goods and services provided by the Recipients under this USAID-financed award shall have their source and origin in the United States (000).

**Cost Sharing:** Refer to Section III. B.

- E. A copy of the latest Negotiated Indirect Cost Rate Agreement if your organization has such an agreement with the US Government;
- F. Applicants which do not currently have a Negotiated Indirect Cost Rate Agreement (NICRA) from their cognizant agency shall also submit the following information:
  - 1. Copies of the applicant's financial reports for the previous 3-year period, which have been audited by a certified public accountant or other auditor satisfactory to USAID;
  - 2. Projected budget, cash flow and organizational chart; and
  - 3. A copy of the organization's accounting manual.
- G. Applicants should submit additional evidence of responsibility they deem necessary for the Agreement Officer to make a determination of responsibility. The information submitted should substantiate that the Applicant:
  - 1. Has adequate financial resources or the ability to obtain such resources as required during the performance of the award.
  - 2. Has the ability to comply with the award conditions, taking into account all existing and currently

prospective commitments of the applicant, nongovernmental and governmental.

3. Has a satisfactory record of performance. Past relevant unsatisfactory performance is ordinarily sufficient to justify a finding of non-responsibility, unless there is clear evidence of subsequent satisfactory performance.
4. Has a satisfactory record of integrity and business ethics; and
5. Is otherwise qualified and eligible to receive a cooperative agreement under applicable laws and regulations (e.g., EEO).

## H. REQUIRED FORMS

All Applicants must submit the application using the SF-424 series, which includes the:

- **SF-424, Application for Federal Assistance; SF-424 C and SF-424 D for non-construction awards**

## I. CERTIFICATIONS, ASSURANCES, AND OTHER STATEMENTS OF RECIPIENT

### PART I - CERTIFICATIONS AND ASSURANCES

#### 1. ASSURANCE OF COMPLIANCE WITH LAWS AND REGULATIONS GOVERNING NON-DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

- (a) The recipient hereby assures that no person in the United States shall, on the bases set forth below, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving financial assistance from USAID, and that with respect to the grant for which application is being made, it will comply with the requirements of:
  - (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. 2000-d), which prohibits discrimination on the basis of race, color or national origin, in programs and activities receiving Federal financial assistance;
  - (2) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance;
  - (3) The Age Discrimination Act of 1975, as amended (Pub. L. 95-478), which prohibits discrimination based on age in the delivery of services and benefits supported with Federal funds;
  - (4) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution); and
  - (5) USAID regulations implementing the above nondiscrimination laws, set forth in Chapter II of Title 22 of the Code of Federal Regulations.
- (b) If the recipient is an institution of higher education, the Assurances given herein extend to admission practices and to all other practices relating to the treatment of students or clients of the institution, or relating to the opportunity to participate in the provision of services or other benefits to such individuals, and shall be applicable to the entire institution unless the recipient establishes to the satisfaction of the

USAID Administrator that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which financial assistance is sought, or the beneficiaries of, or participants in, such programs.

- (c) This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the recipient by the Agency, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the United States shall have the right to seek judicial enforcement of this Assurance. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

## **2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

### **(a) Instructions for Certification**

- (1) By signing and/or submitting this application or grant, the recipient is providing the certification set out below.
- (2) The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the recipient knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
- (3) For recipients other than individuals, Alternate I applies.
- (4) For recipients who are individuals, Alternate II applies.

### **(b) Certification Regarding Drug-Free Workplace Requirements**

#### **Alternate I**

- (1) The recipient certifies that it will provide a drug-free workplace by:
  - (A) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the applicant's/grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (B) Establishing a drug-free awareness program to inform employees about--
    1. The dangers of drug abuse in the workplace;
    2. The recipient's policy of maintaining a drug-free workplace;
    3. Any available drug counseling, rehabilitation, and employee assistance programs; and
    4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (C) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (b)(1)(A);
  - (D) Notifying the employee in the statement required by paragraph (b)(1)(A) that, as a condition of employment under the grant, the employee will--
    - 1. Abide by the terms of the statement; and
    - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
  - (E) Notifying the agency within ten days after receiving notice under subparagraph (b)(1)(D)1, from an employee or otherwise receiving actual notice of such conviction;
  - (F) Taking one of the following actions, within 30 days of receiving notice under subparagraph (b)(1)(D)2., with respect to any employee who is so convicted--
    - 1. Taking appropriate personnel action against such an employee, up to and including termination; or
    - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (G) Making a good faith effort to continue to maintain a drug- free workplace through implementation of paragraphs (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(1)(D), (b)(1)(E) and (b)(1)(F).
- (2) The recipient shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Alternate II

The recipient certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

**3. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS [3]**

(a) Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meaning set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. [4] You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transaction," [5] provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the methods and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent

person in the ordinary course of business dealing.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

(b) Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, the it and its principals:
  - (A) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (B) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (C) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(B) of this certification;
  - (D) Have not within a three-year period proceeding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### 4. CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**5. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS FOR COVERED COUNTRIES AND INDIVIDUALS (ADS 206)**

USAID reserves the right to terminate this [Agreement/Contract], to demand a refund or take other appropriate measures if the [Grantee/ Contractor] is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140. The undersigned shall review USAID ADS 206 to determine if any certification is required for Key Individuals or Covered Participants.

If there are COVERED PARTICIPANTS: USAID reserves the right to terminate assistance to, or take or take other appropriate measures with respect to, any participant approved by USAID who is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140.

The recipient has reviewed and is familiar with the proposed grant format and the applicable regulations, and takes exception to the following (use a continuation page as necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Solicitation No. \_\_\_\_\_

Application/Proposal No. \_\_\_\_\_

Date of Application/Proposal \_\_\_\_\_

Name of Recipient \_\_\_\_\_

Typed Name and Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

[1] FORMATS\GRNTCERT: Rev. 06/16/97 (ADS 303.6, E303.5.6a) [2] When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement". [3] The recipient must obtain from each identified subgrantee and (sub)contractor, and submit with its application/proposal, the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Transactions, set forth in Attachment A hereto. The recipient should reproduce additional copies as necessary. [4] See ADS Chapter E303.5.6a, 22 CFR 208, Annex1, App A. [5] For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the grant standard provision entitled "Debarment, Suspension, and Related Matters" if the recipient is a U.S. nongovernmental organization, or in the grant standard provision entitled "Debarment, Suspension, and Other Responsibility Matters" if the recipient is a non-U.S. nongovernmental organization.

## PART II - OTHER STATEMENTS OF RECIPIENT

### 1. AUTHORIZED INDIVIDUALS

The recipient represents that the following persons are authorized to negotiate on its behalf with the Government and to bind the recipient in connection with this application or grant:

Name	Title	Telephone No.	e.mail address.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

### 2. TAXPAYER IDENTIFICATION NUMBER (TIN)

If the recipient is a U.S. organization, or a foreign organization which has income effectively connected with the conduct of activities in the U.S. or has an office or a place of business or a fiscal paying agent in the U.S., please indicate the recipient's TIN:

TIN: \_\_\_\_\_

### 3. CONTRACTOR IDENTIFICATION NUMBER - DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER

(a) In the space provided at the end of this provision, the recipient should supply the Data Universal

Numbering System (DUNS) number applicable to that name and address. Recipients should take care to report the number that identifies the recipient's name and address exactly as stated in the proposal.

- (b) The DUNS is a 9-digit number assigned by Dun and Bradstreet Information Services. If the recipient does not have a DUNS number, the recipient should call Dun and Bradstreet directly at 1-800-333-0505. A DUNS number will be provided immediately by telephone at no charge to the recipient. The recipient should be prepared to provide the following information:
- (1) Recipient's name.
  - (2) Recipient's address.
  - (3) Recipient's telephone number.
  - (4) Line of business.
  - (5) Chief executive officer/key manager.
  - (6) Date the organization was started.
  - (7) Number of people employed by the recipient.
  - (8) Company affiliation.
- (c) Recipients located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at <http://www.dbisna.com/dbis/customer/custlist.htm>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at [globalinfo@dbisma.com](mailto:globalinfo@dbisma.com).

The DUNS system is distinct from the Federal Taxpayer Identification Number (TIN) system.

DUNS: \_\_\_\_\_

<https://eupdate.dnb.com/requestoptions.html> <http://www.fpdc.gov/fpdc/duns-query3.htm>

#### 4. LETTER OF CREDIT (LOC) NUMBER

If the recipient has an existing Letter of Credit (LOC) with USAID, please indicate the LOC number:

LOC: \_\_\_\_\_

#### 5. PROCUREMENT INFORMATION

- (a) **Applicability.** This applies to the procurement of goods and services planned by the recipient (i.e., contracts, purchase orders, etc.) from a supplier of goods or services for the direct use or benefit of the recipient in conducting the program supported by the grant, and not to assistance provided by the recipient (i.e., a subgrant or subagreement) to a subgrantee or subrecipient in support of the subgrantee's or subrecipient's program. Provision by the recipient of the requested information does not, in and of itself, constitute USAID approval.
- (b) **Amount of Procurement.** Please indicate the total estimated dollar amount of goods and services which the recipient plans to purchase under the grant:
- \$ \_\_\_\_\_
- (c) **Nonexpendable Property.** If the recipient plans to purchase nonexpendable equipment which would require the approval of the Agreement Officer, please indicate below (using a continuation page, as necessary) the types, quantities of each, and estimated unit costs. Nonexpendable equipment for which the



of each non-U.S. supplier of each good or service, and the rationale for purchasing from a non-U.S. supplier. Any supplier whose nationality is a non-Free World country is ineligible for USAID financing.

TYPE/DESCRIPTION RATIONALE (Generic)	QUANTITY UNIT COST	ESTIMATED (Non-US Only)	PROBABLE SUPPLIER for NON-US	NATIONALITY
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(g) Proposed Disposition. If the recipient plans to purchase any nonexpendable equipment with a unit acquisition cost of \$5,000 or more, please indicate below (using a continuation page, as necessary) the proposed disposition of each such item. Generally, the recipient may either retain the property for other uses and make compensation to USAID (computed by applying the percentage of federal participation in the cost of the original program to the current fair market value of the property), or sell the property and reimburse USAID an amount computed by applying to the sales proceeds the percentage of federal participation in the cost of the original program (except that the recipient may deduct from the federal share \$500 or 10% of the proceeds, whichever is greater, for selling and handling expenses), or donate the property to a host country institution, or otherwise dispose of the property as instructed by USAID.

TYPE/DESCRIPTION(Generic) DISPOSITION	QUANTITY	ESTIMATED UNIT COST	PROPOSED
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**6. PAST PERFORMANCE REFERENCES**

On a continuation page, please provide a list of the ten most current U.S. Government and/or privately-funded contracts, grants, cooperative agreements, etc., and the name, address, and telephone number of the Contract/Agreement Officer or other contact person.

**7. TYPE OF ORGANIZATION**

The recipient, by checking the applicable box, represents that -

- (a) If the recipient is a U.S. entity, it operates as  a corporation incorporated under the laws of the State of,  an individual,  a partnership,  a nongovernmental nonprofit organization,  a state or local governmental organization,  a private college or university,  a public college or university,  an international organization, or  a joint venture; or
- (b) If the recipient is a non-U.S. entity, it operates as  a corporation organized under the laws of \_\_\_\_\_ (country),  an individual,  a partnership,  a nongovernmental nonprofit organization,  a nongovernmental educational institution,  a governmental organization,  an international organization, or  a joint venture.

**8. ESTIMATED COSTS OF COMMUNICATIONS PRODUCTS**

The following are the estimate(s) of the cost of each separate communications product (i.e., any printed material [other than non-color photocopy material], photographic services, or video production services) which is anticipated under the grant. Each estimate must include all the costs associated with preparation and

execution of the product. Use a continuation page as necessary.

## **9. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS**

### **(a) Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, has the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. 1/ You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier covered Transaction," 2/ without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended,

debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

(b) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Solicitation No. \_\_\_\_\_

Application/Proposal No. \_\_\_\_\_

Date of Application/Proposal \_\_\_\_\_

Name of Applicant/Subgrantee \_\_\_\_\_

Typed Name and Title \_\_\_\_\_

Signature \_\_\_\_\_

1/ See ADS Chapter 303, 22 CFR 208.

2/ For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the USAID grant standard provision for U.S. nongovernmental organizations entitled "Debarment, Suspension, and Related Matters" (see ADS Chapter 303), or in the USAID grant standard provision for non-U.S. nongovernmental organizations entitled "Debarment, Suspension, and Other Responsibility Matters" (see ADS Chapter 303).

**10. KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING**

I hereby certify that within the last ten years:

1. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.
2. I am not and have not been an illicit trafficker in any such drug or controlled substance.
3. I am not and have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title/Position: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Date of Birth: \_\_\_\_\_

**NOTICE:**

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain key individuals of organizations must sign this Certification.

2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

**11. PARTICIPANT CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING**

1. I hereby certify that within the last ten years:

- a. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.
- b. I am not and have not been an illicit trafficker in any such drug or controlled substance.
- c. I am not or have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

2. I understand that USAID may terminate my training if it is determined that I engaged in the above conduct during the last ten years or during my USAID training.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Date of Birth: \_\_\_\_\_

NOTICE:

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain participants must sign this Certification.
2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

FORMATS\GRNTCERT: Rev. 06/16/97 (ADS 303.6, E303.5.6a) When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement". The recipient must obtain from each identified subgrantee and (sub)contractor, and submit with its application/proposal, the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Transactions, set forth in Attachment A hereto. The recipient should reproduce additional copies as necessary. See ADS Chapter E303.5.6a, 22 CFR 208, Annex1, App A. For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the grant standard provision entitled "Debarment, Suspension, and Related Matters" if the recipient is a U.S. nongovernmental organization, or in the grant standard provision entitled "Debarment, Suspension, and Other Responsibility Matters" if the recipient is a non-U.S. nongovernmental organization.

## 12. CERTIFICATION REGARDING MATERIAL SUPPORT AND RESOURCES

As a condition of entering into the referenced agreement, \_\_\_\_\_ hereby certifies that it has not provided and will not provide material support or resources to any individual or entity that it knows, or has reason to know, is an individual or entity that advocates, plans, sponsors, engages in, or has engaged in terrorist activity, including but not limited to the individuals and entities listed in the Annex to Executive Order 13224 and other such individuals and entities that may be later designated by the United States under any of the following authorities: § 219 of the Immigration and Nationality Act, as amended (8 U.S.C. § 1189), the International Emergency Economic Powers Act (50 U.S.C. § 1701 et seq.), the National Emergencies Act (50 U.S.C. § 1601 et seq.), or § 212(a)(3)(B) of the Immigration and Nationality Act, as amended by the USA Patriot Act of 2001, Pub. L. 107-56 (October 26, 2001)(8 U.S.C. §1182). \_\_\_\_\_ further certifies that it will not provide material support or resources to any individual or entity that it knows, or has reason to know, is acting as an agent for any individual or entity that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity, or that has been so designated, or will immediately cease such support if an entity is so designated after the date of the referenced agreement.

For purposes of this certification, "material support and resources" includes currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

For purposes of this certification, "engage in terrorist activity" shall have the same meaning as in section 212(a)(3)(B)(iv) of the Immigration and Nationality Act, as amended (8 U.S.C. § 1182(a)(3)(B) (iv)).

For purposes of this certification, "entity" means a partnership, association, corporation, or other organization, group, or subgroup.

This certification is an express term and condition of the agreement and any violation of it shall be grounds for unilateral termination of the agreement by USAID prior to the end of its term.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

**NOTICE:**

If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

**13. CERTIFICATION REGARDING TERRORIST FINANCING IMPLEMENTING E.O. 13224 (REVISION 2)**

By signing and submitting this application, the prospective recipient provides the certification set out below:

1. The Recipient, to the best of its current knowledge, did not provide, within the previous ten years, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts, as that term is defined in paragraph 3.
2. The following steps may enable the Recipient to comply with its obligations under paragraph 1:
  - a. Before providing any material support or resources to an individual or entity, the Recipient will verify that the individual or entity does not (i) appear on the master list of Specially Designated Nationals and Blocked Persons, which list is maintained by the U.S. Treasury's Office of Foreign Assets Control (OFAC) and is available online at OFAC's website : <http://www.treas.gov/offices/eotffc/ofac/sdn/t11sdn.pdf>, or (ii) is not included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID to the Recipient.
  - b. Before providing any material support or resources to an individual or entity, the Recipient also will verify that the individual or entity has not been designated by the United Nations Security (UNSC) sanctions committee established under UNSC Resolution 1267 (1999) (the "1267 Committee") [individuals and entities linked to the Taliban, Osama bin Laden, or the Al Qaida Organization]. To determine whether there has been a published designation of an individual or entity by the 1267 Committee, the Recipient should refer to the consolidated list available online at the Committee's website: <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>.
  - c. Before providing any material support or resources to an individual or entity, the Recipient will

consider all information about that individual or entity of which it is aware and all public information that is reasonably available to it or of which it should be aware.

- d. The Recipient also will implement reasonable monitoring and oversight procedures to safeguard against assistance being diverted to support terrorist activity.

3. For purposes of this Certification-

- a. "Material support and resources" means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials."

- b. "Terrorist act" means-

(i) an act prohibited pursuant to one of the 12 United Nations Conventions and Protocols related to terrorism (see UN terrorism conventions Internet site: <http://untreaty.un.org/English/Terrorism.asp>); or

(ii) an act of premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; or

(iii) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

- c. "Entity" means a partnership, association, corporation, or other organization, group or subgroup.

- d. References in this Certification to the provision of material support and resources shall not be deemed to include the furnishing of USAID funds or USAID-financed commodities to the ultimate beneficiaries of USAID assistance, such as recipients of food, medical care, micro-enterprise loans, shelter, etc., unless the Recipient has reason to believe that one or more of these beneficiaries commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated or participated in terrorist acts.

- e. The Recipient's obligations under paragraph 1 are not applicable to the procurement of goods and/or services by the Recipient that are acquired in the ordinary course of business through contract or purchase, e.g., utilities, rents, office supplies, gasoline, etc., unless the Recipient has reason to believe that a vendor or supplier of such goods and services commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated or participated in terrorist acts.

This Certification is an express term and condition of any agreement issued as a result of this application, and any violation of it shall be grounds for unilateral termination of the agreement by USAID prior to the end of its term.

Signed: \_\_\_\_\_

\_\_\_\_\_ Date

**J. NEW APPLICANTS:**

Applicants that have never received a cooperative agreement, grant or contract from the U.S. Government are required to submit a copy of their accounting manual. If a copy has already been submitted to the U.S. Government, the applicant should advise which Federal Office has a copy.

**K. SUBMISSION DATES AND TIMES**

Applications are due to USAID by closing date and time described in the cover letter (Applications which are submitted late or are incomplete run the risk of not being considered in the review process. "Late applications will not be considered for award" or "Late applications will be considered for award if the Agreement Officer determines it is in the Government's interest.")

Hard copies of applications and modifications thereof (1 original and 3 copies of each technical and 1 original of cost proposal is required) should be submitted in sealed envelopes or packages with the RFA number, the name and address of the applicant, and whether the contents contain technical and/or cost proposals noted on the outside of the envelopes/packages to:

Applicants shall submit their applications and all attachments by TWO methods: 1) electronically through email service and 2) hard copy versions physically arriving at the Regional Contracting Office. **Both the electronic and hard copies must arrive by the stated deadline in order for the proposal to be considered.**

Applications and modifications thereto, shall be submitted in sealed envelopes with the name and address of the applicant and the RFA number ("RFA 518-09-000021") inscribed thereon.

- 1) Applicants must submit one electronic copy of all documents in the application in two separate parts: the Technical Proposal and Business (Cost) Application. Electronic versions must be compatible with MSWord and/or MSEXcel, in a MS Windows environment. The size of each electronic submission should not exceed of 15 MB and no zip extensions should be used.
- 2) The technical and cost application hard copy versions and attachments shall be submitted in sealed envelopes with the name and address of the offeror and the RFA number inscribed thereon via one of the following methods:

1. Delivery by APO Mail:

Sergio Guzman  
USAID/Ecuador  
AID  
UNIT 3420 BOX 100  
DPO, AA 34039-1000

2. Delivery by Mail (or delivered by hand)

Ms. Luisa Alvarado  
A&A Specialist  
USAID/Ecuador  
Av. Avigiras E12-170 y  
Eloy Alfaro  
Quito, Ecuador

Phone No.: (5932) 398-5034  
Re: RFA No. 518-09-000021

In order to avoid delays from the customs clearance process, applications sent via courier should not weight more than 5 kg. (10 lbs.). Packages should include printed documents only. CDs, videos, catalogues and magazines should not be included as they will cause the package to be re-routed to customs.

3. Electronic Delivery

Technical and Cost Application shall be submitted in two separate parts: (a) technical and (b) cost application. Technical and cost portions of the application should be submitted as an attachment to an electronic mail. The technical application must be in Microsoft Word format while the Cost Application must have text in Microsoft Word format and with budgets/spreadsheets in Microsoft Excel format. Electronic document size should not exceed 15MB and shall be delivered to the following addresses:

Ms. Doanh Van (Technical and Cost Application)  
Internet Address: [dvan@usaid.gov](mailto:dvan@usaid.gov)

Ms. Veronica Leo (Technical and Cost Application)  
Internet Address: [vleo@usaid.gov](mailto:vleo@usaid.gov)

Ms. Luisa Alvarado (Technical and Cost Application)  
Internet Address: [lalvarado@usaid.gov](mailto:lalvarado@usaid.gov)

Applications must remain available for acceptance by USAID for a minimum of ninety (90) days.

Applications may be sent by international air courier or delivered by hand to the above address. Please be advised that in the past some firms have experienced delays with international air courier services. Applications received after the closing date and time will be processed as late. Also, if you utilize the services of an independent agent in Ecuador to deliver your application, please be certain that he/she understands additional time may be needed to allow for security review of any packages and that the closing date and time are firm.

Please note that the designated office or Government installation for receipt of applications is not the USAID/Washington mailroom or any other office or facility of the U.S. Department of State in Washington, D.C.

Fax copies will not be accepted.

Please note that the U.S. mail address given above is via APO and may take up to two weeks for delivery to the USAID/Ecuador offices in Quito. USAID and the State Department accept no liability for late delivery, or non-delivery, attributable to the diplomatic pouch. Offerors should plan accordingly.

Note: Delivery to the U.S. mail, post office or air courier representative does not constitute meeting the statutory requirement that applications are received on time at the designated office. In order to avoid the customs clearance process, applications sent via courier should not weigh more than 5 Kg. (10 Lbs.). Packages should include printed documents only. CDs, videos,

catalogues, and magazines should not be included. For purposes of recording the official receipt of applications, the date/time stamp of the Regional Agreement Office at USAID/Ecuador will govern.

Late proposals will not be accepted.

#### **L. OTHER SUBMISSION REQUIREMENTS**

**A. Unnecessarily Elaborate Applications** – Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective application in response to this RFA are not desired and may be construed as an indication of the applicant's lack of cost consciousness. Elaborate art work, expensive paper and bindings, and expensive visual and other presentation aids are neither necessary nor wanted.

**B. Proprietary Information** – Applicants which include data that they do not want disclosed to the public for any purpose or used by the U.S. Government except for evaluation purposes, should:

1. Mark the title page with the following legend:

"This application includes data that shall not be disclosed outside the U.S. Government and shall not be duplicated, used, or disclosed - in whole or in part - for any purpose other than to evaluate this application. If, however, a cooperative agreement is awarded to this applicant as a result of - or in connection with - the submission of this data, the U.S. Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting agreement. This restriction does not limit the U.S. Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in pages \_\_\_\_; and"

2. Mark each sheet of data it wishes to restrict with the following legend:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this application."

**C. Explanation to Prospective Applicants** – Any prospective applicant desiring an explanation or interpretation of this RFA must request it in writing. Questions should be sent within the date for submission of questions included in the cover page to allow a reply to reach all prospective applicants before the submission of their applications. Oral explanations or instructions given before award of a Cooperative Agreement will not be binding. Any information given to a prospective applicant concerning this RFA will be furnished promptly to all other prospective applicants as an amendment of this RFA, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective applicants.

**D. Language** – All applications must be in English.

## V. APPLICATION REVIEW INFORMATION

### A. EVALUATION CRITERIA

The criteria presented below have been tailored to the requirements of this particular RFA. Applicants should note that these criteria serve to: (a) identify the significant matters which applicants should address in their applications and (b) set the standard against which all applications will be evaluated. To facilitate the review of applications, applicants should organize the narrative sections of their applications in the same order as the selection criteria.

Applications will be evaluated by a Technical Evaluation Committee, with selection made on the basis of the following weighted criteria:

#### 1. Technical Approach (40%):

Overall quality of the technical proposal in responding to the requirements outlined in the Program Description, including quick startup and innovative approaches to meet both the short- and long-term objectives of justice strengthening in the different areas proposed under this Project. Applicants will submit an implementation plan that outlines how the recipient proposes to accomplish the results stated in the Program Description. The plan should state clear and specific descriptions of the activities, outcomes, and results anticipated, defined by quantifiable and qualitative indicators of progress and achievement of results. The applicants will provide a clear timeline of activities which will include sequencing and the approach used to attain results in the four components over a three-year period.

Particular attention will be given to the strategies and approaches proposed to improve the application of the criminal justice system in cities such as Quito and Guayaquil considering recent legal reforms, institutional situation in justice institutions, and new constitution. In addition, approaches and strategies to effectively and sustainably engage civil society in justice reform and accomplish anti-corruption results within judicial institutions are also areas of special attention.

#### 2. Personnel Capability and Experience (30%):

Demonstrated capacity and experience of the technical and management personnel proposed for the design and implementation of the activities outlined. Up to 3 persons should be clearly identified as "Key Personnel" with expertise in the areas of criminal justice system and public defense, and/or civil society participation and oversight of the legal system, and/or anti-corruption processes and experiences in judicial institutions. Key personnel will include a full-time Project Director. Interested applicants are invited to propose combinations of key staff. The recipient will use as required, additional international and/or preferably local, short-term technical assistance. USAID encourages the use of national candidates. Factors to be evaluated are the technical and managerial experience and skills of proposed key personnel; practical experience in establishing and operating programs in their specific areas of expertise; demonstrated understanding of criminal justice reform and functioning of judicial institutions in Ecuador; knowledge of the region and Ecuador; and demonstrated experience and ability to work in the region or in a similar environment.

#### 3. Institutional Capability (20%):

Organizational capacity, preferably in Latin America, in managing a complex and politically sensitive

justice program, including the contracting of a multiplicity of local and international organizations and consultants. Preference given to applicants who form alliances among U.S. and local organization for the implementation of the project. Criteria for evaluation will be based on the applicant's demonstrated ability and capacity to plan, implement, and support complex programs and the range of activities outlined in the Program Description. The criteria will also include: Ability to collaborate with other organizations; knowledge of USAID implementation and procurement regulations and practices; ability to disseminate that knowledge and help other organizations to comply with those regulations and practices; ability to monitor and evaluate program implementation, results and impact; clear organizational structure and relationships; ability to provide professional and logistical support to field operations; ability to meet USAID reporting and accountability requirements; and ability to staff and start project activities rapidly.

#### **4. Past Performance (10%):**

Past performance is a measure of the degree to which an applicant has satisfied its customers in the past and complied with applicable laws and regulations. Special emphasis will be given to past performance on similar programs, especially programs that have advanced results through combined approaches similar to those proposed by this project. USAID may contact some of the applicant's previous customers to ask whether or not they believe (1) that the applicant was capable, efficient, and effective; (2) that the applicant conformed to the terms and conditions of its agreement and/or contract; (3) that the applicant was reasonable and cooperative during the performance; and (4) that the applicant achieved justice sector results under diverse and fluid political environments. In evaluating past performance, USAID will contact some of the references provided by the applicant and utilize other sources of information, including, but not limited to: other government agencies, better business bureaus, published media, and electronic data bases. USAID will consider performance applicants that have previously rendered to USAID to be more influential than past performance for another source.

## **B. REVIEW AND SELECTION PROCESS**

The technical and cost application will be evaluated by the Technical Office and the negotiator respectively.

Authority to obligate the Government: the Agreement Officer is the only individual who may legally commit the U.S. Government to the expenditure of public funds. No costs chargeable to the proposed Agreement may be incurred before receipt of either an Agreement signed by the Supervisory Regional Agreement Officer of a specific, written authorization from the Agreement Officer

## **C. STANDARD PROVISIONS**

### **1. BRANDING STRATEGY – ASSISTANCE (December 2005)**

#### **(a) Definitions**

**Branding Strategy** means a strategy that is submitted at the specific request of a USAID Agreement Officer by an Apparently Successful Applicant after evaluation of an application for USAID funding, describing how the program, project, or activity is named and positioned, and how it is promoted and communicated to beneficiaries and host country citizens. It identifies all donors and explains how they will be acknowledged.

**Apparently Successful Applicant(s)** means the applicant(s) for USAID funding recommended for an award after evaluation, but who has not yet been awarded a grant, cooperative agreement or other assistance award by the Agreement Officer. The Agreement Officer will request that the Apparently Successful Applicants submit a Branding Strategy and Marking Plan. Apparently Successful Applicant status confers no right and constitutes no USAID commitment to an award.

**USAID Identity (Identity)** means the official marking for the Agency, comprised of the USAID logo and new brandmark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and is provided without royalty, license, or other fee to recipients of USAID-funded grants or cooperative agreements or other assistance awards or subawards.

(b) **Submission.** The Apparently Successful Applicant, upon request of the Agreement Officer, will submit and negotiate a Branding Strategy. The Branding Strategy will be included in and made a part of the resulting grant or cooperative agreement. The Branding Strategy will be negotiated within the time that the Agreement Officer specifies. Failure to submit and negotiate a Branding Strategy will make the applicant ineligible for award of a grant or cooperative agreement. The Apparently Successful Applicant must include all estimated costs associated with branding and marking USAID programs, such as plaques, stickers, banners, press events and materials, and the like.

(c) **Submission Requirements.** At a minimum, the Apparently Successful Applicant's Branding Strategy will address the following:

### **(1) Positioning**

*What is the intended name of this program, project, or activity?*

Guidelines: USAID prefers to have the USAID Identity included as part of the program or project name, such as a "title sponsor," if possible and appropriate. It is acceptable to "co-brand" the title with USAID's and the Apparently Successful Applicant's identities. For example: "The USAID and [Apparently Successful Applicant] Health Center."

If it would be inappropriate or is not possible to "brand" the project this way, such as when rehabilitating a structure that already exists or if there are multiple donors, please explain and indicate how you intend to showcase USAID's involvement in publicizing the program or project. *For example: School #123, rehabilitated by USAID and [Apparently Successful Applicant]/ [other donors].* Note: the Agency prefers "made possible by (or with) the generous support of the American People" next to the USAID Identity in acknowledging our contribution, instead of the phrase "funded by." USAID prefers local language translations.

*Will a program logo be developed and used consistently to identify this program? If yes, please attach a copy of the proposed program logo.*

Note: USAID prefers to fund projects that do NOT have a separate logo or identity that competes with the USAID Identity.

### **(2) Program Communications and Publicity**

*Who are the primary and secondary audiences for this project or program?*

Guidelines: Please include direct beneficiaries and any special target segments or influencers. *For*

*Example: Primary audience: schoolgirls age 8-12, Secondary audience: teachers and parents—specifically mothers.*

*What communications or program materials will be used to explain or market the program to beneficiaries?*

Guidelines: These include training materials, posters, pamphlets, Public Service Announcements, billboards, websites, and so forth.

*What is the main program message(s)?*

Guidelines: *For example: "Be tested for HIV-AIDS" or "Have your child inoculated."*

Please indicate if you also plan to incorporate USAID's primary message – this aid is "from the American people" – into the narrative of program materials. This is optional; however, marking with the USAID Identity is required.

*Will the recipient announce and promote publicly this program or project to host country citizens? If yes, what press and promotional activities are planned?*

Guidelines: These may include media releases, press conferences, public events, and so forth.

Note: incorporating the message, "USAID from the American People", and the USAID Identity is required.

*Please provide any additional ideas about how to increase awareness that the American people support this project or program.*

Guidelines: One of our goals is to ensure that both beneficiaries and host-country citizens know that the aid the Agency is providing is "from the American people."

Please provide any initial ideas on how to further this goal.

### **(3) Acknowledgements**

*Will there be any direct involvement from a host-country government ministry? If yes, please indicate which one or ones. Will the recipient acknowledge the ministry as an additional co-sponsor?*

Note: it is perfectly acceptable and often encouraged for USAID to "co-brand" programs with government ministries.

*Please indicate if there are any other groups whose logo or identity the recipient will use on program materials and related communications.*

Guidelines: Please indicate if they are also a donor or why they will be visibly acknowledged, and if they will receive the same prominence as USAID.

**(d) Award Criteria.** The Agreement Officer will review the Branding Strategy for adequacy, ensuring that it contains the required information on naming and positioning the USAID-funded program, project, or activity, and promoting and communicating it to cooperating country beneficiaries and citizens. The Agreement Officer also will evaluate this information to ensure that it is consistent with the stated objectives of the award; with the Apparently Successful Applicant's cost data submissions; with the Apparently Successful Applicant's project, activity, or program performance plan; and with the regulatory requirements set out in 22 CFR 226.91. The Agreement Officer may obtain advice and

recommendations from technical experts while performing the evaluation.

## **MARKING PLAN – ASSISTANCE (December 2005)**

### **(a) Definitions**

**Marking Plan** means a plan that the Apparently Successful Applicant submits at the specific request of a USAID Agreement Officer after evaluation of an application for USAID funding, detailing the public communications, commodities, and program materials and other items that will visibly bear the USAID Identity. Recipients may request approval of Presumptive Exceptions to marking requirements in the Marking Plan.

**Apparently Successful Applicant(s)** means the applicant(s) for USAID funding recommended for an award after evaluation, but who has not yet been awarded a grant, cooperative agreement or other assistance award by the Agreement Officer. The Agreement Officer will request that Apparently Successful Applicants submit a Branding Strategy and Marking Plan. Apparently Successful Applicant status confers no right and constitutes no USAID commitment to an award, which the Agreement Officer must still obligate.

**USAID Identity (Identity)** means the official marking for the Agency, comprised of the USAID logo and new brandmark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and USAID provides it without royalty, license, or other fee to recipients of USAID funded grants, cooperative agreements, or other assistance awards or subawards.

A **Presumptive Exception** exempts the applicant from the general marking requirements for a *particular* USAID-funded public communication, commodity, program material or other deliverable, or a *category* of USAID-funded public communications, commodities, program materials or other deliverables that would otherwise be required to visibly bear the USAID Identity. The Presumptive Exceptions are: Presumptive Exception (i). USAID marking requirements may not apply if they would compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials, such as election monitoring or ballots, and voter information literature; political party support or public policy advocacy or reform; independent media, such as television and radio broadcasts, newspaper articles and editorials; and public service announcements or public opinion polls and surveys (22 C.F.R. 226.91(h)(1)).

Presumptive Exception (ii). USAID marking requirements may not apply if they would diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent (22 C.F.R. 226.91(h)(2)).

Presumptive Exception (iii). USAID marking requirements may not apply if they would undercut host-country government “ownership” of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as “by” or “from” a cooperating country ministry or government official (22 C.F.R. 226.91(h)(3)).

Presumptive Exception (iv). USAID marking requirements may not apply if they would impair the functionality of an item, such as sterilized equipment or spare parts (22 C.F.R. 226.91(h)(4)).

Presumptive Exception (v). USAID marking requirements may not apply if they would incur

substantial costs or be impractical, such as items too small or otherwise unsuited for individual marking, such as food in bulk (22 C.F.R. 226.91(h)(5)).

Presumptive Exception (vi). USAID marking requirements may not apply if they would offend local cultural or social norms, or be considered inappropriate on such items as condoms, toilets, bed pans, or similar commodities (22 C.F.R. 226.91(h)(6)).

Presumptive Exception (vii). USAID marking requirements may not apply if they would conflict with international law (22 C.F.R. 226.91(h)(7)).

(b) **Submission.** The Apparently Successful Applicant, upon the request of the Agreement Officer, will submit and negotiate a Marking Plan that addresses the details of the public communications, commodities, program materials that will visibly bear the USAID Identity. The marking plan will be customized for the particular program, project, or activity under the resultant grant or cooperative agreement. The plan will be included in and made a part of the resulting grant or cooperative agreement. USAID and the Apparently Successful Applicant will negotiate the Marking Plan within the time specified by the Agreement Officer. Failure to submit and negotiate a Marking Plan will make the applicant ineligible for award of a grant or cooperative agreement. The applicant must include an estimate of all costs associated with branding and marking USAID programs, such as plaques, labels, banners, press events, promotional materials, and so forth in the budget portion of its application. These costs are subject to revision and negotiation with the Agreement Officer upon submission of the Marking Plan and will be incorporated into the Total Estimated Amount of the grant, cooperative agreement or other assistance instrument.

(c) **Submission Requirements.** The Marking Plan will include the following:

(1) A description of the public communications, commodities, and program materials that the recipient will be produced as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity. These include:

- (i) program, project, or activity sites funded by USAID, including visible infrastructure projects or other programs, projects, or activities that are physical in nature;
- (ii) technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID;
- (iii) events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences, and other public activities; and
- (iv) all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies and other materials funded by USAID, and their export packaging.

(2) A table specifying:

- (i) the program deliverables that the recipient will mark with the USAID Identity,
- (ii) the type of marking and what materials the applicant will be used to mark the program deliverables with the USAID Identity, and
- (iii) when in the performance period the applicant will mark the program deliverables, and where the applicant will place the marking.

(3) A table specifying:

- (i) what program deliverables will not be marked with the USAID Identity, and
- (ii) the rationale for not marking these program deliverables.

**(d) Presumptive Exceptions.**

(1) The Apparently Successful Applicant may request a Presumptive Exception as part of the overall Marking Plan submission. To request a Presumptive Exception, the Apparently Successful Applicant must identify which Presumptive Exception applies, and state why, in light of the Apparently Successful Applicant's technical proposal and in the context of the program description or program statement in the USAID Request For Application or Annual Program Statement, marking requirements should not be required.

(2) Specific guidelines for addressing each Presumptive Exception are:

(i) For Presumptive Exception (i), identify the USAID Strategic Objective, Interim Result, or program goal furthered by an appearance of neutrality, or state why the program, project, activity, commodity, or communication is 'intrinsically neutral. Identify, by category or deliverable item, examples of program materials funded under the award for which you are seeking exception 1.

(ii) For Presumptive Exception (ii), state what data, studies, or other deliverables will be produced under the USAID funded award, and explain why the data, studies, or deliverables must be seen as credible.

(iii) For Presumptive Exception (iii), identify the item or media product produced under the USAID funded award, and explain why each item or product, or category of item and product, is better positioned as an item or product produced by the cooperating country government.

(iv) For Presumptive Exception (iv), identify the item or commodity to be marked, or categories of items or commodities, and explain how marking would impair the item's or commodity's functionality.

(v) For Presumptive Exception (v), explain why marking would not be cost-beneficial or practical.

(vi) For Presumptive Exception (vi), identify the relevant cultural or social norm, and explain why marking would violate that norm or otherwise be inappropriate.

(vii) For Presumptive Exception (vii), identify the applicable international law violated by marking.

(3) The Agreement Officer will review the request for adequacy and reasonableness. In consultation with the Cognizant Technical Officer and other agency personnel as necessary, the Agreement Officer will approve or disapprove the requested Presumptive Exception. Approved exceptions will be made part of the approved Marking Plan, and will apply for the term of the award, unless provided otherwise.

**(e) Award Criteria:** The Agreement Officer will review the Marking Plan for adequacy and reasonableness, ensuring that it contains sufficient detail and information concerning public communications, commodities, and program materials that will visibly bear the USAID Identity. The Agreement Officer will evaluate the plan to ensure that it is consistent with the stated objectives of the award; with the applicant's cost data submissions; with the applicant's actual project, activity, or program performance plan; and with the regulatory requirements of 22 C.F.R. 226.91. The Agreement Officer will approve or disapprove any requested Presumptive Exceptions (see paragraph (d)) on the basis of adequacy and reasonableness. The Agreement Officer may obtain advice and recommendations from technical experts while performing the evaluation.

## MARKING UNDER USAID-FUNDED ASSISTANCE INSTRUMENTS (December 2005)

### (a) Definitions

**Commodities** mean any material, article, supply, goods or equipment, excluding recipient offices, vehicles, and non-deliverable items for recipient's internal use, in administration of the USAID funded grant, cooperative agreement, or other agreement or subagreement.

**Principal Officer** means the most senior officer in a USAID Operating Unit in the field, e.g., USAID Mission Director or USAID Representative. For global programs managed from Washington but executed across many countries, such as disaster relief and assistance to internally displaced persons, humanitarian emergencies or immediate post conflict and political crisis response, the cognizant Principal Officer may be an Office Director, for example, the Directors of USAID/W/Office of Foreign Disaster Assistance and Office of Transition Initiatives. For non-presence countries, the cognizant Principal Officer is the Senior USAID officer in a regional USAID Operating Unit responsible for the non-presence country, or in the absence of such a responsible operating unit, the Principal U.S Diplomatic Officer in the non-presence country exercising delegated authority from USAID.

**Programs** mean an organized set of activities and allocation of resources directed toward a common purpose, objective, or goal undertaken or proposed by an organization to carry out the responsibilities assigned to it.

**Projects** include all the marginal costs of inputs (including the proposed investment) technically required to produce a discrete marketable output or a desired result (for example, services from a fully functional water/sewage treatment facility).

**Public communications** are documents and messages intended for distribution to audiences external to the recipient's organization. They include, but are not limited to, correspondence, publications, studies, reports, audio visual productions, and other informational products; applications, forms, press and promotional materials used in connection with USAID funded programs, projects or activities, including signage and plaques; Web sites/Internet activities; and events such as training courses, conferences, seminars, press conferences and so forth.

**Subrecipient** means any person or government (including cooperating country government) department, agency, establishment, or for profit or nonprofit organization that receives a USAID subaward, as defined in 22 C.F.R. 226.2.

**Technical Assistance** means the provision of funds, goods, services, or other foreign assistance, such as loan guarantees or food for work, to developing countries and other USAID recipients, and through such recipients to subrecipients, in direct support of a development objective – as opposed to the internal management of the foreign assistance program.

**USAID Identity (Identity)** means the official marking for the United States Agency for International Development (USAID), comprised of the USAID logo or seal and new brandmark, with the tagline that clearly communicates that our assistance is "from the American people." The USAID Identity is available on the USAID website at [www.usaid.gov/branding](http://www.usaid.gov/branding) and USAID provides it without royalty, license, or other fee to recipients of USAID-funded grants, or cooperative agreements, or other assistance awards

**(b) Marking of Program Deliverables**

(1) All recipients must mark appropriately all overseas programs, projects, activities, public communications, and commodities partially or fully funded by a USAID grant or cooperative agreement or other assistance award or subaward with the USAID Identity, of a size and prominence equivalent to or greater than the recipient's, other donor's, or any other third party's identity or logo.

(2) The Recipient will mark all program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management) with the USAID Identity.

The Recipient should erect temporary signs or plaques early in the construction or implementation phase. When construction or implementation is complete, the Recipient must install a permanent, durable sign, plaque or other marking.

(3) The Recipient will mark technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID with the USAID Identity.

(4) The Recipient will appropriately mark events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences and other public activities, with the USAID Identity. Unless directly prohibited and as appropriate to the surroundings, recipients should display additional materials, such as signs and banners, with the USAID Identity. In circumstances in which the USAID Identity cannot be displayed visually, the recipient is encouraged otherwise to acknowledge USAID and the American people's support.

(5) The Recipient will mark all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies, and other materials funded by USAID, and their export packaging with the USAID Identity.

(6) The Agreement Officer may require the USAID Identity to be larger and more prominent if it is the majority donor, or to require that a cooperating country government's identity be larger and more prominent if circumstances warrant, and as appropriate depending on the audience, program goals, and materials produced.

(7) The Agreement Officer may require marking with the USAID Identity in the event that the recipient does not choose to mark with its own identity or logo.

(8) The Agreement Officer may require a pre-production review of USAID-funded public communications and program materials for compliance with the approved Marking Plan.

(9) Subrecipients. To ensure that the marking requirements "flow down" to subrecipients of subawards, recipients of USAID funded grants and cooperative agreements or other assistance

awards will include the USAID-approved marking provision in any USAID funded subaward, as follows:

*"As a condition of receipt of this subaward, marking with the USAID Identity of a size and prominence equivalent to or greater than the recipient's, subrecipient's, other donor's or third party's is required. In the event the recipient chooses not to require marking with its own identity or logo by the subrecipient, USAID may, at its discretion, require*

*marking by the subrecipient with the USAID Identity.”*

(10) Any ‘public communications’, as defined in 22 C.F.R. 226.2, funded by USAID, in which the content has not been approved by USAID, must contain the following disclaimer:

*“This study/report/audio/visual/other information/media product (specify) is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of [insert recipient name] and do not necessarily reflect the views of USAID or the United States Government.”*

(11) The recipient will provide the Cognizant Technical Officer (CTO) or other USAID personnel designated in the grant or cooperative agreement with two copies of all program and communications materials produced under the award. In addition, the recipient will submit one electronic or one hard copy of all final documents to USAID’s Development Experience Clearinghouse.

**(c) Implementation of marking requirements.**

(1) When the grant or cooperative agreement contains an approved Marking Plan, the recipient will implement the requirements of this provision following the approved Marking Plan.

(2) When the grant or cooperative agreement does not contain an approved Marking Plan, the recipient will propose and submit a plan for implementing the requirements of this provision within **ten days** after the effective date of this provision. The plan will include:

(i) A description of the program deliverables specified in paragraph (b) of this provision that the recipient will produce as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity.

(ii) the type of marking and what materials the applicant uses to mark the program deliverables with the USAID Identity,

(iii) when in the performance period the applicant will mark the program deliverables, and where the applicant will place the marking,

(3) The recipient may request program deliverables not be marked with the USAID Identity by identifying the program deliverables and providing a rationale for not marking these program deliverables. Program deliverables may be exempted from USAID marking requirements when:

(i) USAID marking requirements would compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials;

(ii) USAID marking requirements would diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent;

(iii) USAID marking requirements would undercut host-country government “ownership” of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as “by” or “from” a cooperating country ministry or government official;

- (iv) USAID marking requirements would impair the functionality of an item;
  - (v) USAID marking requirements would incur substantial costs or be impractical;
  - (vi) USAID marking requirements would offend local cultural or social norms, or be considered inappropriate;
  - (vii) USAID marking requirements would conflict with international law.
- (4) The proposed plan for implementing the requirements of this provision, including any proposed exemptions, will be negotiated within the time specified by the Agreement Officer after receipt of the proposed plan. Failure to negotiate an approved plan with the time specified by the Agreement Officer may be considered as noncompliance with the requirements is provision.

**(d) Waivers.**

- (1) The recipient may request a waiver of the Marking Plan or of the marking requirements of this provision, in whole or in part, for each program, project, activity, public communication or commodity, or, in exceptional circumstances, for a region or country, when USAID required marking would pose compelling political, safety, or security concerns, or when marking would have an adverse impact in the cooperating country. The recipient will submit the request through the Cognizant Technical Officer. The Principal Officer is responsible for approvals or disapprovals of waiver requests.
- (2) The request will describe the compelling political, safety, security concerns, or adverse impact that require a waiver, detail the circumstances and rationale for the waiver, detail the specific requirements to be waived, the specific portion of the Marking Plan to be waived, or specific marking to be waived, and include a description of how program materials will be marked (if at all) if the USAID Identity is removed. The request should also provide a rationale for any use of recipient's own identity/logo or that of a third party on materials that will be subject to the waiver.
- (3) Approved waivers are not limited in duration but are subject to Principal Officer review at any time, due to changed circumstances.
- (4) Approved waivers "flow down" to recipients of subawards unless specified otherwise. The waiver may also include the removal of USAID markings already affixed, if circumstances warrant.
- (5) Determinations regarding waiver requests are subject to appeal to the Principal Officer's cognizant Assistant Administrator. The recipient may appeal by submitting a written request to reconsider the Principal Officer's waiver determination to the cognizant Assistant Administrator.

**(e) Non-retroactivity.** The requirements of this provision do not apply to any materials, events, or commodities produced prior to January 2, 2006. The requirements of this provision do not apply to program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management) where the construction and implementation of these are complete prior to January 2, 2006 and the period of the grant does not extend past January 2, 2006.

**2. USAID DISABILITY POLICY – ASSISTANCE (DECEMBER 2004)**

(a) The objectives of the USAID Disability Policy are

(1) to enhance the attainment of United States foreign assistance program goals by promoting the participation and equalization of opportunities of individuals with disabilities in USAID policy, country and sector strategies, activity designs and implementation;

(2) to increase awareness of issues of people with disabilities both within USAID programs and in host countries;

(3) to engage other U.S. government agencies, host country counterparts, governments, implementing organizations and other donors in fostering a climate of nondiscrimination against people with disabilities; and

(4) to support international advocacy for people with disabilities. The full text of the policy paper can be found at the following website:

<http://www.usaid.gov/about/disability/DISABPOL.FIN.html>.

(b) USAID therefore requires that the recipient not discriminate against people with disabilities in the implementation of USAID funded programs and that it make every effort to comply with the objectives of the USAID Disability Policy in performing the program under this grant or cooperative agreement. To that end and to the extent it can accomplish this goal within the scope of the program objectives, the recipient should demonstrate a comprehensive and consistent approach for including men, women and children with disabilities.”

**[End of Section V]**

## VI. AWARD ADMINISTRATION INFORMATION

### A. AWARD NOTICES

A Cooperative Agreement signed by the Regional Agreement Officer is the authorizing document, which shall be transmitted to the Recipient for countersignature to the authorized agent of the successful organization electronically, to be followed by original copies for execution.

### B. AWARD ADMINISTRATION

22 CFR 226, OMB Circulars, and the Standard Provisions for U.S. Nongovernmental Recipients will be applicable. For non-U.S. organizations, the Standard Provisions for Non-U.S., Nongovernmental Recipients will apply. While 22 CFR 226 does not directly apply to non-U.S. applicants, the Agreement Officer will use the standards of 22 CFR 226 in the administration of the award. These documents may be accessed through the word-wide-web at:  
<http://www.usaid.gov/business/regulations/>

### C. APPLICABILITY OF 22 CFR PART 226 (MAY 2005)

- (a) The provisions of 22 CFR Part 226 and the Standard Provisions that will be attached to the agreement upon award are applicable to the recipient and to subrecipients which meet the definition of "Recipient" in Part 226, unless a section specifically excludes a subrecipient from coverage. The recipient shall assure that subrecipients have copies of all the attached standard provisions.
- (b) For any awards or subawards made to Non-US organizations, the "Standard Provisions for Non-US Nongovernmental Grantees" shall apply. All recipients are required to ensure compliance with monitoring procedures in accordance with OMB Circular A-133.

### D. ROLES AND RESPONSIBILITIES

The recipient shall be responsible to USAID/Ecuador for all matters related to the execution of the agreement. Specifically, the recipient shall report to the USAID Agreement's Officer Technical Representative (AOTR) located within the Democracy, Governance and Conflict Prevention Office (DGCP) of USAID/Ecuador.

The recipient shall facilitate the active involvement of USAID and other interested parties to accomplish program objectives in accordance with the substantial involvement understandings set forth in Section II. D of this RFA.

### E. WORKPLANS AND REPORTING

All reports and documents, as described below, shall be written and submitted in English as convened by the parties, and shown in the Original Award (Attachment – Schedule, Section E. Reporting and Evaluation). Whenever applicable, all reports shall contain gender-disaggregated data (i.e. what percentage of participants in the training are women, etc). All reports shall be submitted both in hard form and electronically (in any electronic media and saved as Microsoft Office file). The reports shall be submitted to the Agreement Officer and the AOTR.

**Implementation/Work Plans:** The Applicant will submit for USAID/Ecuador AOTR review and approval a detailed implementation work plan and budget 60 days after the award modification for the entire life of the program and the annual Implementation/Work Plan.

The first year work plan shall contain a detailed schedule for project implementation, a timeline for establishing and finalizing expected results, indicators, and targets under each task and for the activity as a whole. This work plan will include a schedule of the proposed short-term technical assistance, international travel (if any) and expected results.

Subsequent annual work plans must show expected progress toward program objectives and achievement of the program results.

All work plans shall be written to constitute stand-alone documents. All work plans should address the following points in a coherent and concise presentation that can be reviewed quickly by USAID management.

- Performance objectives or benchmarks for the period;
- Expected activities to be undertaken to reach annual objectives;
- How the annual objectives and activities contribute to achieving program objectives;
- Expected completion date of the activities;
- A complete budget (for federal and non-federal funds) by cost category and activity;
- Critical assumptions or support needed from USAID, and other activity partners to accomplish the work; and
- A brief summary of the Applicant's operational and administrative requirements and plans.
- International travel
- Procurement Plan

## REPORTS

**QUARTERLY PROGRAM PERFORMANCE REPORT:** The first quarterly report will describe accomplishments toward Program goals, progress toward performance targets and indicators, an explanation of problems encountered and steps taken to resolve these problems, an explanation of why goals/targets were not met, and other relevant information concerning progress of Program. The Recipient will submit one hard copy of the quarterly Program performance report to the AOTR, as well as an electronic copy of the report and its annexes. These reports are due 30 days after the end of each USAID fiscal quarter, in accordance with 22 CFR 226.51.

**ANNUAL PROGRAM PERFORMANCE REPORT:** The report submitted for the last quarter of each fiscal year, should be an annual report that provides Program accomplishments, progress towards performance targets and indicators, and other relevant Program information covering the entirety of the previous fiscal year. The annual Program performance report shall include success stories that are illustrative of Program accomplishments.

**PERFORMANCE MONITORING PLAN:** Within 60 days of signing the Cooperative Agreement (CA) the Recipient will develop and submit to the AOTR a Performance Monitoring Plan (PMP) that identifies the Program indicators with baselines, and targets for the life of the project. Whenever applicable, the performance indicators shall contain gender-disaggregated data. The PMP will, at a minimum, include the relevant indicators specified in the Mission Operational Plan Program Elements and Sub-elements. The PMP should include indicators listed under each project component in Section I and any additional indicators useful for measuring results of the program activities and interventions. Please also see Section D. below.

**FINANCIAL REPORTS:** The Recipient shall submit quarterly expenditure containing a summary page which reflects spending by line item and by source of funds, for both the quarter and life of project. The financial report shall show, by line item, the cumulative total and the amount remaining to be expended for the line item.

**PROGRAM COMPLETION REPORT:** Within 90 days after the program completion date, the Applicant shall submit to the USAID AOTR for review and approval a final completion report that describes, in summary form, the following:

- Specific objectives of the program;
- Activities undertaken to achieve program objectives;
- Results achieved by objective, including life-of-program reporting according to the performance monitoring plan;
- Cost of efforts by objective;
- Actions taken to leverage resources and to ensure the continuation and sustainability of program objectives and the effectiveness of these actions;
- Recommendations regarding unfinished work and/or program continuation; and,
- Lessons learned regarding strategies adopted for the successful accomplishment of results as well as changes in approaches to address any key problems and challenges throughout the life of this project

All required reports shall be submitted in both electronic form (Word or PDF) and in hard copy to the appropriate USAID offices as indicated above.

#### **F. MONITORING AND EVALUATION OF AWARD ACTIVITIES**

The recipient will develop a framework for monitoring and evaluation that includes definitions of indicators and targets acceptable to USAID. These should include not only jointly agreed upon indicators from the Agency's standard indicators for justice sector programs listed above under each of the project components, but also results-based indicators that measure impact of the activities. All indicator definitions and targets are subject to USAID's approval.

Within sixty days of signing the Cooperative Agreement (CA) the Recipient will develop and submit to the AOTR a Performance Monitoring Plan (PMP) with project indicators, baselines, and targets for the life of the project. Whenever applicable, the performance indicators shall contain gender-disaggregated data. The PMP will, at a minimum, include the indicators specified in section I, literal V. Intended Results and any additional indicators useful for measuring results of the project activities and interventions.

Please note that official language for all required work plans and reports is English.

#### **G. AUTHORIZED GEOGRAPHIC CODE**

The authorized geographic code for procurement of goods and services under this award must comply with Mandatory Standard Provision USAID ELIGIBILITY RULES FOR GOODS AND SERVICES (April 1998).

All other award and administrative information contained in the existing awards remain unchanged.

**[End of Section VI]**

## VII. AGENCY CONTACTS

### The Agreement Officer for this Award is:

Ms. Doanh Van  
Regional Agreement Officer  
USAID/Perú  
Av. La Encalada s/n, Block 17  
Monterrico, Lima 33  
Perú  
[dvan@usaid.gov](mailto:dvan@usaid.gov)  
Tel: 51-1-618-1435  
Fax: 51-1-618-1354

### The Acquisition and Assistance Specialist for this Award is:

Ms. Luisa Alvarado  
Assistance Specialist  
USAID/Ecuador  
Av. Avigiras E12-170 y Eloy Alfaro  
Quito, Ecuador  
[dvan@usaid.gov](mailto:dvan@usaid.gov)  
Tel: 593-2-3985034  
Fax: 593-2-3985520

## VIII. OTHER INFORMATION

The following documents are included as Attachments in Grants Gov.

1. Nueve años de apoyo a la Justicia - Esquel
2. La Justicia Penal en Cuenca
3. Capítulo VII. Justicia y estado de derecho en Ecuador
4. Criminal Justice Reform in Ecuador

**[End of Section VIII]**

**[End of RFA 518-09-000021]**