



Issuance Date: **September 4, 2009**  
Closing Date: **October 19, 2009**  
Closing Time: **10:00 AM Almaty time**

Subject: Request for Applications (RFA) No.: USAID-DCM-116-09-020  
Access to Justice and Human Rights

Dear Prospective Applicants:

The United States Agency for International Development Regional Mission to the Central Asian Republics (USAID/CAR) is seeking applications from all qualified organizations for Access to Justice and Human Rights Program in Kyrgyzstan. The authority for the RFA is found in the Foreign Assistance Act of 1961, as amended. Both U.S. and non-U.S. organizations are welcome to submit applications.

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. 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 grant. For U.S. organizations, 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. Copies of these documents can be accessed via the USAID website.

USAID/CAR intends to award one Cooperative Agreement as a result of this RFA. Subject to the availability of funds, USAID has anticipated the value of this project to be approximately \$2.4 million in total USAID funding over a three-year period. USAID may fund any or none of the applications submitted and may make an award without discussions.

For the purposes of this program, this RFA is being issued and consists of this cover letter and the following:

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If you decide to submit an application, it must be received by the closing date and time indicated at the top of this cover letter at the place designated below for receipt of applications. Applications and modifications thereof shall be submitted in sealed envelopes with the name and address of the applicant and RFA # (referenced above) inscribed thereon, to:

(By U.S. Mail)  
Dale J. Gredler  
Regional Agreement Officer  
USAID/DOS  
7030 Almaty Place  
Washington, DC 20521-7030

(By All Other Means of Delivery)  
USAID/CAR  
Acquisition and Assistance Office  
Park Palace Building  
41, Kazybek bi Street  
Almaty, Kazakhstan 050010

All questions and/or inquiries regarding this solicitation shall be in writing and no telephone calls will be accepted.

**Electronic and faxed submissions are not authorized for this procurement and will not be accepted.**

Applicants are requested to submit both technical and cost portions of their applications in separate volumes. Submission of hard copies is a requirement (see Section IV – Application and Submission Instructions). Award, if any, will be made to the applicant(s) whose application(s) offers the best value, as determined by the Agreement Officer.

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 of any resultant grant(s) 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 applicants are hereby notified of these requirements and conditions for award. Applications are 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.

This RFA is being posted through the U.S. Government's Point of Entry: [www.grants.gov](http://www.grants.gov). This RFA and any future amendments can be downloaded from this website. It is the responsibility of the recipient of the application document to ensure that it has been received from [www.grants.gov](http://www.grants.gov) in its entirety. USAID bears no responsibility for data errors resulting from transmission of this data.

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 V – Application Review Information;
- (b) Section IV – Application and Submission Information;
- (c) Section I – Program Description;

Any questions concerning this RFA should be submitted in writing to Elvira Kassimova, Agreement Specialist, via internet to [AlmatyAASolicitations@usaid.gov](mailto:AlmatyAASolicitations@usaid.gov) as soon as possible but not later than October 12, 2009. After this date no additional questions will be answered. All questions asked and the answers to those questions will be presented as an amendment to this RFA and will be posted on the U.S. Government Point of Entry. If there are problems in downloading the RFA, please contact Elvira Kassimova [ekassimova@usaid.gov](mailto:ekassimova@usaid.gov). Applicants should retain for their records one copy of all enclosures which accompany their application.

Sincerely,



Dale J. Gredler  
Regional Agreement Officer

## SECTION I – FUNDING OPPORTUNITY DESCRIPTION

### Access to Justice and Human Rights

#### A. Summary

The purpose of this Program Description is to solicit an application for a three-year program in support of access to justice and human rights. Specifically, USAID is seeking assistance in the following areas:

- To increase access to more professional, better skilled and more independent defense attorneys.
- To advance local capacity for human rights protection.

#### B. Background

In the past year, several pieces of legislation have been passed that restrict fundamental freedoms – freedom of assembly and religion. Pluralism is also at risk as has been seen in recent attacks on ethnic minorities and harassment of practicing Christians and Muslims. Although Kyrgyzstan ratified the Optional Protocol to the Convention against Torture, torture and ill-treatment of detainees continues to be practiced, particularly to obtain confessions of crimes. Selective application of the law by those in power to stifle expression and debate is a common occurrence. Defense attorneys (advocates) could potentially play a fundamental role in assuring access to justice and safeguarding human rights. However, their professional skills and ability to defend clients is hampered by strong executive control, inadequate legal training and the absence of a single unified professional association.

While organizations specifically dedicated to human rights exist in Kyrgyzstan, their missions are often detoured or deflected by the demands of donors whose attention span may be short-lived. Given their nature, it is highly unlikely that human rights organizations will ever be financially self-sustaining (unlike other NGOs that provide social or health services and may receive direct funding from the government).

#### Defense Bar

Public confidence in Kyrgyzstan's legal system remains very low, with little trust in the competence and integrity of any of the three institutions involved in the court process: the judges, prosecutors, and advocates (defense attorneys). While USAID and other donors have major programs to improve the judicial system and the work of prosecutors, few resources have been provided to support the vital role that advocates should play. The current system for advocates' operations has major shortcomings: a licensing system that has minimal requirements and is run by the Ministry of Justice rather than through a bar association; poor training opportunities for advocates; weaknesses in criminal procedure which favor the prosecutors; and widespread perception that advocates' role is to facilitate corrupt manipulation of court proceedings rather than undertake an adversarial role in defense of their clients against state prosecutors. While some of these issues are systemic in nature, it is widely expected that the establishment of a genuine bar association that would undertake aspects of self-governance such as licensing, disciplinary matters, and training of advocates would lead to greater professionalism and concomitant public trust in the institution.

#### Human Rights Protection

Kyrgyzstan boasts a number of reputable organizations that are advancing human rights reform, producing analysis and conducting outreach in an environment that needs such services. These local organizations are often the best positioned to identify the most salient and timely rights issues in their

communities and they bring their own programming ideas to the table. Yet many organizations lack the institutional strength to follow their own vision and permanent commitment to a human rights agenda. Instead, they find themselves shifting focus over time to implement the donor-funded project of the day. With focused, sustained core support to a select few human rights organizations, those with the strongest past performance and greatest future potential will be able to build their own capacity and focus attention on their core human rights mission.

#### Coordination with other USG and non-USG Projects

Careful coordination with USAID and other donor-funded projects, as well as consideration of previously completed rule of law and human rights projects will be required to ensure this project's most strategic positioning. Other projects to consider when designing activities include but are not limited to the following:

***ABA/ROLI(US Department of State funded)(2005-2009):*** ABA/ROLI helped open the Advocates' Training Centre, Kyrgyzstan's only educational facility devoted to advanced training of lawyers. The Centre is stipulated in the draft advokatura law as the sole provider of bar exam preparatory classes as well as the required continuing education for licensed advocates. The Centre lacks its own facilities, currently being housed by an NGO, is staffed by only a charismatic director and three other volunteer staff and is currently offering 8 training courses developed in cooperation with ABA/ROLI. The project also provided technical assistance in drafting the advokatura law and helped create draft statutory documents for the new, unified bar association.

- ***Freedom House (USAID) (April 2008 – October 2009):*** Freedom House is working to improve the environment for protection, awareness and promotion of human rights in Kyrgyzstan. Freedom House and its local partners mobilize advocacy campaigns, publish the Voice of Freedom newsletter and monitor human rights violations in the country.
- ***GTZ (2009-2011):*** GTZ bought a limited number of books and pieces of furniture for the Advocates' Training Centre. It also supports a regional project that trains judges and court bailiffs on basics of civil and criminal court procedures. They will also be doing some advokatura activities on the regional basis.
- ***Millennium Challenge Corporation's Threshold Program in Kyrgyzstan (March 2008 – June 2010) :*** The USAID MCC Threshold Program, launched in April 2008, aims to continue and expand upon the Government of Kyrgyzstan's reform efforts with an eye to reducing corruption and enhancing professionalism in the judiciary, law enforcement and criminal justice system. The Program includes three main approaches to combating corruption: developing an effective and fair justice system; improving the transparency of law enforcement; and increasing the effectiveness of the criminal justice system to include the detection and punishment of corruption. Activities include strengthening training opportunities for judges and prosecutors and cooperating with the Government of Kyrgyzstan in its attempts to upgrade the Criminal Procedures Code.
- ***OSCE Kyrgyzstan (August 2005 – December 2009 with possible continuation) :*** The OSCE Centre in Bishkek and its Field Office in Osh conduct a number of activities aimed at strengthening rule of law and human rights. The OSCE created and has available on its website a comprehensive listing of advocates in Kyrgyzstan by oblast, including information about languages spoken, professional specialties and whether they participate in the free legal aid program. The OSCE also supports some free legal aid for both civil and criminal cases as well as paying for defenders for all levels of select criminal cases. The OSCE provides training to defense attorneys participating in its projects.
- ***Soros Foundation (May 2006- December 2009):*** The Soros Foundation supported technical assistance on the drafting of the law introducing jury trials to Kyrgyzstan as well as organizing study tours for judicial officials. Soros expects to continue its participation in the implementation of jury trials, but has yet to determine what kind of assistance it will provide.

**(2004-December 2009):** Soros also provided technical assistance to draft and implement the law, “On Guaranteed State Legal Aid,” which allows free legal counsel in criminal cases to those who cannot afford it.

**(2003 – June 2009 with possible continuation):** Soros also trains attorneys in how to apply the ICCPR, partners with the EU Commission in implementing a domestic abuse program, and will soon begin work defending the rights of labor migrants.

- **World Bank (2009 –short-term research):** The World Bank is currently completing research for a legal and judicial systems assessment in Kyrgyzstan. The assessment includes review and analysis of the following: (i) Courthouses with a focus on physical infrastructure, capital investment, equipment needs and functional court design standards; (ii) Enforcement of commercial court decisions; and (iii) Development of measures of progress in judicial reform progress through (a) a desk review of new and proposed legislation; (b) review and analysis of data and statistics on the operation of Kyrgyz courts, enforcement services etc; (c) a survey of court users; and (d) case analyses of a random selection of commercial cases.

### **C. Strategic Framework for Foreign Assistance**

The formal strategy for Central Asia was extended by the USAID Administrator, as part of implementation of the Strategic Framework for Foreign Assistance. The activities outlined in this document support the Program Objective Governing Justly and Democratically and its Program Areas of Rule of Law and Human Rights.

Specifically, the proposed activity will address:

Program Area: Rule of Law and Human Rights

Program Element 2.1.3: Justice System

Program Element 2.1.4: Human Rights

Further, USAID/CAR democracy programs are covered by additional written guidance from the E&E Bureau and EUR/ACE contained in memoranda dated July 20, 2006 and December 21, 2006. The proposed activities fall within the general guidelines provided by EUR/ACE and E&E in these memoranda.

In addition, the proposed activity also is supportive of the Mission Strategic Plan (MSP) for Kyrgyzstan’s Goal # 2, which calls for “Promoting Democratic Governance by Strengthening Institutions and Establishing the Rule of Law.” The goal description states a just and democratic government is not only freely chosen by its citizens; it’s accountable to, and respects the rights of, those citizens.

### **D. Program Objectives and Illustrative Activities**

**Objective 1: Increase access to more professional, better skilled and more independent defense attorneys.**

Within this component designed activities should increase the average Kyrgyz citizen’s access to more professional, better skilled and more independent defense lawyers. Project implementers will assess the status of the *advokatura* law, expected to pass into law this summer, and select activities in coordination with the law’s provisions which will have the greatest impact toward achieving the project’s objective. The draft law on the *advokatura* currently authorizes the creation of a single, unified bar association which will assume responsibility for awarding status to practice and disciplining all advocates in Kyrgyzstan, helping to guarantee that only qualified advocates can represent clients in court. Well-functioning disciplinary mechanisms within the bar could also reduce the existence of “pocket lawyers,”

who in exchange for a referral to a case are persuaded by investigators to not zealously defend a client's rights. Depending on the provisions of the final law, this project will consider supporting the development of the bar association, potentially including as needed the creation and functioning of the licensure and disciplinary mechanisms, development of the bar's internal governance structures, outreach to advocates about the bar's new standing and services, and outreach to the public about the role of advocates and how to find one. The project may also make it easier for citizens to find an advocate that meets their needs by working with the bar association to create a listing of advocates and a mechanism for citizens to search or be referred from the list. Additional consideration should be given to cooperating with the bar association and Ministry of Justice to create a standard, transparent testing mechanism for licensing advocates and other joint duties concerning advocates. The initiative to institute pilot jury trials in 2012 and the changed role of defense attorneys within such a system should also inform the implementers' work. Applicants will be asked to include in their proposals a contingency plan for achieving the objective of 'increasing access to more professional, better skilled and more independent advocates' even if the advokatura law does not pass or does not pass in a timely manner.

The project will also assess the need for increasing the knowledge and skills of advocates directly. Continuing education opportunities could be provided through the newly established Advocates' Training Center, which opened early in 2009. Possible areas of engagement include helping the Center develop a standard curriculum based on the needs of advocates, aiding the Center in expanding training opportunities beyond Bishkek perhaps through the use of distance education, and informing advocates of the training opportunities available.

Finally, implementers will be expected to play a strong donor coordination role, aiming to bring together current initiatives and the outcomes of past initiatives to build a sustainable system for supporting defense attorneys as a profession nationwide. At a minimum, the recipient should identify the many ad hoc training courses that have been provided for defense attorneys by various donors in different parts of the country that could be used as building blocks of a continuing education curriculum.

Designated sums will be set aside to make lasting contributions through limited commodities purchases and infrastructure improvements as needed. Such activities will require discussion and agreement of both the USAID/CAR agreement officer and AOTR.

#### Illustrative Activities:

- Conduct a situational analysis of the current state of the advokatura. Include the most vital critical challenges that exist for citizens in accessing high representation and windows of opportunity that the project can build on to improve that access.
- Provide technical assistance as needed in strengthening the advocates' bar association including as needed the creation and functioning of licensure and disciplinary mechanisms, development of the bar's internal governance structures, outreach to advocates about the bar's new standing and services, and outreach to the public about the role of advocates and how to find one.
- Provide technical assistance to the bar association and Ministry of Justice on developing standardized, transparent testing procedures for the advocate's licensing exam.
- Strengthen the knowledge and skills of advocates through continuing legal education. Training topics should fill gaps in existing knowledge and skills of advocates, but could also include specialized modules on cutting edge topics.
- Organize study tours to or exchanges with countries that have a similar judicial system, but a more advanced defense bar.
- Coordinate the activities of all donors working with defense attorneys to build on lessons learned, help avoid potential pitfalls and produce the greatest impact.

## **Objective 2: Strengthen local capacity for human rights protection.**

The project will advance local capacity for human rights protection in Kyrgyzstan by providing institutional grants to a limited number (up to 3) of local human rights organizations. Grants will be of sufficient size and duration for organizations to make significant, measurable strides in both organizational development and achieving their organization's mandate. Project implementers will solicit proposals from local human rights organizations and will conduct a competitive selection process based on the organizations' past performance, capacity to undertake a multi-year institutional building effort, and the impact that such a grant could have toward the institutional sustainability of the organization, among other criteria to select grantee organizations, with at least one based outside of Bishkek. It is expected that local organizations be given latitude to propose a course of activities that they view as capable of having the greatest potential impact on the human rights situation in Kyrgyzstan. Implementers are encouraged to consider strategic use of expert consultants during the grants' first weeks to help organizations identify their strengths and weakness, define the impact on human rights protection they want to have within the life of the project, and draft a plan for achieving that impact. Implementers will work closely with the selected organizations to build capacity for monitoring and evaluation of their activities to ensure that organizations are achieving the impact desired.

Project implementers will assess existing systems and mechanisms for working cooperatively with the government on human rights protection. Organizations receiving grants must show that they actively participate in or will build a functional system for engaging in productive working relationships with government representatives, legal and judicial personnel and other human rights organizations on monitoring, analyzing and protecting human rights throughout Kyrgyzstan.

### Illustrative Activities

- Support efforts to design and develop a comprehensive monitoring and indicator system for recording and analyzing human rights violations.
- Solicit grants applications from a wide range of local human rights organizations, including environmental rights organizations.
- Provide core grants to 1-3 local human rights organizations.
- Assist grantee organizations in identifying any needed technical assistance in institutional strengthening and staff training. Facilitate delivery of same.
- Assist grantee organization in developing strong, effective monitoring and evaluation capacity.
- Assess existing human rights working groups and other coordinating bodies for effectiveness in promoting a cooperative engagement with the government on human rights issues.

## **Objective 3: Track windows of opportunity**

Within this component, designed activities should create a system for monitoring events and alerting USAID to potential targets of opportunity within the components above. Given the dynamic political environment of Kyrgyzstan, the recipient organization should be prepared to rapidly mobilize adding, shifting and/or restructuring programming should USG programming requirements change and/or new targets of opportunity arise in Kyrgyzstan. These targets of opportunity should be closely discussed and agreed to by both the USAID/CAR agreement officer and AOTR.

### **E. Expected Results**

- More professional, better skilled and more independent defense attorneys
- Strengthened local capacity for human rights protection
- Obstacles to citizens accessing the formal justice sector decreased
- The Defense (advocates) Bar is strengthened

- Citizens gain more information about and access to qualified defense attorneys
- Continuing Legal Education opportunities increased
- A comprehensive monitoring and indicator system for recording and analyzing human rights violations is developed

#### **F. Gender Issues**

In order to be consistent with the current guidelines of the Mission's gender analysis, the recipient will be required to ensure that gender issues are integrated into the various program objectives and activities. To the greatest extent possible, the recipient shall seek to encourage the equal participation of men and women in all aspects of this program. Further, the recipient shall collect, analyze and submit to USAID gender disaggregated data and propose actions that will address any identified gender-related issues. A statement must be included as part of the applicant's response how the applicant will address these gender issues and any other identified gender issues during the life of this activity.

As part of the applicant's response they should also identify and outline any potential gender issues that might be encountered during the implementation of this program and how these issues will be addressed.

#### **G. Monitoring and Evaluation Plan**

The Performance Monitoring and Evaluation Plan should provide the following:

- The recipient's data collection procedures (e.g. how often data is collected, who collects the data, who analyzes the data collected, controls in place to safeguard data) and procedures for insuring the data quality of sub-grantee's reported data;
- Data quality information for all indicators. Data quality includes: a precise definition of the indicator, unit of measure, and disaggregation information to include women, youth, people with disabilities and other members of vulnerable populations;
- Define indicators and targets; and
- Establish realistic benchmarks.

Depending upon the designed program, the Recipient will be required to provide annual FY targets and quarterly reports on the following indicators as part of this program description:

- Number of legal institutions or associations supported by USG
- Number of justice sector personnel that received USG training disaggregated by gender and category (law students, lawyers, judges, prosecutors, court personnel)
- Number of legal institutions and associations supported by the USG
- Number of new legal courses or curricula developed with USG assistance
- Number of law students, lawyers, judges, prosecutors and court personnel benefitting from improved teaching facilities and curricula
- Number of domestic human rights NGOs receiving USG support
- Level of client satisfaction with defense attorney representation

In addition to tracking and reporting on the above indicators, the Recipient should propose additional indicators that will track the performance of the proposed program.

## SECTION II – AWARD INFORMATION

Subject to the availability of funds, USAID intends to provide up to \$2.4 million in total USAID funding over a three year period. USAID reserves the right to fund any or none of the applications submitted.

USAID expects to award one cooperative agreement under this solicitation. The period of performance for this cooperative agreement is estimated as from December 15, 2009 to December 14, 2012.

### Substantial Involvement

USAID/CAR considers collaboration with the awardee crucial for the successful implementation of this program. Substantial involvement under the proposed award shall include the following:

1. Approval of the Recipient's Annual Work Plans: Within forty five days (45) of the award of the Cooperative Agreement, the Recipient shall develop and submit the first annual work plan to the AOTR. Work plans may be submitted electronically. Upon acceptance of the work plan by the AOTR, any substantial revisions to the plan shall require the written approval of the AOTR. Annual work plans for subsequent years are due to the AOTR 30 days prior to the end of the USG's fiscal year or approximately August 30th. The work plan should include a description of the activities to be completed during the year, the expected results, provide quantitative targets for all indicators outlined in the performance monitoring plan (PMP), list of commodities to be procured and key benchmarks to be met throughout the fiscal year and provide a timeline for the implementation of activities.
2. Approval of Performance Monitoring and Evaluation Plan: The Work Plan must set forth a comprehensive Performance Monitoring and Evaluation Plan (PMP) that measures impact and progress toward achieving results over the life of the award. The Performance Monitoring and Evaluation Plan must include indicators, targets, data sources and collection methods, baseline information, benchmarks and periodic evaluations, and data quality assessment reports. Data collected under the Performance Monitoring and Evaluation Plan will comprise part of the quarterly reports described below.
3. Approval of Specified Key Personnel: Key Personnel for this program will be the Country Director/Representative, Finance Manager, Legal Advisor, and Human Rights Advisor. All Key Personnel must be based in Kyrgyzstan full-time.
4. Agency and Recipient Collaboration as follows:
  - Concurrence in the selection of any sub-award recipients and on the substantive provisions of any subawards;
  - USAID monitoring to permit specified kinds of direction or redirection because of interrelationships with other projects or changes in the operating environment.

### **SECTION III – ELIGIBILITY INFORMATION**

USAID/CAR will not accept applications from individuals. All applicants must be legally recognized organizational entities under applicable law. Qualified US and non-US non-profit organizations may apply for USAID funding under this RFA. USAID encourages applicants from potential new partners and from local organizations. Assistance provided under this program is intended to develop and complement rather than to supplant local initiatives and resources.

Both U.S. and non-US PVOs/NGOs, may submit applications for assistance under this RFA. U.S. organizations submitting applications should explicitly state in their applications any partners in their applications, if those partners are known at the time.

With regards the partner relationships and the Applicant's management structure please note regionally, USAID has had poor experience with cooperative agreements (and/or contracts) whereby a leader (prime) and multiple sub-grantees (sub-contractors) divide up and carry-out individual components. The result has been a disjointed program with limited or no connection between the components and/or country-level initiatives and ultimately the results. However, USAID understands that there may be cases where the use of sub-grantees can be beneficial to achieving results. Therefore, USAID is not excluding the Applicants from utilizing sub-grantees when/where the use of them is clearly justified and this relationship is clearly integral to achieving the program results and objectives of the Access to Justice and Human Rights program. Therefore, if sub-grantees are to be used for the implementation of this program, the Applicant must clearly justify their usage in the management section of this document.

#### **“Responsibility” of Applicant**

In order for an award to be made, the Agreement Officer must make an affirmative determination that the applicant is “responsible,” as discussed in ADS 303.3.9. This means that the applicant must possess, or have the ability to obtain, the necessary management and technical competence to conduct the proposed program, and must agree to practice mutually agreed-upon methods of accountability for funds and other assets provided or funded by USAID. Applicants must have established financial management, internal control systems, and policies and procedures that comply with established U.S. Government standards, laws, and regulations. Failure to meet these competence standards may lead to removal from consideration of an award. All potential awardees will be subject to a responsibility determination issued by the Agreements Officer which may include a pre-award survey and or audit.

#### **Cost-Share**

Cost share is defined by USAID as “contributions, both cash and in-kind, which are necessary and reasonable to achieve program objectives and which are verifiable from the recipient's records.” Please take note of regulations such as: ADS 03.5.10; 22 CFR 226.23 and the Acquisition & Assistance Policy Directive (AAPD) 02-10.

Although there is no general legislative requirement that recipients of cooperative agreements and cooperative agreements must cost share, USAID policy is that cost sharing is an important element of the USAID-recipient relationship. USAID suggests that applicants demonstrate their commitment to program success by including cost-sharing. USAID/CAR would therefore prefer applicants to provide up to 20% cost share for this RFA.

## **SECTION IV – APPLICATION AND SUBMISSION INFORMATION**

### **A. Application Contact**

This RFA is being posted through [www.grants.gov](http://www.grants.gov). This RFA and any future amendments can be downloaded from this website ([www.grants.gov](http://www.grants.gov)). It is the responsibility of the recipient of the application document to ensure that it has been received from [www.grants.gov](http://www.grants.gov) in its entirety. USAID bears no responsibility for data errors resulting from transmission or conversion processes.

Any questions concerning this RFA should be submitted in writing to Elvira Kassimova, Agreement Specialist, via e-mail at [AlmatyAASolicitations@usaid.gov](mailto:AlmatyAASolicitations@usaid.gov) as soon as possible but not later than **October 12, 2009**. All questions and the answers to those questions will be posted as an amendment to the RFA and will be placed on the U.S. Government Point of Entry.

If there are problems in downloading the RFA, please contact Elvira Kassimova [ekassimova@usaid.gov](mailto:ekassimova@usaid.gov). Applicants should retain for their records one copy of all enclosures which accompany their application.

### **B. Application Format**

Applications shall be submitted in two separate parts: (a) technical and (b) cost or business application. Technical portions of applications should be submitted in an original and 2 copies and cost portions of applications in an original and one copy. Submission of hard copies is a requirement. The application should be prepared according to the format set forth below. Applicants should retain for their records one copy of the application and all enclosures which accompany their application.

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.

### **TECHNICAL APPLICATION FORMAT**

The length of the Technical Application shall not exceed 20 single-spaced typed pages with standard 1” margins. Past performance references, a Performance Monitoring Plan, a detailed time-line for implementation, organizational capability and personnel resumes are excluded from the 20-page limitation. There is no page limitation on the Cost Application. Applications shall be written in English and typed on letter size or A4 paper, single spaced, 12 point font with each page numbered consecutively.

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. To facilitate the competitive review of the applications, USAID will consider only applications conforming to the format prescribed below. Applicants must organize the narrative sections of their applications in the same order as the technical evaluation criteria found in Section V of the RFA and include the following major components:

Technical Application (maximum: 20 pages)

- (1) Cover Page
- (2) Executive Summary
- (3) Technical Approach
- (4) Personnel
- (5) Management Plan
- (6) Past Performance Information

(1) Cover Page: The cover page shall include the name of the principal organization applying for the award. If any partner organizations are included in the application, they should be listed separately and indicated as subordinate to the principal organization. The cover page should also identify a single point of contact, with the authority to negotiate and sign on behalf of the applicant. The individual's name (both typed and his/her signature), title or position in the organization, current email and postal addresses, telephone and fax numbers shall be included.

(2) Executive Summary (not to exceed 1 page): This section shall provide a concise summary of the applicant's program description, program methodology and expected results. This is part of the page limit.

(3) Technical Approach: In preparing the Technical Approach, please ensure that the application reflects and addresses the evaluation criteria in Section V.

Applications should incorporate "best practices" in justice sector and human rights reform programs throughout the region, as well as "lessons learned" from programmatic implementation in post-Soviet countries and in repressive countries where reform opportunities are limited. USAID requests that proposals include integration of gender issues, minority issues and, most importantly, a focus on youth where possible. It is anticipated that programmatic approaches are based on careful preliminary analysis in order to ensure that they are both cost-effective, and will achieve intended results.

Applicants are encouraged to propose innovative programs designed to reach the desired results. Included in the program design should be an aggressive but realistic schedule of performance milestones as steps toward reaching proposed results, as well as criteria for ramping up or scaling down of activities based on socio-economic or political indicators in the country. Applications will be evaluated based upon both the level of achievement proposed and the realism of the plan for reaching that level of achievement. Recipient performance will be evaluated against the standards proposed by the applicant and accepted by USAID/CAR.

### (3) Management Plan

Applicants should propose a management plan and describe how the proposed plan will contribute towards achieving the objectives and results described in the program description. The proposed plan should specifically state and justify the composition and organizational structure of the entire project team. Delineation of roles, responsibilities, authority, and processes for decision making within Applicant's in-country team and between the home office and field must be spelled out clearly.

Applicants that intend to utilize sub-awardees shall indicate the extent of utilization intended, the method of identifying and selecting the sub-awardees and the tasks/functions the sub-awardees will perform. If an existing relationship exists with the proposed sub-awardees, the applicant shall describe the nature of the relationship. The application must specify the technical resources, capabilities and expertise of proposed sub-awardees.

### (4) Personnel

The Personnel section should describe the fit and strength of the key personnel as they relate to the RFA's objectives and provide the actual candidates proposed by the applicant. It should be noted that (1) references will be obtained for key personnel including information obtained from other than the sources provided by the applicant and (2) if letters of commitment are not provided for each key personnel candidates, the Technical Evaluation Committee can take this into account in evaluating this factor, including, but not limited to, ignoring the qualifications and experience of the person proposed.

The Applicants should proposed candidates for the following Key Personnel positions for this program: will be the Country Director/Representative, Finance Manager, Legal Advisor, and Human Rights Advisor. All Key Personnel must be based in Kyrgyzstan full-time.

*USAID will consider applications combination positions of Country Director/Legal Advisor or Country Director/Human Rights Advisor where all other requirements of the positions are met.*

Proposed key and non-key personnel will have prior experience directly related to the proposed work, including technical qualifications, supervisory skills, relevant academic background, and demonstrated experience in Central Asian countries or similar operating environment.

(5) Past Performance Information must contain the following:

- Description of Applicant's, and prospective partner's previous work and experience relative to the proposed activity;
- List of all awards involving similar or related programs, whether or not involving USAID, during the past three years;
- List of references and information such as location, award numbers if available, brief description of work performed and contact information with current email addresses and telephone numbers.

### **COST APPLICATION FORMAT**

The budget must be submitted using Standard Form (SF) 424 series, which includes SF-424, Application for Federal Assistance; SF-424a, Budget Information, Non-Construction Programs and SF-424b, Assurances, Non-Construction Programs. These forms can be downloaded from the grants.gov web site: [http://www.grants.gov/agencies/aapproved\\_standard\\_forms.jsp](http://www.grants.gov/agencies/aapproved_standard_forms.jsp).

The cost application is to be submitted under separate cover from the technical application. While there is no page limit for this portion, applicants are encouraged to be as concise as possible. The applicant should include a budget with an accompanying budget narrative which provides in detail the total costs for implementation of the program your organization is proposing.

A. The budget should include:

- the breakdown of all costs associated with the program according to costs of, if applicable, headquarters and/or country offices;
- the breakdown of all costs according to each partner organization 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; Cost share has been recommended to be up to 20% of the total estimated amount.
- full list of commodities expected to be purchased as part of this program. This list may be updated each year as part of the annual work plan process.
- breakdown of outreach and communication expenses including branding and marking;
- participant training, as defined by ADS 252, if any;
- breakdown of environmental compliance measures; and
- a detailed budget narrative by line item that provides the basis for the cost calculation (unit and quantity) and rationale for inclusion of this cost in the implementation of the program.

- In cases where there are multiple partner organizations, USAID requests a single consolidated detailed budget outlining all costs of all partners (headquarters, country offices, program costs, personnel (expatriate and local costs, STTA), financial and in-kind contributions, commodities, outreach and communications including branding and marking, participant training, and environmental compliance.

B. A current Negotiated Indirect Cost Rate Agreement. Applicants who 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;
3. A copy of the organization's accounting manual.

C. Applicants should submit any additional evidence of responsibility deemed 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 grant under applicable laws and regulations (e.g., EEO).

D. Applicants that have never received a grant, cooperative agreement 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.

E. The required certifications, assurances and other statements must be submitted as follows and as applicable by both U.S. and non-U.S. organizations:

1. For U.S. organizations, a signed copy of the mandatory reference, Assurance of Compliance with Laws and Regulations Governing Nondiscrimination in Federally Assisted Programs. This certification applies to Non-U.S. organizations if any part of the program will be undertaken in the United States;
2. A signed copy of the certification and disclosure forms for "Restrictions on Lobbying" (see 22 CFR 227);
3. A signed copy of the "Prohibition on Assistance to Drug Traffickers" for covered assistance in covered countries, as detailed in ADS 206.3.10;
4. A signed copy of the Certification Regarding Terrorist Funding required by the Internal Mandatory Reference AAPD 04-14;

5. When applicable, a signed copy of “Key Individual Certification Narcotics Offenses and Drug Trafficking” (See ADS 206);
6. When applicable, a signed copy of “Participant Certification Narcotics Offenses and Drug Trafficking” (See ADS 206);
7. The Survey on Ensuring Equal Opportunity for Applicants; and
8. All applicants must provide a Data Universal Numbering System (DUNS) Number (see Federal Register Notice Use of a Universal Identifier by Grant Applicants).

**C. Application Submission**

All applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format. Late or incomplete applications will not be considered.

Applicants are expected to review, understand, and comply with all aspects of this RFA. Failure to do so will be at the applicant's risk.

Each applicant shall furnish the information required by this RFA. The applicant shall sign the application and print or type its name on the Cover Page of the technical and cost applications. Erasures or other changes must be initialed by the person signing the application. Applications signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

Applicants 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."

**D. Funding Restrictions**

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. 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 grant.

**E. Branding and Marking Plan**

The Apparently Successful Applicant, upon the request of the Agreement Officer, will submit and negotiate a Branding Strategy and Marking Plan. The Branding Strategy will address the public communications and promotion plan for the project, while the Marking Plan will address the details of the project's public communications, commodities, program materials that will visibly bear the USAID Identity. The Branding Strategy and Marking Plan will be included in and made a part of the resulting 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 Branding Strategy and Marking Plan and will be incorporated into the Total Estimated Amount of the grant, cooperative agreement or other assistance instrument. If the Apparently Successful Applicant fails to submit or negotiate an acceptable Marking Plan within the time specified by the Agreement Officer, that Applicant becomes ineligible for award.

In preparation of the branding implementation plan and the marking plan the offeror will use templates for these documents available at <http://centralasia.usaid.gov/page.php?page=article-20> . Additional guidance is available in AAPD 05-11, [http://www.usaid.gov/business/business\\_opportunities/cib/pdf/aapd05\\_11.pdf](http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd05_11.pdf).

## **SECTION V – APPLICATION REVIEW INFORMATION**

The technical applications will be evaluated in accordance with the Evaluation Criteria set forth below. To facilitate the review of applications, applicants should organize the narrative sections of their applications in the same order as the selection criteria. USAID may reject all applications if they are not deemed sufficiently responsive.

After the final evaluation of the applications, the Agreement Officer will make the award to the selected applicant whose application offers the best value to the Government, considering both technical and cost factors. Technical, cost and other factors will be evaluated relative to each other, as described herein.

- (a) The technical application will be scored by a Technical Evaluation Committee using the criteria shown in this Section.
- (b) The cost application will not be part of the rating; however, it will be evaluated by the method described below.
- (c) The criteria below are presented by major category in relative order of importance, so that applicants will know which areas require emphasis in the preparation of proposals. The evaluation criteria reflect the requirements of this particular solicitation. Each factor will be judged against the accompanying sub-factors.
- (d) Applicants should note that these criteria: (1) serve as the standard against which all proposals will be evaluated, and (2) serve to identify the significant matters which applicants should address in their proposals.
- (e) For overall evaluation purposes, technical factors when combined are considered *significantly more important than* cost/price factors.

Specific information on each evaluation factor and sub-factor is provided below.

### **1. TECHNICAL APPROACH (50 points)**

The technical approach will be evaluated on the below (all sub-criteria are of equal value).

- Technical approach is well-conceived, technically sound, innovative and clearly demonstrates how the desired objectives and expected results as outlined in this document will be achieved including the appropriate use of commodities.
- A clearly defined and realistic plan for strengthening the skills of and access to advocates including those outside of Bishkek and managing small institutional grants to local organizations.
- Performance Monitoring Plan that (1) defines ambitious annual targets for each indicator including USAID indicators and any indicators proposed by applicant, (2) a clear definition of each indicator, (3) disaggregation data for each indicator, (4) data source information for each indicator and (5) information how often data will be collected for each indicator.
- Sustainability Plan – a clearly delineated plan containing annual benchmarks towards the sustainability of each activity.
- An appropriate plan for consolidating past and current donor activities related to (1) defense attorneys and (2) support for human rights issues and groups --- including a plan for cooperatively working with donors.

### **2. PERSONNEL (20 points)**

The proposed candidates for the below key personnel positions will be evaluated under this factor:

- Country Director/Representative: Master Degree or equivalent from an Accredited University, minimum of 8 years professional experience including a minimum of 4 years experience leading and directing a similar type donor funded international development project, prior experience in a similar environment to the Central Asian Republics, preferably the former Soviet Union, fluency in English, and strong written/verbal communications, interpersonal, customer service and leadership skills. Russian and/or Kyrgyz language skills are a plus but not required. (expatriate – U.S. or TCN)(10 Points)
- Legal Advisor: Law Degree from an Accredited University, Minimum of 6 years of professional experience including a minimum of 3 years working as a defense attorney, and a minimum of 3 years experience developing a private bar association or similar type legal assistance work on a donor funded international development project, prior experience in a similar environment to the Central Asian Republics, preferably the former Soviet Union, fluency in English, and strong written/verbal communications, interpersonal, customer service and leadership skills. Russian and/or Kyrgyz language skills are a plus but not required. (expatriate – U.S. or TCN)(4 points)
- Human Rights Advisor: Master Degree or equivalent from an Accredited University, Minimum of 5 years human rights experience including a minimum of 3 years of human rights experience on a donor funded international development project, prior experience in a similar environment to the Central Asian Republics, preferably the former Soviet Union, fluency in English, and strong written/verbal communications, interpersonal, customer service and leadership skills. Russian and/or Kyrgyz language skills are a plus but not required. (U.S or TCN or CCN) (4 Points)
- Finance Manager: Accounting Degree from an Accredited University, Minimum of 5 years experience in a financial manager capacity for a donor funded international development project, prior experience ensuring compliance with donor regulations particularly those related to sub-grant mechanisms, fluency in English and strong written/verbal communication skills. Russian and/or Kyrgyz language skills are a plus but not required. (U.S or TCN or CCN)(2 points)

### **3. APPLICANT PAST PERFORMANCE INFORMATION (20 points)**

The applicant's past performance will be evaluated in accordance with ADS 303.3.6.3. The Technical Evaluation Committee will validate an applicant's past performance reference information by relying on existing evaluations to the maximum extent possible; and making a reasonable, good faith effort to contact all references to obtain verification or corroboration on the below single evaluation criteria:

- Documented success in and history of delivering effective legal and/or human rights reform projects in developing countries, similar to Central Asia, cooperating with other implementers and donors, a solid record of customer service and compliance with the requirements of past contracts/grants.

In cases where (1) an applicant lacks relevant performance history, (2) information on performance is not available, or (3) an applicant is a member of a class of applicants where there is provision not to rate the class against a sub factor, then the applicant will not be evaluated favorably or unfavorably on performance. The "neutral" rating assigned to any applicant lacking relevant performance history. An exception to this neutral rating provision: the non-small businesses prime with no history of subcontracting with small business concerns. Prior to assigning a "neutral" past performance rating, the agreement officer may take into account a broad range of information related to an applicant's performance.

**4. MANAGEMENT PLAN (10 points)**

- Soundness of the overall management plan and clear organizational structure to manage the cooperative agreement. This includes organizational chart, clearly delineated roles & responsibilities between the in-country and home office, and clear and realistic plans for general staffing and mobilization, and clearly defined roles and responsibilities between the prime grantee and sub-grantees, if any are proposed, and a clear explanation of how/why the use of sub-grantees benefits the program.

**5. COST APPLICATION**

Cost/Price is not a weighted evaluation factor. However, the applicant's proposed cost/price for the cooperative agreement will be evaluated. Evaluation of cost will include verification of rates and cost realism, allowability and allocability. The rate of return per administrative dollar will be considered. Any lack of cost realism, unreasonableness, or imbalance in price may be considered in the determination of best value.

Although there is no general legislative requirement that recipients of cooperative agreements and cooperative agreements must cost share, USAID policy is that cost sharing is an important element of the USAID-recipient relationship. USAID desires that applicants demonstrate their commitment to program success by including cost-sharing. USAID/CAR would therefore prefer applicants to provide up to 20% cost share for this RFA.

This is not a numerically scored evaluation factor, but cost share contribution will be considered in the overall evaluation of technical merit. The evaluation committee will consider the applicant's overall program, including the portion to be funded by USAID as well as any portion to be funded or provided through a cost share contribution. To the extent that cost share contributions relate to any of the above evaluation criteria, it may also be factored into the evaluator's score for that criterion.

**SECTION VI – AWARD AND ADMINISTRATION INFORMATION**

The Agreement Officer is the only individual who may legally commit the Government to the expenditure of public funds. Applicants are advised that costs incurred prior to receipt of either a fully executed Agreement (in electronic or print form) or a specific, written authorization from the Agreement Officer are not allowable and therefore are ineligible for reimbursement under the Agreement.

**A. REPORTING REQUIREMENTS**

The Recipient shall provide the following reports to the Agreement Officer’s Technical Representative (AOTR) and the Agreement Officer, as specified below, in accordance with 22 CFR 226.51 and 226.52 and the Substantial Involvement provisions.

1. **Quarterly Performance Reports:** Pursuant to 22 CFR 226.51 the Recipient shall submit quarterly performance reports within 30 calendar days of the end of the quarter (or October 30, January 30, April 30, July 30) to the AOTR. The fourth quarterly report (July-September) shall serve as an annual report summarizing the fiscal year achievements including participant training and indicator data. Reports may be submitted electronically.
  - An analytical description of overall program progress towards results that reflects and synthesizes achievements. This should not be a description of activities but rather a broader analysis that examines the progress in the context of program objectives and expected results.
  - A summary of activities conducted. This section should highlight conducted activities, and include a description of progress towards results relevant trends and clippings of press articles that mention the project.
  - Data on all indicators established in the monitoring and evaluation plan for this cooperative agreement. Data should be disaggregated by gender and other historically disenfranchised populations, where relevant. Discrepancies in the participation and benefits of project outcomes to one gender over another should be explained. See monitoring and evaluation plan for further guidance on reporting on indicators.
  - A comparison of accomplishments to the goals and objectives established for the period.
  - Problems encountered, reasons why established goals were not met, if appropriate, and how challenges or problems will be overcome during the next reporting period.
  - A comparison of actual expenditures with budget estimates, including analysis and explanation of cost overruns or high unit costs, and any other pertinent information, as relevant.
  - Reports shall also contain, as an attachment, a summary list of sub-cooperative agreements (if any) issued during the quarter.
  - Reports shall also contain, as an attachment, an indicator data table outlining quarterly indicator achievements. A sample table is below.

Indicator	Year 1: 1 <sup>st</sup> Quarter Results	Year 1: 2 <sup>nd</sup> Quarter Results	Year 1: 3 <sup>rd</sup> Quarter Results	Year 1: 4 <sup>th</sup> Quarter Results	Year 2: 1 <sup>st</sup> Quarter Results	Year 2: 2 <sup>nd</sup> Quarter Results	Year 2: 3 <sup>rd</sup> Quarter Results	Year 2: 4 <sup>th</sup> Quarter Results	Year 3: 1 <sup>st</sup> Quarter Results	Year 3: 2 <sup>nd</sup> Quarter Results	Year 3: 3 <sup>rd</sup> Quarter Results	Year 3: 4 <sup>th</sup> Quarter Results
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2. **Financial Reports:** Pursuant to 22 CFR 226.52, the Recipient shall submit Financial Status Reports within 30 calendar days of the end of each standard quarter (or October 30, January 30, April 30, July 30).
3. **Final Report:** The Recipient shall submit the original copy to the Cognizant Technical Officer, one copy to the Agreement Officer, and one copy to USAID Development Experience Clearinghouse. The final report shall be submitted no later than 90 calendar days after the expiration of the award. Reference 22 CFR 226.51. The final report shall also consolidate activities and analyses of all partners into one document and their activities and progress towards results. The final performance report shall contain the following information:
  - An executive summary of the accomplishments and results achieved;
  - An in-depth analysis of progress and results that synthesizes achievements that contributed towards program objectives. This section should clearly describe activities, major accomplishments and results achieved, including results for all of the activities under the cooperative agreement;
  - Final data, compared to baseline data, for all indicators included in the monitoring and evaluation plan for leader and associate award activities. This section should include disaggregated data by gender, historically disenfranchised groups and other relevant groups identified. Disparities between groups as measured by the indicators should be explained and details about actions taken to remedy these imbalances included.
  - A summary of problems/obstacles encountered during the implementation, and how those obstacles were addressed and overcome if appropriate;
  - Lessons learned, best practices, and other findings, along with recommendations for future programming under each of the program objectives; and
  - A comparison of actual expenditures with budget estimates, including analysis and explanation of cost overruns or high unit costs, and any other pertinent information, as relevant.
4. **Participant Training Reports.** The recipient will collect training data on technical trainings (conferences, workshops) provided for beneficiaries that were held in the United States, third countries, or in-country under this cooperative. The training data will be entered into TraiNET and submitted to the AOTR quarterly no later than 30 days following the end each fiscal quarter measured from October 1, as relevant. The recipient will follow ADS 252 policy, which provides detailed information regarding visa compliance guidelines, and ADS 253, which provides guidance on how to implement USAID funded training programs.
5. **Branding and Marking Reports.** As per USAID/CAR's Mission Order on Marking and Branding, the recipient will be request to provide the following information:
  - An updated quarterly list of public events to be organized by the project during the coming three months, including approximate date, location, and audience. The project will coordinate with USAID about all planned events with press participation, press activities, press releases, as well as inclusion of USAID promotional materials for the participants, participation of USAID/USG representatives.
  - Two success stories a year for each country where the project is implemented with an accompanying photograph (see item c). for specifications). The success stories will be provided in a Word Document format, using a standard USAID success story template (available at [www.usaid.gov/templates.html](http://www.usaid.gov/templates.html)).

- A CD with a collection of minimum 20 photographs a year for each country where the project is implemented that are illustrative of project's achievements in jpeg format. The photographs will comply with a guidance provided in the USAID Graphic Standards Manual, and be at least 500kb in size each. Each photograph will have a brief explanation about its subject, and identify: the author and his/her organization, person(s) featured in the photograph, and the location where the photograph was taken.
- Clippings of press articles that mention the project.
- At least 2 copies of all public communications materials produced by the project. In addition, the recipient shall submit one electronic and/or one hard copy of all final documents to USAID's Development Experience Clearinghouse.

## **B. ENVIRONMENTAL COMPLIANCE**

The Foreign Assistance Act of 1961, as amended, Section 117 requires that the impact of USAID's activities on the environment be considered and that USAID include environmental sustainability as a central consideration in designing and carrying out its development programs. This mandate is codified in Federal Regulations (22 CFR 216) and in USAID's Automated Directives System (ADS) Parts 201.5.10g and 204 (<http://www.usaid.gov/policy/ads/200/>), which, in part, require that the potential environmental impacts of USAID-financed activities are identified prior to a final decision to proceed and that appropriate environmental safeguards are adopted for all activities. Recipient environmental compliance obligations under these regulations and procedures are specified in the following paragraphs of this RFA. In addition, the recipient must comply with host country environmental regulations unless otherwise directed in writing by USAID. In case of conflict between host country and USAID regulations, the latter shall govern.

A draft Initial Environmental Examination (IEE) (Amendment # 4 to the Initial Environmental Assessment DCN: 2005-CAR-004, is still under review by the Asia Bureau Environmental Officer. The IEE covers training programs, study tours, workshops, seminars, research/study and technical assistance activities that are likely to be implemented under this project. It is expected that these activities will be approved for a categorical exclusion under 22 CFR Part 216.2 (c) (i) as they will not have an effect on natural or physical environment. However, sub-grants, construction projects, and the provision of commodities do not have a categorical exclusion and will need to be reviewed for environmental impact should these be proposed by the Applicant.

For those activities outside of the categorical exclusion the Recipient will be responsible for preparing and submitting to USAID an initial environmental examination including proposed mitigation factors (e.g. commodities will be disposed over in XX manner following the conclusion of this cooperative agreement) as part of the initial Work plan and all Annual Work Plans thereafter. No such new activities shall be undertaken prior to receiving written USAID approval of environmental documentation amendments.

**SECTION VII – AGENCY CONTACTS**

Any questions concerning this RFA should be submitted in writing to Elvira Kassimova, Agreement Specialist, via internet to [AlmatyAASolicitations@usaid.gov](mailto:AlmatyAASolicitations@usaid.gov) as soon as possible but not later than October 12, 2009. After this date no additional questions will be answered. All questions asked and the answers to those questions will be presented as an amendment to this RFA and will be posted on the U.S. Government Point of Entry.

If there are problems in downloading the RFA, please contact Elvira Kassimova [ekassimova@usaid.gov](mailto:ekassimova@usaid.gov). Applicants should retain for their records one copy of all enclosures which accompany their application.