



USAID | **ASIA**
FROM THE AMERICAN PEOPLE

Issuance Date: January 12, 2012

Closing Date: March 02, 2012

Closing Time: 4:00 pm local Bangkok, Thailand time

Subject: USAID-VN-486-12-008-RFA

USAID Improving Higher Education Quality Program in Vietnam

The United States Agency for International Development (USAID), is seeking applications (proposals for funding) from U.S. or non-U.S. non-governmental organizations (NGOs), including academic institutions, and/or a consortia to provide technical support for USAID/Vietnam's Improving Higher Education Quality Program in Vietnam. USAID/Vietnam is issuing a request for applications (RFA) for a three-year cooperative agreement. Please refer to the Program Description (RFA Section I) for a complete statement of goals and expected results.

Subject to annual availability of funding, USAID intends to award a cooperative agreement for approximately \$2.5 million over a three-year period (on/about July 1, 2012 - June 30, 2015). The primary objective of this program is to strengthen the human and institutional capacity of Vietnamese higher education institutions to develop and deliver education, training and research programs that underpin economic growth. In meeting this objective, USAID will leave behind institutional legacies capable of providing effective human capital development. The Recipient will implement a program to meet this objective.

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

1. Section I Funding Opportunity Description;
2. Section II Basic Award Information;
3. Section III Eligibility Information;
4. Section IV Application Submission Information;
5. Section V Application Review Information;
6. Section VI Award and Administration Information;
7. Section VII Agency Contacts; and
8. Attachments Representations and Certifications

For the purposes of this RFA, the term "Grant" is synonymous with "Cooperative Agreement"; "Grantee" is synonymous with "Recipient"; and "Grant Officer" is synonymous with "Agreement Officer".

The federal grant process is now web-enabled. As of December 19, 2005, grant and cooperative agreement Request for Application (RFA) and Annual Program Statement (APS) announcements, modifications to the announcements, and the corresponding application packages must be posted via Grants.gov on the World Wide Web (www). This RFA and any future amendments can be downloaded from the website www.grants.gov. It is the responsibility of the Recipient of the application document to ensure that it has been received the RFA from www.grants.gov in its entirety.

Applicants may submit their applications electronically on www.grants.gov or by e-mail attachment formatted in Microsoft Word (up to 2 MB limit per email) and must also submit hard copies by the due date. Please see Section IV of the RFA for detailed instructions regarding submission of applications via email. Applications and modifications thereof must be submitted with the name and address of the Applicant and the RFA number (referenced above) inscribed thereon, via email, to Praveena ViraSingh at pvirasingh@usaid.gov and copied to Patrick Wilson at pwilson@usaid.gov.

Applicants must confirm with Patrick Wilson/Praveena ViraSingh that their electronic submissions (either via www.grants.gov or via email) were successfully received by the required due date. USAID bears no responsibility for data errors resulting from transmission or conversion processes associated with electronic submissions. An original and three (3) hard copies of the technical application, and an original and one hard copy of the cost proposal, must be sent to:

By U.S. Mail
Nguyen Ahn Thu
USAID
US Embassy Hanoi
Unit 4550
DPO, AP 96521

By All Other Means of Delivery:
Nguyen Ahn Thu
USAID/VIETNAM
Floor 15, Tung Shing Building,
No. 2 Ngo Quyen St.
Hanoi, Vietnam

Hard copies of submissions must arrive by the due date. It is recommended that Applicants use courier service instead of international mail for the hard copies. Applications will be accepted for consideration as long as they arrive at USAID/Vietnam by the time stipulated. See RFA Section II regarding late applications.

Applicants are requested to submit the technical and cost portions of their applications in separate volumes so that they may be reviewed separately. Award will be made to that responsible Applicant(s) whose application(s) best meets the requirements of the RFA and the selection criteria contained herein.

Faxed proposals are not acceptable.

Issuance of the RFA does not constitute an award commitment on the part of USAID, nor does it commit USAID to pay for costs incurred in the preparation and submission of an application. Further, USAID reserves the right to reject any or all applications received. In addition, final award of any resultant cooperative agreement(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, and all preparation and submission costs are at the Applicant's expense.

In the event of any inconsistency between the sections comprising this RFA, it must be resolved by the following order of precedence:

- (a) Section V, Application Review Information
- (b) Section IV, Application and Submission Information
- (c) Section I, Funding Opportunity Description
- (d) this Cover Letter

Applicants should take into account the expected delivery time required by the proposal transmission method they choose, and are responsible to ensure that the electronic copies are sent to the right email address and the

hard copies of the proposals are received at USAID/Vietnam, (and not at another location) by the due date and time specified above.

Applicants should retain for their records one copy of all enclosures which accompany their application.

Thank you for your interest in USAID/Vietnam programs and activities.

Sincerely,

/s/

Patrick Wilson
Regional Agreement Officer
USAID/RDMA, Bangkok

TABLE OF CONTENTS

SECTION I: FUNDING OPPORTUNITY DESCRIPTION	1
1. PROGRAM DESCRIPTION	1
2. AUTHORIZING LEGISLATION	8
3. AWARD ADMINISTRATION.....	8
4. GENDER CONSIDERATIONS	8
SECTION II: BASIC AWARD INFORMATION.....	9
1. ESTIMATED FUNDING.....	9
2. PERFORMANCE PERIOD	9
3. AWARD TYPE	9
4. AUTHORITY TO OBLIGATE THE GOVERNMENT	9
SECTION III: ELIGIBILITY INFORMATION.....	10
SECTION IV: APPLICATION SUBMISSION INFORMATION	11
I. PREPARATION GUIDELINES	11
II. TECHNICAL APPLICATION FORMAT	13
III. COST APPLICATION FORMAT	15
SECTION V: APPLICATION REVIEW INFORMATION	18
SECTION VI: AWARD and ADMINISTRATION INFORMATION	21
A. AGREEMENT AWARD.....	21
B. GEOGRAPHIC CODE.....	22
C. U.S. EXECUTIVE ORDERS AND LAW REGARDING TERRORISM	22
D. FOREIGN GOVERNMENT DELEGATION TO INTERNATIONAL CONFERENCES.....	22
E. SALARY SUPPLEMENTS	22
F. UNSUCCESSFUL APPLICATIONS	22
G. NON-FEDERAL AUDITS.....	23
H. BRANDING STRATEGY AND MARKING PLAN	23
I. USAID DISABILITY POLICY – Assistance (December 2004)	23
J. STANDARD PROVISION: EQUAL PROTECTION OF THE LAWS FOR FAITH-BASED AND COMMUNITY ORGANIZATIONS (December 2009).....	23
K. CENTRAL CONTRACTOR REGISTRATION AND UNIVERSAL IDENTIFIER (OCTOBER 2010).....	24
L. REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION (OCTOBER 2010)	25
M. TRAFFICKING IN PERSONS (OCTOBER 2010).....	28
SECTION VII: AGENCY CONTACTS.....	31
ATTACHMENT 1 - CERTIFICATIONS, ASSURANCES, AND OTHER STATEMENTS OF RECIPIENT	32
PART I - CERTIFICATIONS AND ASSURANCES.....	32
PART II - OTHER STATEMENTS OF RECIPIENT.....	38
PART III - OTHER CERTIFICATIONS	43
1. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS	43
2. KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING	45
3. PARTICIPANT CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING.....	46
4. CERTIFICATION REGARDING MATERIAL SUPPORT AND RESOURCES	47
5. CERTIFICATION REGARDING LOBBYING	48
6. SURVEY on ENSURING EQUAL OPPORTUNITY for APPLICANTS	48
7. LOCAL PROCUREMENT BLANKET WAIVER.....	51
8. BRANDING AND MARKING	53

SECTION I: FUNDING OPPORTUNITY DESCRIPTION

1. PROGRAM DESCRIPTION

I. INTRODUCTION

The primary objective of this program is to strengthen the human and institutional capacity of Vietnamese higher education institutions to develop and deliver education, training and research programs that underpin economic growth. In meeting this objective, USAID will leave behind institutional legacies capable of providing effective human capital development. The Recipient will implement a program to meet this objective.

II. BACKGROUND

As Vietnam moves from lower to middle-income country status, its higher education system is under immense pressure to meet the needs of the rapidly changing economic landscape. The current system still has shortcomings and weaknesses.

The demands of the highly competitive global economy require a mix of knowledge, skills, and abilities that are not consistently being developed by Vietnam's higher education system. Exceptions exist, but the general situation is troubling, and a variety of factors combine to constrain the quality and relevance of the system and its institutions. Various US Government and Vietnamese based studies have identified the following areas in need of improvement: institutional differentiation and autonomy, training, pay, and promotion of professors, renovation of instructional methods, development of 21st century education managers and leaders, and the development and use of relevant curriculum, among others.

The GVN has acknowledged many, if not most, of these problems and is making an effort to address them. Education sector priorities have been clearly set in the Vietnam Education Development Strategic Plan 2008-2020 (Resolution 14 – 14/2005/NQ-CP), which calls for a “fundamental and comprehensive renovation of higher education.” The GVN has further elaborated on its goals for higher education in its “Higher Education Reform Agenda” (HERA) which shows commitment to improving the higher education system in a rapidly changing economic and social environment through: (i) improving the quality of teaching and research, with a view to integration into the increasingly globalized economy; (ii) extending the autonomy of higher education institutions, especially in academic and administrative matters, with a view to improving responsiveness to the needs of beneficiaries; and (iii) increasing private sector investment, vital to the fiscal sustainability of an expanding sector.

In line with Vietnamese higher education reform plans is the 2009 U.S.-Vietnam Education Task Force Report. The Report included recommendations from six Advisory Groups on U.S. education assistance to Vietnam in key areas. Two of the three key recommendations in the report are germane to this program:

- Encourage More and Deeper Linkages and Joint Programs between American and Vietnamese Universities.
- Promote Education Programs Designed to Help Vietnamese Students Acquire the Skills Needed in Vietnam's Modernizing Economy.

Please see the following link for a full copy of the report:

<http://photos.state.gov/libraries/vietnam/8621/pdf-forms/ETFReport-Sept09.pdf>

While some steps have been taken towards achievement of Vietnamese and U.S. goals for education reform in Vietnam, many of the reform plans have not been implemented. A 2009 Politburo report found that “educational management retains many weaknesses and is the principal cause of many other weaknesses.” A January 2010 Ministry of Education and Training (MOET) resolution concluded that, “sweeping, vigorous, and path-breaking responses” are needed to improve the quality of higher education in Vietnam.

This program seeks to assist the GVN in achieving its education reform goals. It will take concerted steps and dedicated resources to strengthening the target reform areas.

III. STRATEGY AND RESULTS FRAMEWORK

The USAID/Washington Education Strategy is grounded on the following principles:

- Country Ownership and Responsibility: USAID education programs should actively assess and seize opportunities for reliance on host country planning and implementation systems.
- Innovation, Science, and Technology: USAID actively encourages the use of science, technology, and other innovations in our education programs.
- Enhanced Evaluation Practices: USAID education programs are to be grounded in rigorous evaluation practices, including the building of local evaluation capacity, the integration of evaluation into the design of programs, unbiased measurement and reporting on program achievements, and a commitment to wide disclosure of key findings.
- Sustainability: USAID education programs will contribute to an educational ecosystem that includes national and local government institutions, civil society, and the private sector – one or more of which will achieve increased capacity to provide better educational services as a result of our assistance.
- Gender Equality: As per President Obama’s recently released U.S. Global Development Policy, the U.S. Government is committed to investments that benefit women and girls. The USAID education strategy echoes that as it seeks to promote gender parity and equity in the improvement of education for all.

USAID/Vietnam’s work on education development fits tightly within the USAID/Washington Education Strategy and is based upon the same underlying principles. The over-arching goal of the USAID/Vietnam 2011-2013 education strategy is to improve the quality of Vietnamese higher education. The primary strategic approach is to strengthen the human and institutional capacity of Vietnamese higher education institutions to develop and deliver education, training and research programs that underpin economic growth, are responsive to the needs of the private sector, and are conducive to increased employability for the recipients of higher education. In all programming efforts, priority is placed on leaving behind institutional legacies capable of providing effective human capital development after the conclusion of USAID funding.

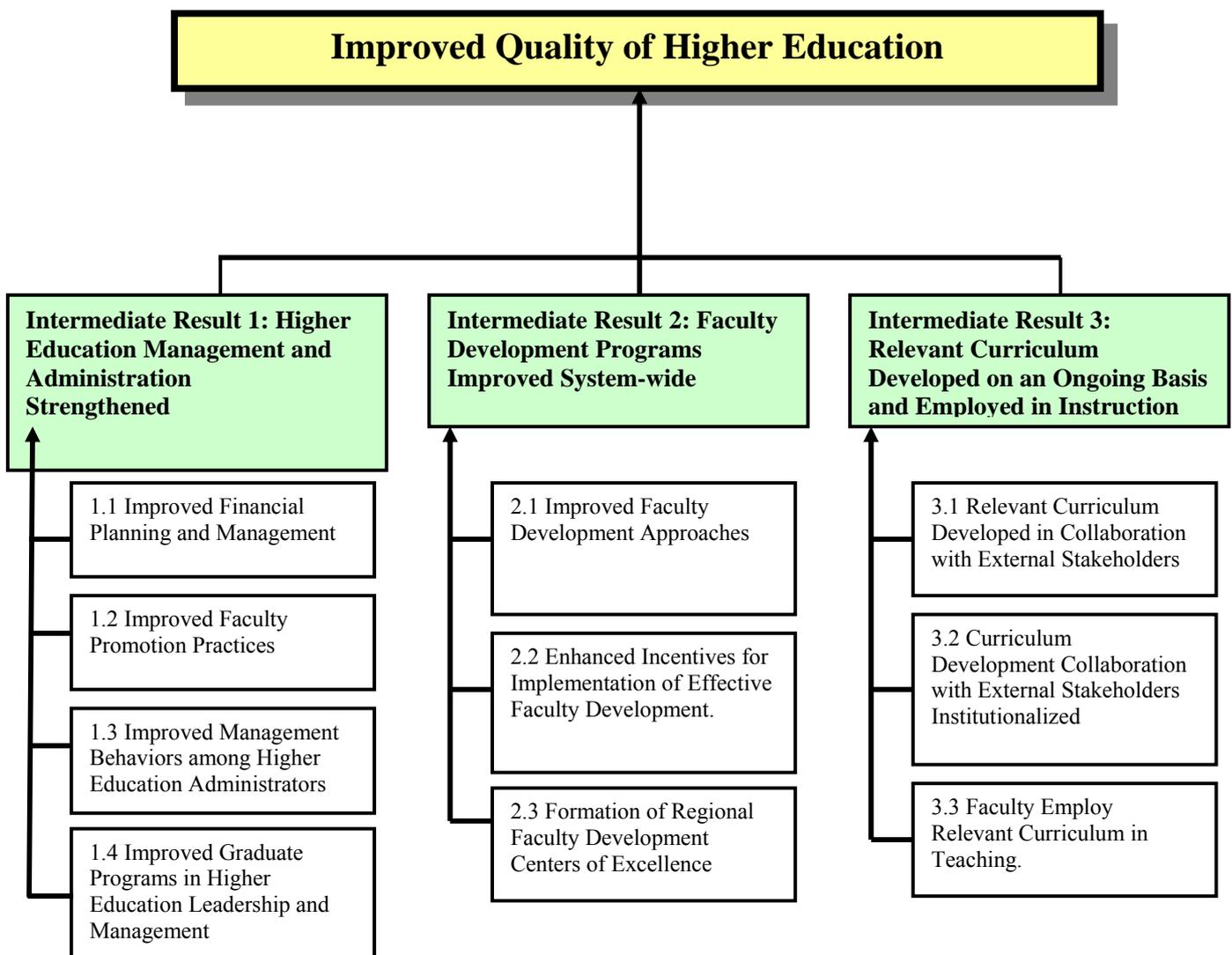
In order to achieve this objective, the Mission seeks to achieve the intermediate results of:

#1 Strengthened higher education management and administration. Quality higher education depends on the ways management develops and implements policies and practices that are supportive of quality teaching and research. By strengthening higher education management and administration, USAID will help foster human and institutional capacity that is vital to the delivery of quality higher education.

#2 Enhanced faculty development opportunities and programs. USAID will help Vietnam develop the capacity needed to ensure that their faculty - on an ongoing basis - can learn and employ effective instructional practices, thereby improving the quality of higher education.

#3 The development and use of relevant curriculum and the capacity to continue such curriculum development in the face of changing knowledge and needs. USAID will help Vietnam ensure that students are learning that which is supportive of their aspirations, their employment prospects, and the country’s social and economic development needs. This also improves the quality of education.

The results framework that accompanies this strategic approach is presented below:



This education activity will contribute to the overall objective through achievements in each of the three intermediate results, though not necessarily in equal parts and not necessarily each of the intermediate result sub-elements.

IV. ACTIVITY COMPONENTS

USAID/Vietnam invites applications that creatively address Vietnam's higher education reform challenges and contribute to the achievements of this program's objective. Applications should focus on one or more discipline or professional field. Whatever the focal area, USAID requires that each of the following components be addressed, though not necessarily equally:

Component 1: Higher Education Management and Administration Strengthening

Higher education management and administration that supports the development, delivery and sustainability of quality teaching and research is essential to improving the quality of higher education. Quality higher education depends on the ways management develops and implements policies and practices. For example, effective personnel management practices – including matters related to faculty hiring, promotion and compensation – are vital to attracting and retaining the talented teachers and researchers needed to deliver quality programs. Governance approaches that support and reflect institutional autonomy enable universities and colleges to be more responsive and adaptive as they continue to shape academic programs to meet the needs of students and external stakeholders. Campus administrators that support faculty and private sector-driven reforms to curriculum, teaching, and assessment are critical to incubating and growing reforms as they develop. The absence of sound financial planning and management can undermine an institution's ability to develop and sustain academic programs, hire and promote faculty, and maintain facilities needed to support quality instruction and research.

By strengthening higher education management and administration, this program will help foster human and institutional capacity that is vital to the delivery of quality higher education.

Component 2: Faculty Development

The development of professors and instructors who are able to employ effective teaching methodologies and practices is essential to quality higher education. To ensure that this happens in an ongoing manner, rather than in a piecemeal fashion, and to ensure such development is not concentrated in just a few locations or universities, Vietnam needs to improve and institutionalize faculty development programs.

By enhancing faculty development opportunities, this program will develop the capacity needed to ensure that Vietnamese faculty - on an ongoing basis - can learn and employ effective instructional practices, thereby improving the quality of higher education.

Component 3: Curriculum Development and Implementation

A key higher education concern in Vietnam is that the curriculum used for instruction is not sufficiently relevant; students are being asked to learn matters that prospective employers do not need them to know. Curriculum is too often developed in isolation from external stakeholders whose inputs could greatly enhance the value of the curricula content. Quality higher education depends on the use of relevant curriculum.

By supporting the development and use of relevant curriculum, and the capacity needed to continue such curriculum development in the face of changing knowledge and needs, this program will help Vietnam ensure that students are learning that which is supportive of their aspirations, their employment prospects, and the country's social and economic development needs.

Cross-Cutting Considerations: Across all three components, this program must also embrace the following cross-cutting considerations:

- **Accreditation.** The U.S. Government is committed to advancing accredited approaches to higher education in Vietnam and this program will be a part of that commitment. Any new curriculum or approach introduced by the program must be tied to a specific accreditation regime in the U.S. Further, to the extent the achievement of programmatic accreditation for programs in Vietnam is feasible, it should be pursued.
- **Scalability.** USAID seeks to make a broad impact with this program. All applications must propose a program of some breadth (i.e. not focus on one university or a small group of individuals) and include plans for further scaling as the program progresses and transitions away from donor assistance. The scaling plan will be included in the technical section of applications (see Section IV).
- **Private Sector Support.** This project is conceived of as a Global Development Alliance (GDA) – see <http://idea.usaid.gov/gp/about-gda-model>. USAID/Vietnam requires a private sector partnership for this project to (a) leverage limited U.S. Government resources; and (b) seek “additionality” from private sector partners, as they contribute to the reform effort in unique, substantive ways. Private sector contributions should not simply be financial, but also programmatic, as they lend their voice and perspective to the program and the reforms it pursues. All applications must include one or more private sector resource partners, matching USAID funds at least 1:1.
- **Soft and Hard Skill Development.** Private sector employers have told USAID/Vietnam that they can train recent graduates and potential hires on their craft and the hard-skill needs of their industry. However, it is the soft-skill areas of critical thinking, problem solving, team work, leadership, and English language communication abilities that take years to develop and represent real challenges for employers. This program must advance critical soft-skill development in the program participants and throughout program outputs.

V. ROLES AND RESPONSIBILITIES

The success of this program will depend on an effective partnership between USAID, the Recipient, private sector partners, the GVN, and participating Vietnamese higher education institutions. These relationships will be governed by a Memorandum of Understanding (MOU). This MOU will spell out partnership commitments (financial and otherwise), roles, responsibilities, and other project expectations. USAID/Vietnam has entered into such an MOU in other education projects and can provide guidance on this effort after an award is made. For the purposes of application, a draft and/or finalized MOU is not required.

VI. SUBSTANTIAL INVOLVEMENT

The Cooperative Agreement that results from this RFA will govern the relationship between USAID and the Recipient. As per ADS 303.3.11 on “Substantial Involvement and Cooperative Agreements”, USAID will be involved in this assistance activity only where reasonable and necessary. Substantial Involvement under the proposed award includes the following:

- Approval of key personnel
- Approval of annual work plans and monitoring and evaluation (M&E) plans, including any significant changes to the approved work-plan or the M&E plan made after initial approval.

VII. DELIVERABLES AND REPORTS

i. Annual Work Plan

The work plan is the key document for agreement performance against which performance must be monitored and evaluated by both USAID and the Recipient. Work plans must specify a time table for the implementation of the planned activities and a detailed program budget. The work plan in Years 2 and 3 of the program must include a brief report on performance to date. It is anticipated that USAID Mission staff, host country officials, and other appropriate persons will review the work plan and provide comments and recommend changes. The work plan is subject to AOTR approval. The work plan is intended to be a working document and may be updated or revised subject to AOTR approval. The Recipient must submit one copy of the work plan to the AOTR electronically within 45 days of the award date for Year 1 and within 45 days of the start of each subsequent year of the project. The AOTR will review and approve plans to ensure that they are within the Program Description and contribute to achieving the objectives of the program.

The work plan must include, as a minimum:

1. Proposed accomplishments and expected progress towards achieving results and performance measures tied to the indicators agreed upon within the M&E plan;
2. Timeline for implementation of the year’s proposed activities, including target completion dates;
3. Information on how activities will be implemented;
4. Personnel requirements to achieve expected outcomes;
5. Details of collaboration with other major partners;
6. Targets and anticipated results and milestone indicators against which the recipient will be evaluated (jointly established with the AOTR)

ii. Monitoring and Evaluation (M&E) Plan

The Recipient is responsible for developing and executing a Monitoring & Evaluation plan, in consultation with USAID/Vietnam. For each year of the agreement the Recipient must submit an M&E plan to the AOTR detailing how they intend to monitor progress of work and the achievement of results under the agreement. One copy of the M&E plans must be submitted electronically to the AOTR with 45 days of the award date for Year 1 and within 45 days on the start of each subsequent year of the project.

iii. Program Reports

In accordance with 22 CFR 226.51(b), the Recipient must submit one copy of a performance report to the AOTR, USAID/Vietnam. The performance reports are required to be submitted quarterly and must contain the following information:

- Details of current progress achieved towards objectives, keyed to project indicators;
- Partner's contributions towards the Alliance;
- Problems encountered, if any;
- Information on cost.

iv. Miscellaneous Reports

The Recipient must immediately notify the AOTR and the Agreement Officer in writing in the event that circumstances arise that have or may have an adverse impact on timely performance of the agreement or the occurrence of unanticipated costs under the agreement.

v. Completion Report

The Recipient must submit an original and five copies of the final report to the AOTR and one copy to the USAID Development Experience Clearinghouse. No later than 60 days after the completion date of the Cooperative Agreement, the recipient must submit a final report which includes an executive summary of the Recipient accomplishments in achieving results and conclusions about areas in need of future assistance; an overall description of the Recipient's activities and attainment of results, as appropriate, during the life of the Cooperative Agreement; an assessment of progress made toward accomplishing the objective, results, and expected outcomes; significance of these activities; and important research findings; comments and recommendations. In particular, the report should include:

- A summary of the accomplishments against work plans, giving the final tangible results; and
- A summary of deliverables/benchmarks, addressing lessons learned during implementation and suggesting ways to resolve constraints identified.
- A summary describing the final status of the benchmarks and results with recommendations for follow-on work that may complement the completed work.

In addition, an electronic copy must be submitted either:

- (a) Via E-mail: docsubmit@dec.cdie.org;
- (b) Via U.S. Postal Service: Development Experience Clearinghouse, 8403 Colesville Road, Suite 210 Silver Spring, MD 20910, USA; or
- (c) Online: <http://www.dec.org/index.cfm?fuseaction=docSubmit.home>.

See generally, 22 CFR 226.51 Monitoring and Reporting Program Performance.

vi. Management Reviews and External Evaluations

The annual work plans will form the basis for joint annual management reviews by USAID and program staff to review program directions, achievements of the prior year work plan objectives, any major management and implementation issues, and to make recommendations for any changes as appropriate. These management reviews as well as work plan meetings may be broadened to include dialogue across the different cooperating agencies, and among relevant Ministries.

At any time during program implementation, USAID may conduct one or more external mid-term evaluation(s) to review overall progress, assess the continuing appropriateness of the program design, and identify any factors impeding effective implementation. USAID will utilize the results of the assessment to recommend any mid-course changes in strategy if needed and to help determine appropriate future directions. Site visits may occur any time after start up. USAID will carry out a final external evaluation at the end of the lifetime of the project.

2. AUTHORIZING LEGISLATION

The authority for this RFA is found in the Foreign Assistance Act of 1961.

3. AWARD ADMINISTRATION

For U.S. organizations, the award will be administered in accordance with 22 CFR 226, OMB circulars and the Standard Provisions for U.S. Non-governmental Organizations. For non-U.S. organizations the Standard Provisions for non-U.S. Non-governmental Organizations will apply. Web sites containing these regulations are provided in Section VI of this RFA.

4. GENDER CONSIDERATIONS

Gender considerations were a factor in the development of the USAID/Washington and USAID/Vietnam education strategies. This program will actively consider gender in its accomplishment of results. When and where necessary, the technical approach proposed by applicants should outline gender considerations and gender related actions. Further, M&E plans must provide for gender disaggregated data, where appropriate.

SECTION II: BASIC AWARD INFORMATION

1. ESTIMATED FUNDING

Subject to the availability of funds, USAID intends to provide approximately \$2,500,000 total for this planned 3 year activity under this RFA. The distribution of this total funding will depend upon application(s) selected for award. USAID reserves the right to fund any or none of the applications submitted.

USAID plans to award one or more cooperative agreements resulting from this RFA to the responsible Applicant(s) whose application(s) conforming to this RFA offers the greatest value in terms of the selection criteria (see Section V of this RFA). USAID 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. USAID may award a cooperative agreement on the basis of initial applications received.

Neither financial data submitted with an application nor representations concerning facilities or financing, will form a part of the resulting cooperative agreement unless explicitly stated otherwise in the agreement.

2. PERFORMANCE PERIOD

The estimated start date is July 1, 2012 through June 30, 2015.

3. AWARD TYPE

USAID anticipates the award will be a Cooperative Agreement. The USAID/Vietnam AOTR's Substantial Involvement under the award is described in Section I.VI of this RFA.

4. AUTHORITY TO OBLIGATE THE GOVERNMENT

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 Cooperative Agreement may be incurred before receipt of either a fully executed Cooperative Agreement or a specific, written authorization from the Agreement Officer.

SECTION III: ELIGIBILITY INFORMATION

- 1) USAID policy encourages competition in the award of grants and cooperative agreements. U.S. or non-U.S. non-governmental organizations (NGOs) and/or consortia are eligible to submit applications. For the purposes of this solicitation, NGOs include any incorporated entity, either non-profit or for-profit, other than a governmental organization. Applicants may form partnerships with other academic institutions, private sector entities, or NGOs in submitting applications.
- 2) All applicants are required to demonstrate the ability to perform and implement the activities under this RFA.
- 3) All applicants should have a DUNS number and applicants that do not have a DUNS number are required to obtain one within 30 days after award (if successful). To obtain a DUNS number, applicants may contact Dun and Bradstreet or by calling 1-866-705-5711, or request a number via the internet at <http://fedgov.dnb.com/webform>
- 4) USAID encourages applications from organizations that have not received funding from USAID in the past.
- 5) According to USAID policy, cost sharing is an important element of the USAID-recipient relationship. A 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.” Cost sharing also refers to that portion of a project or program cost not borne by the Federal Government. Cost share or match is normally associated with contributions from the same prime and sub-recipients sources that also receive USAID funds. Examples of cost share for this program may include the provision of technical assistance, commodities, and other sources of support. Applicants must be aware that all cash contributions and non-Federal third party in-kind contributions must meet all the criteria set forth in 22 CFR 226.23 and the applicable OMB cost principles. Cost share must be verifiable from the recipient’s records, is subject to the requirements of 22 CFR 226.23, and is subject to audit. A recipient’s failure to meet its cost share requirement can result in questioned costs. USAID requires applicants to demonstrate their commitment to program success by addressing the issue of cost-sharing. Therefore, applicants must commit to a cost share of no less than 15% of the total budget request to be considered.
- 6) To be eligible for award of a cooperative agreement, in addition to other conditions of this RFA, organizations must have a politically neutral humanitarian mandate, a commitment to non-discrimination with respect to beneficiaries and adherence to equal opportunity employment practices. Non-discrimination includes equal treatment without regard to race, religion, ethnicity, gender, and political affiliation.
- 7) Pursuant to 22 CFR 226.81, USAID policy is 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) may be paid under the Agreement.
- 8) To be eligible for award, the Applicant must provide all required information in its application, including the requirements found in any attachments to this www.Grants.gov opportunity.

SECTION IV: APPLICATION SUBMISSION INFORMATION

I. PREPARATION GUIDELINES

a. Any prospective Applicant desiring an explanation or interpretation of this RFA must request it in writing to Ms. Praveena ViraSingh, Acquisition Specialist, via email to pvirasingh@usaid.gov and copied to Mr. Patrick Wilson at pwilson@usaid.gov by February 01 2012, 4:00 pm Bangkok time. The questions and answers (Q&A) will be posted as an amendment to the RFA on www.grants.gov. Oral explanations or instructions given before award of a Cooperative Agreement will not be binding. Any information given to a prospective grantee concerning this RFA will also be furnished to all other prospective grantees as an amendment to this RFA, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective grantees.

b. Applications must be submitted in two separate parts: (a) technical and (b) cost or business application. An original and three (3) hard copies of the technical application and an original and one (1) hard copy of the cost application must be submitted in addition to the electronic submission, as described in the cover letter of this RFA.

c. Applications must be received no later than the date and time indicated on the cover page of this RFA, to the location stated in the cover letter accompanying this RFA. Applications which are received late or are incomplete run the risk of not being considered in the review process. USAID may review and consider late or incomplete applications if: (i) USAID's treatment of the material is consistent with the terms of the RFA, (ii) all late applications are treated the same, (iii) they are evaluated before any agreements are awarded under the RFA and (iv) the Agreement Officer consents in writing to the review of late or incomplete applications. All applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format.

d. Technical applications must be specific, complete, and presented concisely. A lengthy application does not in and of itself constitute a well thought out proposal. 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. Applications must demonstrate the Applicant's capabilities and expertise with respect to achieving the goals of this program. Applications must take into account the selection criteria found in Section V of this RFA. A minimum 15% cost share is required.

e. Submission of Applications Electronically (Important):

1. Preferred software for electronic submissions: Microsoft Word (for narrative text) or Excel (for tables). PDF files are acceptable. Please be advised that the selected Applicant will be required to submit their budget breakdown in Excel. The excel sheets should not be password protected. Applicants may post their applications electronically on www.grants.gov, however, email submission is strongly encouraged.
2. After you have sent your application via email, please immediately check your own email to confirm that the attachments you intended to send were indeed sent. If you discover an error in your transmission, please send the material again and note in the subject line of the email or make note in the

filename if submitted via grants.gov that it is a "corrected" submission. Each Applicant is responsible for their submissions.

3. Please do not send the same email to us more than one time unless there has been a change, and if so, please note that it is a corrected email. Your organization must appoint one person to send in the email submissions who will serve as the contact person for future communications regarding this RFA.
4. If you send your application by multiple emails, please indicate in the subject line of the email whether the email relates to the technical or cost proposal, and the desired sequence of multiple emails (if more than one is sent) and of attachments (e.g. "Number 1 of 4", etc.). For example, if your cost proposal is being sent in two emails, the first email should have a subject line which says: "[organization name], Cost Proposal, Part 1 of 2".
5. USAID's preference is that the technical proposal and the cost proposal be submitted as single respective e-mail attachments, e.g., that you consolidate the various parts of a technical proposal into a single document before sending it. If this is not possible, please provide instructions on how to collate the attachments. USAID will not be responsible for errors in compiling submitted electronic applications if no instructions are provided or if instructions are unclear.

f. The hard copies of applications and modifications thereof must be submitted in sealed envelopes or packages addressed to the office specified in the cover letter of this RFA, 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.

g. Telegraphic applications will not be considered; however, applications may be modified by written or telegraphic notice, if that notice is received by the time specified for receipt of applications.

h. Preparation of Applications:

1. Applicants must review, understand, and comply with all aspects of this RFA. Failure to do so may be considered as being non-responsive and may be evaluated accordingly.
2. Each Applicant must furnish the information required by this RFA. On the hard copies of applications, the Applicant must sign the application and certifications 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 must be accompanied by evidence of that agent's authority.
3. 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 must:

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

"This application includes data that must not be disclosed outside the U.S. Government and must 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 must 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 pages ____."; 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."

II. TECHNICAL APPLICATION FORMAT

Applications must be specific, complete and presented concisely. Background information provided in this RFA should not be repeated in the application. Applicants should rather build on that information, using the application as an opportunity to explain how the Applicant will achieve the results USAID seeks. Detailed information must be presented only when required and must be appropriately organized and referenced as attachments. All applications must include a table of contents and page numbers.

The technical application prepared in response to this RFA must be divided into sections corresponding to, and following the order of, the primary and sub-factor selection criteria set forth in Section V of this RFA. Each section of the technical application must be clearly identified, using the title of the appropriate primary selection criterion. The technical application must also be divided by sub-criterion. This requirement is not intended to prohibit or discourage Applicants from submitting technical data in addition to the primary technical evaluation criteria, but merely to facilitate a uniform approach to application preparation. The relative order of importance of the technical evaluation criteria is indicated by approximate weighting, so that Applicants will know which areas require emphasis in the preparation of applications.

Applicants must prepare their applications using the following general format:

1. Executive Summary (maximum 3 pages)

Provide a clear summary of what will be accomplished as well as the resources (though not specific costs) and steps required to achieve the desired results. This section must provide a short synopsis of the general approach and methodologies and roles of contributing organizations, as appropriate.

2. Technical Approach (maximum 15 pages)

The technical response must include key elements such as a concise problem analysis, vision, strategy, methodology, activities, results and expected impact. The technical approach must also outline the substantive or programmatic contributions that will be made by the private sector partner(s).

3. Key Personnel (maximum 4 pages)

The Applicant will propose the number of key personnel; however, the Applicant must not propose more than two key personnel positions.

For each key personnel proposed, a biographical sketch must be included, not to exceed one page, and a position description, not to exceed one page. Each position description must include, at a minimum, the proposed position title, relationship to other key personnel and Applicant's headquarters. The Applicant's

proposed position descriptions must reflect a clear understanding of the technical and management skills necessary to achieve the results specified in Section I. Biographical sketches and position descriptions will be included in the main body of the application (position description followed by biographical sketch).

In the annex to the technical application, the Applicant must submit a resume for all key personnel proposed using a standard format determined by the Applicant. Experience of proposed personnel should be in chronological order starting with the most recent experience. Bio-data sheets with salary information must be attached to the cost application, not the technical application. Resumes/curricula vitae may not exceed three pages in length per individual. In the annex, the Applicant must provide a written and signed letter of intention from each key personnel indicating his/her: (a) availability to serve in the stated position, in terms of the number of days after award; and (b) intention to serve for a specified duration. Contact information for three references must be provided for each proposed key personnel and must be included in the annex, following the resume and the letter of intention for that person.

Because the availability of consultants is difficult to project over the life of the project, a roster of consultants is not requested.

4. Past Performance (maximum 3 pages)

Applicants must include the three (3) most relevant U.S. Government and/or privately funded contracts, grants, cooperative agreements, etc. received by your organization in the last three years involving programs similar to the program proposed in your application. Include the following for each award listed:

- Name of awarding organization or agency
- Address of awarding organization or agency
- Place of performance of services or program
- Award number
- Amount of award
- Term of award (start and end dates of services/program)
- Name, current telephone number, current fax number and e-mail address (if one is available) of a responsible technical representative of that organization or agency
- Brief description of the program

Applicants must also include the two (2) most relevant U.S. Government and/or privately funded contracts, grants, cooperative agreements, etc. received by each major sub-grantee proposed. A major sub-grantee is one whose proposed cost exceeds 20% of the Applicant's total proposed cost. Include the same information as listed above.

5. Management Plan (maximum 5 pages)

The applicant must think through implementation roles and responsibilities and propose a productive approach in their application. The Applicant's management and administrative arrangements must be clearly presented, including: management approach for the overall implementation of the Agreement, logistical support, and organizational structure and chart.

- The Applicant must clearly identify all proposed partners, explaining the roles and responsibilities of each. At a minimum, the programmatic and substantive role played by the private sector partner(s)

must be identified. Should the Applicant decide to utilize sub-agreements, detailed information on its experience in overseeing and implementing sub-agreements must be provided.

- To enhance the building of local capacity and sustainability of results, Applicants are encouraged to actively involve officials of government institutions and departments in the performance of technical activities.

III. COST APPLICATION FORMAT

The Cost or Business Application must 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. The following sections describe the documentation that Applicants for Assistance awards must submit to USAID prior to award. 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. The Applicant must submit a budget and budget narrative that allows the Agreement Officer to reach the determination that all proposed costs are reasonable and the proposed budget is realistic to carry out the program the Applicant proposed in its technical application. The proposed budget should clearly identify the costs involved to perform the activities identified in the technical approach and the budget narrative should provide evidence that the proposed budget is both reasonable and will achieve the program objectives. A summary of the budget must be submitted using Standard Form 424 and 424A which can be downloaded from the grants.gov website at www.grants.gov.
1. The breakdown of all costs associated with the program according to costs of, if applicable, headquarters, regional and/or country offices.
 2. The breakdown of all costs according to each partner organization (or sub-Recipient) involved in the program.
 3. The costs associated with external, expatriate technical assistance and those associated with local in-country technical assistance.
 4. The breakdown of the financial and in-kind contributions of all organizations involved in implementing the expected Cooperative Agreement.
 5. Potential contributions of non-USAID or private commercial donors to this Cooperative Agreement.
 6. The procurement plan for commodities.
 7. Indicate the name, annual salary, and expected level of effort of each person charged to the project. Provide resumes showing work experience and annual salary history for at least the three most recent years for major personnel.
 8. If not included in an indirect cost rate agreement negotiated with the U.S. Government, specify the applicable fringe benefit rates for each category of employees, and explain the benefits included in the rate.
 9. The same individual information for consultants must be provided as for regular personnel.
 10. Allowances must be broken down by specific type and by person, and must be in accordance with the Applicant's policies.
 11. Travel, per diem and other transportation expenses must be detailed in your proposal to include number of international trips, expected itineraries, number of per diem days and per diem rates.
 12. Specify all equipment to be purchased and the expected geographic source.
 13. Financial Plans for all proposed sub-grants and subcontracts must have the same format and level of detail as those of the Applicant. Following the Applicant's detailed budget breakdown, detailed

budget breakdowns for each sub-Recipients/(sub) contractor must be presented. Sub-Recipient/(sub) contractor budgets must not be intermingled. The first page must be a summary budget, following the same budget format and line items as are set forth above for the full term of the sub-agreement/subcontract. Detailed budget notes which explain how the subs' proposed budget was reviewed and how a determination was made that it is fair and reasonable must be provided.

14. Other direct costs such as supplies, communication costs, photocopying, visas, passports and other general costs must be separate cost line items.
- B. A copy of the latest Negotiated Indirect Cost Rate Agreement if your organization has such an agreement with the US Government;
 - C. Required certifications and representations (see Attachment I of this RFA); NOTE: Past Performance References requested in the certifications and representations should be attached to the technical proposal;
 - D. USAID endorses cost-sharing as an important principle in USAID-Recipient relationships. Applicants are encouraged to contribute cost share to increase overall program impact. Note this RFA includes a mandatory minimum cost share percentage of 15% of the total proposed USAID contribution to the program. Per ADS 303.3.10.3, applications that do not meet this minimum cost sharing requirement are not eligible for award consideration. Applicants must be aware that all cash contributions and non-Federal third party in-kind contributions must meet all the criteria set forth in 22 CFR 226.23 and the applicable OMB cost principles. Applicant cost share may be in any combination of in-kind support, staff salaries, waiver of overhead, etc. Awards will be made to responsible applicants whose applications offer the greatest value, cost and other factors (i.e. technical evaluation criteria) considered.
 - E. Applicants which do not currently have a Negotiated Indirect Cost Rate Agreement (NICRA) from their cognizant agency must also submit the following information:
 1. Copies of the Applicant's financial reports for the previous three-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.
 - F. 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).

USAID-RDMA-486-12-008-RFA

USAID Improving Higher Education Quality Program in Vietnam

- G. 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 must advise which Federal Office has a copy.
- H. Certificate of Compliance: Please submit a copy of your Certificate of Compliance if your organization's systems have been certified by the USAID/Washington's Office of Procurement.

NOTE: This RFA does not provide for reimbursement of any pre-award costs.

SECTION V: APPLICATION REVIEW INFORMATION

A technical evaluation committee will review the applications based upon the criteria set forth below. Approximate weighted points indicate the relative importance of each technical criterion against which technical applications will be evaluated. Thereafter, the cost application of all applicants submitting a technically acceptable application will be reviewed and costs will be evaluated for general reasonableness, allowability, and allocability. Award(s) will be made to responsible applicant(s) whose application(s) offer the greatest value, cost and other factors considered.

USAID may award a cooperative agreement on the basis of initial applications received, without discussions or negotiations. Therefore, each initial application must contain the Applicant's best terms from a cost and technical standpoint. As part of its evaluation process, however, USAID may elect to discuss technical, cost or other pre-award issues with one or more Applicants. Alternatively, USAID may proceed with award selection based on its evaluation of initial applications received and/or commence negotiations solely with one Applicant.

The criteria presented below have been tailored to the requirements of this RFA. The relative importance of each criterion is indicated by approximate weight by points, of which 100 points are possible. The Applicant should note that these criteria serve to identify the significant matters, which Applicants should address in their applications, and to set standards against which all applications will be evaluated. To facilitate the review of applications, Applicants are requested to organize the narrative sections of technical proposals according to the evaluation criteria set forth below.

The sub-factors listed below are intended to further explain the relevance of the evaluation factor, but no one sub-factor is more important than any other.

I. TECHNICAL APPROACH (35 POINTS)

The technical approach will be evaluated on the overall merit and feasibility of the approach and strategies proposed to achieve the objectives and intermediate results of this program as set forth in Section I:

a. The merit and feasibility of the Applicant's proposed models for addressing the program components outlined in Section I (10 points):

- Strengthened higher education management and administration.
- Enhanced faculty development opportunities and programs.
- The development and use of relevant curriculum and the capacity to continue such curriculum development in the face of changing knowledge and needs.

b. The merit and feasibility of the Applicant's proposed approach for addressing the cross-cutting factors outlined in Section I (10 points):

- Accreditation
- Scalability
- Soft-skill Development

c. The quality and relevance of the programmatic input or "additionality" provided by private sector partner(s) (10 points).

d. Gender Consideration. The extent to which gender is incorporated into the technical approach to ensure that men and women are treated as equal beneficiaries and partners and to address opportunities for better consideration of gender in Vietnam's higher education reform effort (5 points).

II. KEY PERSONNEL (35 POINTS)

The Applicant must propose the number of key personnel; however, the Applicant must not propose more than two key personnel positions. The specific criteria that will be used to evaluate the key personnel are:

a. Demonstrated 'hands-on' experience in the implementation of higher education development programs of a similar scope as proposed in Section I of this RFA, including experience with higher education partnerships, especially those involving the private sector (20 points).

b. Demonstrated leadership and administrative skills in managing a donor-funded program of a similar type and scope (15 points).

III. PAST PERFORMANCE (20 POINTS)

a. Successful past achievement of results in the technical subject areas described in this RFA, as well as experience working in varying operational environments, in program monitoring and evaluation, timeliness, budgeting, and financial reporting, including: the applicant's record of conforming to contract/agreement requirements and to standards of good workmanship, record of forecasting and controlling costs, adherence to contract/agreement schedules, including administrative aspects of performance, history of reasonable and cooperative behavior and commitment to customer satisfaction, the business-like concern for the interest of the customer, and the competency of personnel who worked on the agreement (10 points).

b. Prior successful experience working with a foreign government's Ministry of Education (or similar ministry) to promote host-country buy-in, involvement, and commitment to sustainability of activities (5 points).

IV. MANAGEMENT PLAN (10 POINTS)

The Applicant's management plan and administrative arrangements must be clearly presented and will be evaluated based on the following criteria.

a. The potential effectiveness and efficiency of partnership relationships, if any, including division of labor and delineation of roles and responsibilities among USAID, the recipient, private sector resource partner(s) and Vietnamese host-government and university partners.

COST EVALUATION

Cost has not been assigned a score but will be reviewed for cost reasonableness, allocability, allowability, cost effectiveness and realism, consistency with the technical proposal, adequacy of budget detail, financial feasibility, and overall cost control (e.g. avoidance of excessive salaries, excessive home office visits, if applicable, and other costs in excess of reasonable requirements). While cost may be a determining factor in the final award(s) decision, especially between closely ranked applicants, the technical merit of applications

USAID-RDMA-486-12-008-RFA
USAID Improving Higher Education Quality Program in Vietnam

is substantially more important under this RFA. Cost sharing will be evaluated as an element of cost effectiveness.

Applications providing the best value to the Government, including cost share, will be more favorably considered for award. Applications will be ranked in accordance with the selection criteria identified above. USAID reserves the right to determine the resulting level of funding for the agreement being selected for award.

SECTION VI: AWARD and ADMINISTRATION INFORMATION

A. AGREEMENT AWARD

1. Following selection for award and successful negotiations, a successful applicant will receive an electronic copy of the notice of the award signed by the Agreement Officer which serves as the authorizing document. The Agreement Officer will only do so after making a positive responsibility determination that the applicant possesses, or has the ability to obtain, the necessary management competence in planning and carrying out assistance programs and that it will practice mutually agreed upon methods of accountability for funds and other assets provided by USAID.
2. The award will be issued to the contact as specified in the application as the Authorized Individual in accordance with the requirements in the Representations and Certifications.
3. Pre-award Surveys. For organizations that are new to working with USAID or for organizations with outstanding audit findings, USAID may perform a pre-award survey to assess the applicant's management and financial capabilities. If notified by USAID that a pre-award survey is necessary, applicants must prepare, in advance, the required information and documents. Please note that a pre-award survey does not commit USAID to make any award.
4. Resulting awards to U.S. non-governmental organizations will be administered in accordance with Chapter 303 of USAID's Automated Directives System (ADS-303), 22 CFR 230 for nonprofit organizations (formerly OMB Circular A-122), and OMB Circular A-133 for both universities and nonprofit organizations, and Standard Provisions for U.S. Nongovernmental Organizations. These policies and federal regulations are available at the following web sites:

ADS 303: <http://www.usaid.gov/policy/ads/300/303.pdf>

22 CFR 226: http://www.access.gpo.gov/nara/cfr/waisidx_03/22cfr226_03.html
http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105_a21.pdf

22 CFR 230 (formerly OMB Circular A-122)
http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105_a122.pdf

OMB Circular A-133 - Audits of States, Local Governments and Non-Profit Organizations
<http://www.whitehouse.gov/omb/circulars/index.html>

48 CFR 31.2: <http://www.arnet.gov/far/>

Mandatory Standard Provisions for U.S. Nongovernmental Recipients can be accessed through USAID's website <http://www.usaid.gov/policy/ads/300/refindx3.htm>

Mandatory Standard Provisions for Non-U.S., Nongovernmental Recipients can be accessed through USAID's website <http://www.usaid.gov/policy/ads/300/refindx3.htm>

Resulting awards to non-U.S. non-governmental organizations will be administered in accordance with Chapter 303 of USAID's Automated Directives System (ADS-303), 22 CFR 220 for universities (formerly

OMB Circular A-21), 2 CFR 230 for non-profit organizations (formerly OMB Circular A-122), or 48 CFR 31.2 (for for-profit organizations), and Standard Provisions for non-U.S. Nongovernmental Organizations. Standard Provisions for Non-U.S. Nongovernmental organizations are available at: <http://www.usaid.gov/policy/ads/300/303mab.pdf>

Resulting awards to PIOs will be administered in accordance with Chapter 308 of USAID's Automated Directives System (ADS-308), 22 CFR 220 for universities (formerly OMB Circular A-21), 2 CFR 230 for non-profit organizations (formerly OMB Circular A-122), or 48 CFR 31.2 (for for-profit organizations), and Standard Provisions for Public International Organizations. Standard Provisions for Non-U.S. Nongovernmental organizations are available at: <http://www.usaid.gov/policy/ads/300/303mab.pdf>

5. The reporting requirements indicated in Section I will be incorporated as part of the award made under this RFA.

B. GEOGRAPHIC CODE

The source and origin of procurements under this agreement will be subject to the Standard Provisions titled "USAID ELIGIBILITY RULES FOR GOODS AND SERVICES (APRIL 1998)" and "Local Procurement." In addition, a blanket waiver for local procurement has been approved by the USAID Administrator. Application of the waiver is included in the letter from the Agreement Officer as an Attachment to this RFA.

C. U.S. EXECUTIVE ORDERS AND LAW REGARDING TERRORISM

The Recipient is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Recipient to ensure compliance with these Executive Orders and laws. This provision must be included in all sub-awards issued under this agreement.

D. FOREIGN GOVERNMENT DELEGATION TO INTERNATIONAL CONFERENCES

Funds in the 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" at <http://www.info.usaid.gov/pubs/ads/300/refindx3.htm> or as approved by the Agreement Officer.

E. SALARY SUPPLEMENTS

Any payments by the Recipient to employees at any level of any foreign government must be subject to the USAID policy on salary supplements (dated April 1988 or as amended). If this issue arises during the period of the agreement, the Recipient must consult with USAID on any questions regarding the applicability of the policy.

F. UNSUCCESSFUL APPLICATIONS

Unsuccessful applications will not be returned to the Applicant.

G. NON-FEDERAL AUDITS

In accordance with 22 C.F.R. Part 226.26 Recipients and sub-Recipients are subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.” Recipients and sub-Recipients must use an independent, non-Federal auditor or audit organization which meets the general standards specified in generally accepted government auditing standards (GAGAS) to fulfill these requirements.

H. BRANDING STRATEGY AND MARKING PLAN

The successful applicant(s) will be required to submit a Branding Strategy and Marking Plan to be evaluated and approved by the Agreement Officer. A Branding Implementation Strategy and Marking Plan must be in accordance with USAID Branding and Marking Plan as required per ADS 320 at the following link: <http://www.usaid.gov/policy/ads/300/>. The Recipient must comply with the requirements of the USAID “Graphic Standards Manual” available at www.usaid.gov/branding/, or any successor branding policy.

I. USAID DISABILITY POLICY – Assistance (December 2004)

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 USG 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>.

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 any Grant or Cooperative Agreement awarded pursuant to this RFA. 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.

J. STANDARD PROVISION: EQUAL PROTECTION OF THE LAWS FOR FAITH-BASED AND COMMUNITY ORGANIZATIONS (December 2009)

a. All the requirements of 22 CFR Part 205, Participation By Religious Organizations In USAID Programs, are applicable to the recipient and to subrecipients which meet the definition of "Recipient" in 22 CFR Part 226. The requirements of 22 CFR Part 205 apply to both religious and secular organizations.

b. If the recipient makes subawards under this agreement, faith-based organizations must be eligible to participate on the same basis as other organizations, and must not be discriminated for or against on the basis of their religious character or affiliation.

c. The recipient must not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services directly funded with financial assistance from USAID. If

the recipient engages in inherently religious activities, such as worship, religious instruction, and proselytization, it must offer those services at a different time or location from any programs or services directly funded by this award, and participation by beneficiaries in any such inherently religious activities must be voluntary. These restrictions do not apply to programs where USAID funds are provided to chaplains to work with inmates in prisons, detention facilities, or community correction centers, or where USAID funds are provided to religious or other organizations for programs in prisons, detention facilities, or community correction centers, in which such organizations assist chaplains in carrying out their duties.

d. The recipient must not use USAID funds for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities. Where a structure is used for both eligible and inherently religious activities, USAID funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities in accordance with applicable cost accounting principles. Sanctuaries, chapels, or other rooms that the recipient uses as its principal place of worship are ineligible for acquisition, construction, rehabilitation, or improvements using USAID funds.

e. The recipient may not discriminate against any beneficiary or potential beneficiary under this award on the basis of religion or religious belief. Accordingly, in providing services supported in whole or in part by this agreement or in its outreach activities related to such services, the recipient may not discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

f. When the recipient is a religious organization, the recipient

(1) Retains its independence and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct financial assistance from USAID to support any inherently religious activities, such as worship, religious instruction, or proselytization.

(2) Retains its authority over its internal governance and may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

(3) Retains its exemption from the Federal prohibition on employment discrimination on the basis of religion, set forth in Sec. 702(a) of the Civil Rights Act of 1964, 42 U.S.C. 2000e-1.

(4) May use space in its facilities, without removing religious art, icons, scriptures, or other religious symbols.

g. The Secretary of State may waive the requirements of this provision in whole or in part, on a case-by-case basis, where the Secretary determines that such waiver is necessary to further the national security or foreign policy interests of the United States.

K. CENTRAL CONTRACTOR REGISTRATION AND UNIVERSAL IDENTIFIER (OCTOBER 2010)

a. Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

b. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

(1) Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.

(2) May not make a subaward to an entity unless the entity has provided its DUNS number to you.

c. Definitions. For purposes of this award term:

(1) Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).

(2) Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

(3) Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- (i) A Governmental organization, which is a State, local government, or Indian tribe;
- (ii) A foreign public entity;
- (iii) A domestic or foreign nonprofit organization;
- (iv) A domestic or foreign for-profit organization; and
- (v) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

(4) Subaward:

(i) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

(ii) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, —Audits of States, Local Governments, and Non-Profit Organizations||).

(iii) A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

(5) Subrecipient means an entity that:

- (i) Receives a subaward from you under this award; and
- (ii) Is accountable to you for the use of the Federal funds provided by the subaward.

L. REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION (OCTOBER 2010)

a. Reporting of first-tier subawards.

(1) **Applicability.** Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).

(2) **Where and when to report.**

(i) You must report each obligating action described in paragraph a.1. of this award term to www.fsrs.gov.
(ii) For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

(3) **What to report.** You must report the information about each obligating action that the submission instructions posted at www.fsrs.gov specify.

b. Reporting Total Compensation of Recipient Executives.

(1) **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if –

(i) the total Federal funding authorized to date under this award is \$25,000 or more;

(ii) in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and

Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(iii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

(2) **Where and when to report.** You must report executive total compensation described in paragraph b.(1) of this award term:

(i) As part of your registration profile at www.ccr.gov.

(ii) By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

(1) **Applicability and what to report.** Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you must report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if –

(i) in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

(2) Where and when to report. You must report subrecipient executive total compensation described in paragraph c.(1) of this award term:

(i) To the recipient.

(ii) By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

(1) subawards, and

(2) the total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

(1) Entity means all of the following, as defined in 2 CFR part 25:

(i) A Governmental organization, which is a State, local government, or Indian tribe;

(ii) A foreign public entity;

(iii) A domestic or foreign nonprofit organization;

(iv) A domestic or foreign for-profit organization;

(v) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

(2) Executive means officers, managing partners, or any other employees in management positions.

(3) Subaward:

(i) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

(ii) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A- 133, —Audits of States, Local Governments, and Non- Profit Organizations||).

(iii) A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

(4) Subrecipient means an entity that:

- (i) Receives a subaward from you (the recipient) under this award; and
- (ii) Is accountable to you for the use of the Federal funds provided by the subaward.

(5) Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- (i) Salary and bonus.
- (ii) Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- (iii) Earnings for services under nonequity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- (iv) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- (v) Above-market earnings on deferred compensation which is not tax-qualified.
- (vi) Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

M. TRAFFICKING IN PERSONS (OCTOBER 2010)

a. Provisions applicable to a recipient that is a private entity.

(1) You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

- (i) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- (ii) Procure a commercial sex act during the period of time that the award is in effect; or
- (iii) Use forced labor in the performance of the award or subawards under the award.

(2) We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

- (i) Is determined to have violated a prohibition in paragraph a. (1) of this award term; or
- (ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a. (1) of this award term through conduct that is either—
 - (A) Associated with performance under this award; or
 - (B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, ___OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),“ as implemented by our agency at 22 CFR 208 or its superseding Part in 2 CFR.

b. Provisions applicable to a recipient other than a private entity.

(1) We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity

- (i) Is determined to have violated an applicable prohibition in paragraph a. (1) of this award term; or
- (ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a. (1) of this award term through conduct that is either—
 - (A) Associated with performance under this award; or
 - (B) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),“ as implemented by our agency at 22 CFR 208 or its superseding Part in 2 CFR.

c. Provisions applicable to any recipient.

(1) You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a. (1) of this award term.

(2) Our right to terminate unilaterally that is described in paragraph a. (2) or b of this section:

- (i) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
- (ii) Is in addition to all other remedies for noncompliance that are available to us under this award.

(3) You must include the requirements of paragraph a. (1) of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this provision:

(1) “Employee” means either:

- (i) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
- (ii) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

(2) “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) “Private entity”:

(i) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25(b).

(ii) Includes:

- (A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
- (B) A for-profit organization.

USAID-RDMA-486-12-008-RFA

USAID Improving Higher Education Quality Program in Vietnam

(4) “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

SECTION VII: AGENCY CONTACTS

The Agency contact for this RFA are:

1. Patrick Wilson, Regional Contracting Officer, email: pwilson@usaid.gov
2. Praveena ViraSingh, Acquisition & Assistance Specialist, email pvirasingh@usaid.gov

USAID Improving Higher Education Quality Program in Vietnam

ATTACHMENT 1 - 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,

USAID Improving Higher Education Quality Program in Vietnam

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

USAID Improving Higher Education Quality Program in Vietnam

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)

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.

USAID Improving Higher Education Quality Program in Vietnam

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

USAID Improving Higher Education Quality Program in Vietnam

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, that 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.

USAID Improving Higher Education Quality Program in Vietnam

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients 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 are 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. _____

USAID-RDMA-486-12-008-RFA
USAID Improving Higher Education Quality Program in Vietnam

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.	Facsimile No.
------	-------	---------------	---------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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: _____

USAID Improving Higher Education Quality Program in Vietnam

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 Applicant is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at globalinfo@dbisma.com.

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

DUNS: _____

4. LETTER OF CREDIT (LOC) NUMBER

If the Applicant has an existing Letter of Credit (LOC) with USAID or another US federal agency, 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 sub-recipient in support of the subgrantee's or sub-recipient's program. Provision by the Recipient of the requested information does not, in and of itself, constitute USAID approval.

USAID Improving Higher Education Quality Program in Vietnam

(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 Agreement Officer's approval to purchase is required is any article of nonexpendable tangible personal property charged directly to the grant, having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

TYPE/DESCRIPTION (Generic)	QUANTITY	ESTIMATED UNIT COST
-------------------------------	----------	---------------------

(d) Source, Origin, and Componentry of Goods. If the Recipient plans to purchase any goods/commodities which are not of U.S. source and/or U.S. origin, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, and probable source and/or origin. "Source" means the country from which a commodity is shipped to the cooperating country or the cooperating country itself if the commodity is located therein at the time of purchase. However, where a commodity is shipped from a free port or bonded warehouse in the form in which received therein, "source" means the country from which the commodity was shipped to the free port or bonded warehouse. Any commodity whose source is a non-Free World country is ineligible for USAID financing. The "origin" of a commodity is the country or area in which a commodity is mined, grown, or produced. A commodity is produced when, through manufacturing, processing, or substantial and major assembling of components, a commercially recognized new commodity results, which is substantially different in basic characteristics or in purpose or utility from its components. Merely packaging various items together for a particular procurement or relabeling items does not constitute production of a commodity. Any commodity whose origin is a non-Free World country is ineligible for USAID financing. "Components" are the goods which go directly into the production of a produced commodity. Any component from a non-Free World country makes the commodity ineligible for USAID financing.

TYPE/ DESCRIPTION (Generic)	QUANTITY	ESTIMATED UNIT COST	PROBABLE SOURCE	PROBABLE ORIGIN	INTENDED USE
-----------------------------------	----------	------------------------	--------------------	--------------------	-----------------

(e) Restricted Goods. If the Recipient plans to purchase any restricted goods, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, intended use, and probable source and/or origin. Restricted goods are Agricultural Commodities, Motor Vehicles, Pharmaceuticals, Pesticides, Rubber Compounding Chemicals and Plasticizers, Used Equipment, U.S. Government-Owned Excess Property, and Fertilizer.

TYPE/ DESCRIPTION (Generic)	QUANTITY	ESTIMATED UNIT COST	PROBABLE SOURCE	PROBABLE ORIGIN	INTENDED USE
-----------------------------------	----------	------------------------	--------------------	--------------------	-----------------

USAID Improving Higher Education Quality Program in Vietnam

(f) **Supplier Nationality.** If the Recipient plans to purchase any goods or services from suppliers of goods and services whose nationality is not in the U.S., please indicate below (using a continuation page, as necessary) the types and quantities of each good or service, estimated costs of each, probable nationality 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 (Generic)	QUANTITY	ESTIMATED UNIT COST	PROBABLE SOURCE	PROBABLE ORIGIN	INTENDED USE
-----------------------------------	----------	------------------------	--------------------	--------------------	-----------------

(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)	QUANTITY	ESTIMATED UNIT COST	PROPOSED DISPOSITION
-------------------------------	----------	------------------------	-------------------------

(h) The source and origin of procurements under this agreement will be subject to the Standard Provisions titled “USAID ELIGIBILITY RULES FOR GOODS AND SERVICES (APRIL 1998)” and “Local Procurement”.

6. PAST PERFORMANCE REFERENCES

On a continuation page or as part of your cost proposal, please provide a list of the U.S. Government and/or privately-funded contracts, grants, cooperative agreements, etc., received during the last three years, 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

USAID-RDMA-486-12-008-RFA

USAID Improving Higher Education Quality Program in Vietnam

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.

PART III - OTHER CERTIFICATIONS

1. 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 which 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).

2. 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.

3. PARTICIPANT CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING
[not required to be completed pre-award].

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.

4. 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.

5. 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 Cooperative Agreement, 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 sub-recipients 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.”

Date of Application/Proposal _____

Name of Recipient _____

Typed Name and Title _____

Signature _____ Date _____

6. SURVEY on ENSURING EQUAL OPPORTUNITY for APPLICANTS

OMB No. 1890-0014 Exp. 1/31/2006

Purpose: The Federal government is committed to ensuring that all qualified Applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of Applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey: If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Grant Name: _____ **CFDA Number:** _____

1. Does the Applicant have 501(c)(3) status?

- Yes No

2. How many full-time equivalent employees does the Applicant have? (Check only one box).

- 3 or Fewer 15-50
 4-5 51-100
 6-12 over 100

3. What is the size of the Applicant's annual budget? (Check only one box.)

- Less than \$150,000
 \$150,000 - \$299,999
 \$300,000 - \$499,999
 \$500,000 - \$999,999
 \$1,000,000 - \$4,999,999
 \$5,000,000 or more

4. Is the Applicant a faith-based/religious organization?

- Yes No

5. Is the Applicant a non-religious community based organization?

- Yes No

6. Is the Applicant an intermediary that will manage the grant on behalf of other organizations?

- Yes No

7. Has the Applicant ever received a government grant or contract (Federal, State, or local)?

- Yes No

8. Is the Applicant a local affiliate of a national organization?

- Yes No

Survey Instructions on Ensuring Equal Opportunity for Applicants

Provide the Applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit Applicants to have 501(c)(3) status. Other grant programs do not.
2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the Applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
3. Annual budget means the amount of money our organization spends each year on all of its activities.
4. Self-identify.
5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.
6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.
7. Self-explanatory.
8. Self-explanatory.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, SW, ROB-3, Room 3671, Washington, D.C. 20202-4725.

7. LOCAL PROCUREMENT BLANKET WAIVER



The purpose of this letter is to notify you that the USAID Administrator approved a blanket waiver authorizing local procurement from the cooperating country in an amount of up to \$5 million of commodities and services under your award effective as of November 24, 2010.

This waiver authority is provided under the provision in the Mandatory Standard Provision entitled "Local Procurement" of your grant/cooperative agreement for the purchase of goods and services supplied by local businesses, dealers or producers with the following limitations and requirements.

The waiver includes:

- Services of host country nationality;
- Commodities of host country source and origin;
- Commodities of host country source and any origin (Code 935)

This blanket waiver effectively establishes (per USAID award) a single \$5 million threshold for local procurement to replace those individual thresholds currently set forth in 22 CFR 228.40 Local Procurement and ADS Chapter 311. Under the authority of this blanket waiver, you may now purchase

- up to \$5 million of commodities of U.S. origin from local suppliers; OR
- up to \$5 million of commodities of geographic code 935 origin from local suppliers; OR
- up to \$5 million of professional services contracts from local suppliers; OR
- any combination of these commodities and professional services not to exceed \$5 million.

The waiver does not affect the eligibility of construction-related local procurements nor commodities and services which are only available locally as set forth at 22 CFR 228.

This amount is a single aggregate total comprised of all purchases under the prime award, all subawards, and purchases under those subawards. You may choose to allocate portions of the waiver threshold authority to subawardees; however, it is your responsibility as the prime awardee to monitor and document the total local procurement expenditures made under the authority of the blanket waiver to ensure that the cumulative sum of those procurements under the award does not exceed the dollar threshold in the waiver.

If the total amount of purchases of goods and services reaches the \$5 million threshold authorized in the waiver, then the requirements for local procurement revert to 22 CFR 228.40 (and as supplemented in ADS 311) for any additional purchases above the threshold.

Individual or case-by-case waivers which were approved before the effective date of the blanket waiver are not considered part of the \$5 million threshold.

This waiver does not include Restricted Commodities and Eligibility of Commodities under the Commodity Eligibility Listing (CEL). Waiver approval requirements for restricted commodities (as set forth in 22 CFR 228

Source Origin and Nationality Rules and ADS 312) remain in effect; eligibility of commodities as set forth in the CEL are also unchanged (Mandatory Reference to ADS 312).

All other terms and conditions of the award remain unchanged.

Please do not hesitate to contact me with any questions about the implementation of these approvals authorized by the agency blanket local procurement waiver or the corresponding documentation requirements.

8. BRANDING AND MARKING

A. BRANDING

Effective January 2, 2006, all USAID-sponsored assistance awards are required to adhere to branding policies and revised marking requirements for grants and cooperative agreements in accordance with ADS 320. This includes visibly displaying the USAID Standard Graphic Identity that clearly communicates assistance is, —From the American people|| on all programs, projects, activities, publications, public communications, and commodities provided or supported through USAID assistance awards. ADS 320 requires that, after the evaluation of the applications, the USAID Agreement Officer will request the Apparently Successful Applicant to submit a Branding Strategy that describes how the program, project, or activity is named and positioned, how it is promoted and communicated to beneficiaries and cooperating country citizens, and identifies all donors and explains how they will be acknowledged. USAID will not competitively evaluate the proposed Branding Strategy. ADS 320 may be found at the following website:

<http://iapp1.usaid.gov/notices/LoadAttachmentFileName.cfm?Attachment=3626>

B. MARKING UNDER ASSISTANCE INSTRUMENTS

(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, 59

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 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 Agreement Officer’s Technical Representative (AOTR) 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 45 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.