Issuance Date: June 13, 2011
Closing Date: July 18, 2011 11:00 AM EST

SUBJECT: USAID/LAC Cuba Program Request for Applications
Facilitating the Free Flow of Information Program
RFA number: USAID-W-OAA-GRO-LMA-11-022613

Dear Sir/Madam:

The United States Agency for International Development (USAID), represented by the Bureau of Latin America and the Caribbean (USAID/LAC), Office of Cuban Affairs is seeking applications for Cooperative Agreements for a three-year Civil Society program entitled "Facilitation the Free Flow of Information." USAID is contemplating awarding multiple Cooperative Agreements totaling up to $2 million per year for the three-year period. Each organization may submit only one application, and each organization is eligible for only one Cooperative Agreement. The authority for this activity is found in the Foreign Assistance Act of 1961, as amended. The Recipients will be responsible for ensuring achievement of the program objectives. Please refer to the Program Description for a complete statement of goals and expected results.

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

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

Subject to the availability of funds, USAID intends to award multiple Cooperative Agreements and provide up to $2 million per year in total USAID funding, to be allocated over the three-year period. USAID reserves the right to fund any or none of the applications submitted. Award will be made to the responsible applicant whose application offers the greatest value to the U.S. Government.

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

1. Section A – Grant Application Format;
2. Section B – Program Description;

3. Section C – Evaluation Criteria;
4. Section D – Certifications, Assurances, and Other Statements of Applicant/Grantee.

If you decide to submit an application, it should be received by the closing date and time indicated at the top of this cover letter. If it is not, the application will not be considered for award. All applications must be submitted in electronic format through the grants.gov web site at http://www.grants.gov/.

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

In the event of an inconsistency between the documents comprising this RFA, it shall be resolved by the following descending order of precedence.

a) Section C – Evaluation Criteria
b) Section A – Grant Application Format
c) Section B – Program Description
d) This Cover Letter

The method of distribution of USAID assistance information is via the Internet. This RFA and any future amendments can be downloaded from the grants.gov web site at http://www.grants.gov/. It is the responsibility of the recipient of the application document to ensure that it has been received from the internet in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion processes.

Any questions concerning this RFA should be submitted in writing to Paul Burford, Agreements Specialist, at pburford@usaid.gov, with a copy to Georgia Fuller, Agreements Officer, at gfuller@usaid.gov. All questions shall be submitted by Tuesday, June 28, 2011. If there are problems downloading or submitting the RFA on www.grants.gov, please contact the www.grants.gov help desk, whose information can be found on their website. Applicants should retain for their records one copy of all enclosures which accompany their application.

Sincerely,

Georgia Fuller
Agreement Officer
M/OAA/GRO/LMA

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SECTION A - GRANT APPLICATION FORMAT

A. PREPARATION GUIDELINES

a. All applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format. Section C addresses the technical evaluation procedures for the applications. Applications shall be submitted in two separate parts: (1) technical and (2) cost or business application. Applicants are required to submit their applications via email as described in the cover letter of this RFA.

b. The application shall be prepared according to the structural format set forth below. Applications must be submitted no later than the date and time indicated on the cover page of this RFA to the location indicated in the cover letter accompanying this RFA. Applications that are received late or incomplete may not be considered in the review process. Late applications will only be considered for award if the Agreement Officer determines it is in the Government's interest.

c. Technical applications should be specific, complete, and presented concisely. A lengthy application may not in and of itself constitute a well thought-out application. Applications shall demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. The application should take into account the technical evaluation criteria found in Section C.

d. Page Limitation and Unnecessarily Elaborate Applications: Technical applications must be limited to 20 pages and 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 a lack of cost consciousness. Elaborate art work, expensive paper and bindings, and expensive visual and other presentational aids are neither necessary nor wanted.

e. Explanations to Prospective Applicants: Any prospective applicant who would like an explanation or interpretation of this RFA must request it in writing to the Agreement Officer set forth in the RFA cover letter. Oral explanations or instructions given before award of a Cooperative Agreement will not be binding. Any information given to a prospective applicant concerning this RFA will be furnished promptly to all other prospective applicants as an amendment to this RFA if the information is necessary for the submission of applications or if the lack of information would prejudice other prospective applicants.

f. Applicants should retain one copy of the application and all enclosures which accompany their application for their own records.

g. Preparation of Applications:

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

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

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

B. TECHNICAL APPLICATION

The technical application will be the most important component for consideration in the evaluation and awarding process. It should demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. Therefore, it should be specific, complete, and presented concisely. *It should take into account the detailed "Instructions" (set forth below) and the technical evaluation criteria specified in Section C.* It should also be arranged in the order of the technical evaluation criteria.

Application Contents: The technical application may contain the following sections: (a) Cover Page, (b) Table of Contents, (c) Executive Summary, (d) Program Description, (e) Implementation Plan, (f) Performance Management Plan (formerly the Monitoring and Evaluation Plan), and (g) Annexes (Curriculum Vitae/Past Performance References, biodata sheets, Letters of Commitment from implementing partners, if any, and other documentation needed to meet prior approval requirements). The technical application **may not exceed 20 pages in length**, **Times New Roman, 12 pt font**, exclusive of the annexes.

C. INSTRUCTIONS

Applicants are encouraged to provide the information requested below as clearly and concisely as possible and to read sections a. through d. in conjunction with Section C of this RFA, the "Evaluation Criteria." Section C assigns a value of importance to the four main segments of the technical application and will be used to determine the strongest applicant and technical proposal.

a. Technical Approach: This section focuses on the concept, strategy, and methodology that the applicant proposes to employ in implementation of its proffered program. In this section, the applicant should:

1. State the proposed program concept, strategy, and techniques for accomplishing the objectives and expected results outlined in this RFA.
2. State the assumptions and address the inherent risks in implementing this program. Explain the possible challenges when working with independent Civil Society Groups (CSGs) to promote the free flow of uncensored information to, from, and within the island and how it plans to overcome these challenges.
3. Identify the types of CSGs that will be involved in this program, their geographic location, and how the applicant plans to secure their participation in the program.
4. Explain how CSGs will enhance their ability to serve the needs to their communities in providing access to unfiltered information. Also explain how select members of CSGs will develop their leadership and technical skills under the proposed activities.
5. Discuss if/how the proposed activities will have a sustainable impact on the CSGs who participate in the program.
6. Explain how it will maximize the amount of program funds spent on the island and how it will offer activities across the island.
7. Explain how gender roles and relations affect the program design and the achievement of project results.
8. Explain the rationale for involving proposed sub-recipients (if applicable), the role of these sub-recipients, and how they will complement the capabilities of the applicant. How will the sub-recipients advance the overall objectives of the program and what areas of the PMP will the sub-recipients' activities support?
9. Provide the life-of-project workplan, with a three-year project timeline of activities, milestones, and deliverables, and the annual workplan which provides a break-down of activities to be achieved by quarter over a one-year period. Note: for reporting purposes the life-of-project and annual workplans for recipients and sub-recipients should mirror the USAID fiscal year, which begins October 1st.
10. Include a draft project-specific results framework and draft Performance Management Plan (PMP) with a hierarchy of well-defined indicators (differentiated by gender) to effectively track and report performance.

Note: Under this award, USAID will not be funding any recipient sub-agreements or consultancies for monitoring and evaluation activities. Recipients are still required to monitor their program activities and report results. In addition, awardees will be expected to closely work with the monitoring, evaluation, and results reporting expertise that is supported through the Cuban Affairs Office.

b. Management Plan/Key Personnel/Sub-Recipients/Program Consultants: This section focuses on the management plan that the applicant will be using to implement the proposed program. This section also reviews the documentation required to meet the standards for prior approval at the time of award for proposed sub-awards and program consultants. In this section, the applicant should:

1. Explain the staffing pattern and specify the composition and organizational structure of the entire implementation team (including home office support). Also include a description of each staff member's role, technical expertise, and estimated time (level of effort) each will devote to the project. Proposed personnel not yet identified may be shown as "TBD" (to be determined).
2. Provide the names and proposed roles and responsibilities of the three key personnel allowed under this cooperative agreement and include their letters of commitment. Key personnel are the positions deemed essential for the successful implementation of the award. The Chief of Party (COP) is considered essential key personnel and should have at least ten years of experience managing and implementing development programs that are similar to that proposed in this RFA, with significant experience in closed societies similar to Cuba. USAID prefers that the COP functions at 100 percent level of effort (defined as 40 hours/week). The three key personnel should have the relevant technical and managerial skills required for the position, as well as extensive experience working in closed societies similar to Cuba.
3. Include the curriculum vitae for all key personnel additional staff, and program consultants (hired to implement activities) who will work on the project and include other supporting documentation such as biodata sheets with salary histories.
4. Describe all proposed sub-awards in the application. For additional information, please refer to *Requirements for Prior Approval of Sub-Awards* under Section B of this document. The applicant must provide the following:
    1. Name of the sub-awardee, and (a) in the case of a for profit commercial organization, the place of incorporation; or (b) in the case of a partnership, the place where legally organized; or (c) in the case of a non-profit organization, the place where legally organized; or (d) in the case of a person, the country of citizenship or legal residence.
    2. The program description, statement of work, or terms of reference; period of performance; and country of performance.
    3. (a) The total estimated cost, including a detailed line-item budget and budget narrative that also includes proposed cost share, if applicable, and a copy of any current indirect cost rate agreement between the U.S. Government and the sub-awardee. (b) For individuals, the proposed daily rate, salary, stipend, or honorarium (whichever applies) and the program consultant's curriculum vitae.
    4. The sub-awardee must submit any of the following to the USAID Agreement Officer, through the prime recipient, for approval:
        - Requests for International Travel
        - Requests to enter further sub-awards or sub-contracts, including sub-contracts with program consultants
        - Approval to purchase commodities

        Note that requests for approval shall not be limited to the above list. Other actions may require Agreement Officer approval and the prime recipient may be asked to provide a request for approval at the discretion of the Agreement Officer.

    If complete documentation responding to the items listed above is not provided with the application or during the pre-award negotiation process, the Agreement Officer may delay or stop processing the application for award.

Furthermore, if the prime award is made without the required documentation, the sub-award will not be considered approved unless all the above requirements are submitted to the Agreement Officer and the recipient receives a signed letter to such effect from the Agreement Officer. Performance of a sub-award shall not begin before the date of the Agreement Officer's letter of approval or the date of the authorization by the prime recipient, whichever is later.

c. Organizational Capability: This section focuses on the applicant's internal capabilities/resources and relevant work experience/history to demonstrate its capacity to successfully manage the proposed program. In this section, the applicant should:

1. Explain the core technical capacities/resources and home office support that the applicant has to offer and address the applicant's financial control system.
2. Describe its ability to monitor and evaluate program implementation and to effectively report results and impact.
3. Provide a brief description of the applicant's work experience/history/areas of expertise, including previous experience working in closed societies or other challenging environments.
4. Describe its pertinent work experience and representative accomplishments in developing and implementing programs similar to that outlined in this RFA;
5. Describe the organizational capabilities and expertise of any proposed sub-recipients, if applicable, and
6. If applicable, describe the proposed field management structure and financial controls.

d. Past Performance: This section offers general evidence of the applicant's ability to successfully implement contracts, grants, and cooperative agreements. Here, the applicant should present a list of U.S. Government and/or privately funded contracts, grants, and cooperative agreements that it has implemented in the three years prior to this application. The contracts and awards need not be similar to that proposed in this RFA. Demonstrating past performance *relevant to this RFA* should be handled in section c, above. In this section, however, please include the following for each award listed:

1. Name of awarding organization or agency
2. Address of awarding organization or agency
3. Location of program implementation
4. Award number
5. Amount of award
6. Term of award (beginning and end dates of services/program)
7. Name, current telephone number, current fax number, and email address (if one is available) of a responsible technical representative of that organization or agency, and
8. Brief description of the program.

D. COST APPLICATION FORMAT

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

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:

1. The cost volume of the application must include a budget with an accompanying budget narrative which provides in detail the total proposed costs for implementation of the program described in this APS. The budget shall be submitted using the Face Sheet-Cost Volume of Application (OMB Standard Form 424) and the Budget Summary (OMB Standard Form 424A), which are attached to this APS and also can be downloaded from the USAID web site, http://www.usaid.gov/procurement_bus_opp/procurement/forms/SF-424/ .

   Typically summary and annual budgets are submitted in Microsoft Excel software and budget narratives are submitted in MS Word. The cost application shall also include whatever schedules are necessary to adequately support and explain proposed costs, including the breakdown of all costs according to each partner organization involved in the program.

2. Budget Narrative

   Include a budget with an accompanying narrative which provides in detail the total budget estimates for implementation of the program being proposed. The narrative must provide sufficient information to adequately support and explain all proposed costs, i.e. the actual cost basis for the line items in the detailed budget. This narrative should be a part of the SF-424A form. Cost narrative should include but is not limited to the following:

   - Level of Effort
     A detailed analysis of the level of effort including specific personnel, rates of compensation, and the amount of time proposed.

   - Other Direct Costs
     Details of all other direct costs items for supplies, equipment, travel and per diem, allowances, consultants, subcontracts, subgrants, etc.

   - Negotiated Indirect Cost Rate Agreement

Include the applicant's most recent Negotiated Indirect Cost Rate Agreement (NICRA) from the cognizant Government Audit Agency stating the latest audited indirect cost rates, the base to which such rates are applied and the method of application. If a NICRA is unavailable, submit sufficient information to allow USAID to determine the reasonableness of the rates. (For example, a breakdown of labor bases and overhead pools, the method of determining the rate, annual financial statements, etc.)

Applicants who do not currently have a Negotiated Indirect Cost Rate Agreement (NICRA) from their cognizant agency shall also submit the following information:

- 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;
- projected budget, cash flow and organizational chart; and
- a copy of the 'prime' organization's accounting manual.

Please Note: Applicants that have never received a grant, cooperative agreement or contract from the U.S. Government are required to submit a copy of their accounting manual. If a copy has already been submitted to the U.S. Government, the applicant should advise which Federal Office has a copy. USAID regulations require that USAID conduct a pre-award audit of new applicants selected for award.

3. Completed and signed "**Certifications, Assurances, and other Statements of Applicant/Grantee**" in Section E.

4. A copy of the organizational chart for the proposed consortium.

5. <u>Evidence of Responsibility</u>

   USAID reserves the right to seek additional evidence of responsibility deemed necessary for the Agreement Officer to make a determination of responsibility. The information submitted should substantiate that the Applicant:

   (i) Has adequate resources or the ability to obtain such resources as required to complete the program as described.
   (ii) Has the ability to comply with the assistance conditions, taking into account all existing and currently prospective commitments of the applicant, nongovernmental and governmental.

   (iii) 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.

   (iv) Has a satisfactory record of integrity and business ethics; and

   (v) Is otherwise qualified and eligible to receive an award under applicable laws and regulations (e.g., EEO).

All applicants will be notified in writing as to the status of their application within 30 days of the award decisions. Note that all applicants may be subject to a pre-award financial review. Furthermore, organizations that believe they may not meet USAID's financial accountability requirements are encouraged to submit their proposal in partnership with eligible U.S. or international or regional organizations that are experienced with these requirements in order to promote accountability and sustainability.

E. COOPERATIVE AGREEMENT AWARD

1. For this RFA, the Government will award multiple cooperative agreements, which will go to the responsible applicants whose applications conform to this RFA and offer the greatest value (see Section B, Program Description) to the Government. The Government may (a) reject any or all applications, or (b) accept an application for reasons other than the lowest cost.

2. The Government may award cooperative agreements on the basis of initial applications received, without discussion. Therefore, each initial application should 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 preaward issues with one or more applicants. Alternatively, USAID may proceed with awardee selection based on its evaluation of initial applications received and/or commence negotiations solely with one applicant.

3. A written award mailed or otherwise furnished to the successful applicant(s) within the time for acceptance specified either in the application(s) or in this RFA (whichever is later) shall result in a binding cooperative agreement without further action by either party. Before the application's specified expiration time, if any, the Government may accept an application, whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award. Negotiations or discussions conducted after receipt of an application do not constitute a rejection or counteroffer by the Government.

4. 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.

5. 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.

6. Applicants are 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 subcontracts/subawards issued under this contract/agreement.

7. Foreign Government Delegations to International Conferences - Funds in this prospective 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 303 Mandatory Reference "Guidance on Funding Foreign Government Delegations to International Conferences [http://www.info.usaid.gov/pubs/ads/300/refindx3.htm] or as approved by the Agreement Officer.

8. 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 U.S. government agencies, host country counterparts, governments, implementing organizations and other donors in fostering a climate of nondiscrimination against people with disabilities; and (4) to support international advocacy for people with disabilities. The full text of the policy paper can be found at the following website:
http://www.usaid.gov/about/disability/DISABPOL.FIN.html.

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

F. 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 B - PROGRAM DESCRIPTION

BACKGROUND

Cuba remains the only non-democratically elected government in the Western Hemisphere. Current Cuban law prevents the right to assemble, limits political freedoms, restricts freedom of expression and labor rights, and enforces a state monopoly over mass media. The day-to-day life of Cubans is hampered by the dual currency system, housing and food shortages, and a lack of sufficient transportation.

The United States Government (USG) is concerned with the plight of the Cuban people and has taken a series of steps to reach out to them. For example, the U.S. lifted restrictions on remittances to Cuba, allowed unlimited family visits to the island, and opened telecommunications opportunities in 2009. These changes sought to reunite divided Cuban families, facilitate greater telecommunications with the Cuban people, and increase humanitarian flows to the island. In January 2011, President Obama ordered additional regulatory and policy changes to expand opportunities for purposeful travel, non-family remittances, and to expand airports servicing authorized flights to and from Cuba. These measures seek to increase people-to-people contact, support independent civil society, enhance the free flow of information to, from, and among the Cuban people, and help promote their independence from the Cuban Government.

The goal of U.S. assistance is to empower Cuban civil society to demand more effective democracy and respect for human dignity. To promote a peaceful transition to self-determined democracy on the island, U.S. assistance programs focus on providing humanitarian assistance to victims of repression, strengthening civil society, weakening the information blockade, and helping Cubans to create space for dialogue about democratic change and reconciliation. To encourage civic participation in Cuba, the U.S. program focuses on strengthening independent Cuban civil society groups, including professional associations and labor groups. Efforts are aimed at increasing the capacity for community involvement in, and networks among, civil society groups. The United States supports information sharing into and out of Cuba, as well as among civil society groups on the island. In the interest of advancing human rights, the United States provides humanitarian assistance to political prisoners and their families, and other victims of repression. The program also raises awareness of human rights and supports Cubans to document human rights violations.

The USG has maintained a non-presence assistance program for Cuba since 1996. USAID's Cuba program falls under the "Governing Justly and Democratically" objective in the USG's Foreign Assistance Framework and currently focuses on increasing the ability of Cubans to participate in civic affairs and on improving human rights conditions on the island. For a full review of USAID's programs and achievements, please refer to the link: http://www.usaid.gov/locations/latin_america_caribbean/country/cuba.

PROGRAM OVERVIEW

Under this award and subject to the availability of funds, USAID's LAC/Office of Cuban Affairs intends to support multiple cooperative agreements totaling up to $2 million a year for a total request of $6 million over the three-year period.

PURPOSE

The intent of this project is to increase the flow of uncensored information to, from, and within the island by strengthening the ability of independent civil society groups[1] (CSGs) and networks to provide information to the communities that they serve.

INTRODUCTION

The emergence of independent CSGs and networks in Cuba can be used as a platform for facilitating the distribution of uncensored information, thereby serving as an alternative to state-run sources of information. Some groups may also serve as community centers where activities that promote the exchange of ideas are held, such as workshops, readings, movies, debates, music, lectures, and other events. By promoting the distribution of information and encouraging the free exchange of ideas on a range of issues, these entities foster critical thinking skills and independent thought that increases individuals' awareness of events that directly impact their lives.

The USG supports a range of activities in Cuba that promote the distribution of unfiltered information to, from, and within the country. Programs also strengthen independent CSGs and networks throughout the country, which foster the distribution of information to their constituents. USAID seeks to build on this work and expand and improve the services provided by independent CSGs and networks, especially among underserved, marginalized populations. It is expected that the materials and services provided by groups that are supported through this program will be available for all interested participants. This program also seeks to increase technical skills and networking opportunities in order to support the objective of increasing the flow of unfiltered information, while improving the leadership skills of targeted individuals. Under this Request for Applications (RFA) and subject to the availability of funds, the Latin America and the Caribbean Bureau's (LAC) Office of Cuban Affairs intends to support this program with $6 million over a 36-month period. Multiple awards may be made. With these funds, USAID seeks to expand and strengthen the ability of nascent civil society groups and networks to provide informational and other services to the communities that they service throughout the country.

PROGRAM SUMMARY

The amounts and types of information made available during the internet era have been unprecedented throughout the world, but not in Cuba. The restrictions that the Cuban

[1] For the purposes of this RFA, a Civil Society Group (CSG) is defined as "two or more persons who organize a social space outside state authority to collectively discuss and debate (and possibly take action on) a particular topic of shared interests, values, or purpose."

government has placed on the distribution of information, including access to the internet, have left many citizens yearning for greater access to unfiltered information. During the last 20 years, various independent CSGs and networks have been filling this void by distributing uncensored information and knowledge throughout the country. These initiatives serve as an alternative to state-sponsored sources of information. A number of independent CSGs and networks also provide a safe place where individuals can conduct research and analysis on a range of religious, literary, cultural, economic, and philosophical themes or topics.

This program will build on previous efforts to expand and deepen independent groups' and networks' ability to provide a range of unfiltered information using a variety of methodologies. In addition to providing access to information and ideas developed outside the island, information should also feature information, articles and analysis developed by other independent sources in Cuba. The last few years have witnessed a significant increase in the amount of high-quality, locally produced information and analysis from a small but growing cadre of influential bloggers and independent journalists. Many of the articles produced by this group are published in international media outlets, yet very few Cuban citizens are able to access this information. Networks of independent CSGs are well-placed to serve as a platform for distribution of locally produced information and will greatly increase access to information developed on the island.

It is expected that the program will support information dissemination using a range of traditional and new media technologies that can be found in the country. For example, USB drives, CDs and DVDs are relatively simple technologies that can store large quantities of data that can be easily shared. Information contained on these devices can be targeted to the interests of populations that civil society groups and networks serve. Selected websites can be cached and used for research purposes. Use of social media is small but growing, and it is expected that this program will increase the use of social media to reach broader segments of the population. Use of laptops as a platform for dissemination of information is expected to continue. While it is expected that some distribution of traditional print media such as books, magazines, newspapers and pamphlets will be supported, the focus of the program is on using and introducing the most appropriate technologies for achievement of program objectives. Materials provided through independent CSGs and networks should enable participants to make informed decisions about issues that affect them on a daily basis and help them think critically about local, national, and global events.

In addition to providing information and analysis, it is envisioned that this program will promote services provided by independent CSGs and networks that facilitate the free exchange of ideas. A wide range of events and activities that are of interest to the communities may include (but are not limited to) the exchange and debate of ideas, discussions on topics of common concern, the presentation of plays and movies, lectures and book discussions, events for children and youth, other cultural activities. It is expected that this program will provide the training and technical assistance that will facilitate an increase of demand-driven activities which will promote community involvement and the development of social capital among individuals.

It is expected that the program will build and strengthen the technical expertise of key individuals within the targeted CSGs and networks through training and other capacity building

opportunities. Technical training could focus on the various aspects of information collection and distribution work including user services (assisting users find the information they need) and technical services (cataloging, preparing and classifying information). It is also expected that training will be provided on introducing and distributing new social media technologies, to better inform the Cuban public. The program will also provide leadership development services to key representatives within the targeted groups. As leaders are identified within these groups, their leadership capabilities will be enhanced, and this cadre of leaders will ensure the long-term sustainability of services that are provided.

To the extent possible, the project should encourage opportunities among the various CSGs and networks to exchange ideas, resolve issues of common concern, and potentially pool resources to achieve common objectives. Through these opportunities, organizations should be able to better serve the evolving needs of their communities.

Expected Results:

- Independent CSGs and networks serve as a platform to distribute unfiltered information throughout the island.

- Community members that these groups and networks serve have greater access to information on diverse issues such as democracy, human rights, and free-markets.

- Independent CSGs and networks provide community members with a range of innovative activities and services that encourage independent, critical thinking and the free exchange of information and ideas.

- A cadre of leaders within these CSGs and networks are identified and their technical, networking and leaderships skills developed so that they are well-placed to serve their communities' information needs.

RECIPIENT RESPONSIBILITIES

Overview:

Award recipients will retain overall management responsibility for all aspects of the program including management of all sub-agreements and sub-contracts. (See also section on Substantial Involvement.) In addition to adhering to the policies, laws, and regulations governing LAC/Office of Cuban Affairs assistance awards, recipients are also responsible for the following:

- General program management, including financial management, reporting, and provision of assistance to Cuban counterparts.

- In consultation with USAID, determining appropriate working and coordination relationships with other LAC/Office of Cuban Affairs program grantees and other U.S. and third-country non-governmental organizations working in Cuba.

- In consultation with USAID, finalizing the life-of-project and annual workplans[2], project-specific results framework[3], and performance management plan (PMP, formerly the monitoring and evaluation plan) covering all program components within 60 days of award.

- Designing and carrying out technical assistance programs set forth in the cooperative agreement and in other documents incorporated by reference.

- Identifying, managing, and supporting other essential programs and communications.

- Carrying out reporting and monitoring and evaluation responsibilities as described below.

Important Points for Recipients:

1. Applicants must closely monitor, track, and report to USAID on the end-use of all materials sent to Cuba.

2. The program is authorized and will be implemented under Section 109(a) of the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996." The following link contains the full text of the Act: http://www.treasury.gov/resource-center/sanctions/Documents/libertad.pdf.

3. Cash payments to Cuban vendors for necessary services will be made in accordance with the general license granted to USAID by the U.S. Department of Treasury.

4. LAC's Office of Cuban Affairs is covered by a general license issued by the Department of Treasury's Office of Foreign Assets Control (OFAC). Successful applicants will be required to obtain an applicable Department of Commerce license.

5. Information regarding U.S./Cuba legal and/or policy requirements may be found on the following websites:

   a. U.S. Office of Foreign Assets Control: http://www.treas.gov/offices/enforcement/ofac/;

   b. U.S. Department of Commerce: http://www.bis.doc.gov/licensing/index.htm; and

   c. USAID and Assistance Awards Policies: http://www.usaid.gov/business/regulations/.

6. Applicants should familiarize themselves with the difficulties of working in closed

[2] The "life-of-project workplan" provides the three-year project timeline of activities, milestones, and deliverables, while the "annual workplan" provides a bread-down of activities to be achieved by quarter over a one-year period. Note: for workplan (and reporting) purposes, recipients and sub-recipients should mirror the USAID fiscal year, which begins on October 1st.

[3] The "project-specific results framework" is specific to the recipient's project and is used for quarterly reporting purposes and to create the project's PMP.

societies and with the particular challenges of working in Cuba. Applicants should also understand that, given the nature of the Cuban regime, USAID cannot be held responsible for any injury or inconvenience suffered by individuals traveling to the island under USAID grant funding.

Monitoring Results and Tracking Indicators:

Recipients will be required to comply with all USAID policy and requirements related to performance monitoring, reporting, and evaluation, including the new USAID Evaluation Policy which can be found at www.usaid.gov/evaluation/. The recipient(s) will be expected to work and coordinate with USAID monitoring and evaluation experts on a regular basis.
Those applications that include a level of effort and funds to conduct baseline assessments for each performance indicator will be strongly preferred. Such baseline figures will be extremely important when objectively measuring program results. Applicants are expected to submit a comprehensive, life-of-project workplan and annual workplan [See footnote 1 for definitions]. A complete Cuba commodities list, if applicable, should also be included in the proposal.

In conjunction with and corresponding to the stated objectives of the life-of-project workplan, proposals should include a performance management plan (PMP) with annual targets, performance indicators, and definitions in their proposal. Upon award, the life-of-project workplan, an annual workplan, and PMP will be reviewed in consultation with the assigned Agreement Officer's Technical Representative (AOTR)/Program Manager from the Office of Cuban Affairs, with revised plans submitted to the AOTR/Program Manager for final written approval within 60 days of the award date.

Recipients will need to revise their draft PMP upon award and receive USAID approval within sixty days of the award date. The final PMP should include the following elements:

- Project objectives, expected results and planned outputs

- A list of performance indicators that the recipient plans to use in measuring performance

- Detailed information on the indicators: unit of measure; data source; justification/management utility; baseline values if available; annual targets; frequency and schedule for data collection; ; and detailed plans for data analysis, review, and reporting

- Indicators shall be disaggregated by gender as appropriate.

Recipients will be responsible for developing and tracking program activity targets, outputs, and outcomes. Recipients' post-award consultation with the appropriate AOTR/Program Manager will also include discussion of USG foreign policy directives. Programs receiving funds under this RFA will contribute to the Office of Cuban Affairs objectives, program areas, and indicators. These objectives and indicators are in accordance with the performance indicators established by the Office of the Director of U. S. Foreign Assistance. It may happen that an applicant's proposed program and activities do not fit within the listed USG indicators. If this is the case,

applicants should include suitable program and activity level indicators in their proposal and explain why the selected indicators are needed.

Upon award, USAID will consult with selected recipients to ensure that their monitoring, evaluation, results tracking, and reporting of activities and indicators are realistic, feasible, and contribute to the overall Office of Cuban Affairs objectives, as well as comply with USAID policy. Recipients will routinely monitor, track, evaluate, and report on program activities using the agreed-upon indicators. Recipients must differentiate gender when collecting indicator data. As appropriate, USAID encourages applicants to also differentiate between age and province when collecting indicator data.

All activities implemented under this RFA will be subject to evaluation by a USAID-funded evaluator, and recipients are expected to work closely with the evaluator(s) to effectively monitor program implementation and performance. Evaluating on-island activity is especially important and recipients, in addition to working with a third-party evaluator, are expected to track and report on all the necessary information as identified in their official PMPs.

Note: Under this award, USAID will not be funding any recipient sub-agreements or consultancies for monitoring and evaluation activities. Recipients are still required to closely monitor their program activities and report results.

Workplans and Performance Management Plan (PMP):

Recipients are responsible for following their approved life-of-project workplan, annual workplan, and PMP throughout the life of the award. These plans provide the basis for the recipient's performance. USAID will utilize these plans (including the approved budget plan) to monitor, assess, and evaluate a recipient's program and program operations. USAID understands the difficult operating environment in Cuba, and if necessary, will work with a recipient to revise plans if mid-program corrections and adjustments are required. However, it is the recipient's responsibility to inform the Office of Cuban Affairs if implementation issues arise which may affect approved plans.

Gender Analysis:

The applicant will be required to demonstrate a sophisticated understanding of gender and how gender can best be addressed in programming. In addition to demonstrating an understanding of issues of gender, the applicant will need to present a methodology for monitoring gender impact in its PMP, including incorporation of gender-sensitive indicators.

SPECIAL CONSIDERATIONS

Partnerships:

While USAID will consider applications that include proposed partners (sub-recipients) for implementation of this award, applicants are encouraged to partner with organizations that show a complementarity of skills sets and capabilities. Please note that applicants are not encouraged

to partner with organizations that will require organizational capacity building. Rather, USAID would prefer that the recipient organization has prior experience working in Cuba or other closed societies with a history of commendable performance. Subject matter experience by the prime recipient or sub-recipients in implementing similar programs in closed societies is also preferred.

If an applicant includes sub-recipients for implementation of the award, applicants should demonstrate how these sub-recipients complement the organizational capabilities of the applicant and how the partnerships strengthen the overall program plan.
While each member of the partnership should have a defined role under the agreement, the Prime Recipient will be named in the agreement and will be responsible to USAID for all administrative, management, and reporting requirements. Applicants should describe their proposed partnership(s), each partner organization, its strengths and experiences, its proposed role and responsibilities, and associated costs. The application should also explain how the Recipient will assure the effective implementation of all program activities set forth in its proposal (including those carried out through sub-awards) and the delivery of timely and accurate reports among partner organizations. References for the past performance of each partner organization should also be provided. (For more information, please refer to the section on Requirements for Prior Approval of Sub-awards)

Consultants and Travelers:

Special thought and consideration should be given to the selection of consultants and other personnel who may be required to travel to the island. To the extent possible, travel by American citizens should be limited. It is preferable for these personnel to speak Spanish fluently, possess solid understanding of the cultural context, and have prior experience on the island, in order to maximize their effectiveness in this unique operating environment.

Requirements for Prior Approval of Sub-awards:

During the pre-award process, the Agreement Officer will consider the related costs of each sub-award to ensure that the costs are reasonable, allocable, and allowable.

For the purposes of this RFA the term “Sub-award” means an award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible sub-awardee or by a sub-awardee to a lower tier sub-awardee. The term includes financial assistance when provided by any legal agreement to implement program activities, even if the agreement is called a contract, consultant agreement or similar term, but does not include procurement of goods and services nor does it include any form of assistance which is excluded from the definition of “award” in 22 CFR 226.2. “Sub-awardee” means the legal entity to which or person to whom a sub-award is made – even if that person or entity is called a contractor, subcontractor, sub-recipient or consultant – and which is accountable to the recipient for the use of the funds provided (22 CFR 226.2).

In accordance with 22 CFR 226.25(c)(8), the sub-award, transfer, or contracting out of any work must be described in the application. To effectively describe all proposed sub-awards in the application, the applicant must provide the following:

1. Name of the sub-awardee, and (a) in the case of a for profit commercial organization, the place of incorporation; or (b) in the case of a partnership, the place where legally organized; or (c) in the case of a non-profit organization, the place where legally organized; or (d) in the case of a person, the country of citizenship or legal residence.

2. The program description, statement of work, or terms of reference; period of performance; and country of performance.

3. (a) The total estimated cost, including a detailed line-item budget and budget narrative that also includes proposed cost share, if applicable, and a copy of any current indirect cost rate agreement between the U.S. Government and the sub-awardee. (b) For individuals, the proposed daily rate, salary, stipend, or honorarium (whichever applies) and the program consultant's curriculum vitae.

4. The sub-awardee must submit any of the following to the USAID Agreement Officer, through the prime recipient, for approval:

- Requests for International Travel

- Requests to enter further sub-awards or sub-contracts, including sub-contracts with program consultants

- Approval to purchase commodities

Note that requests for approval shall not be limited to the above list. Other actions may require Agreement Officer approval and the prime recipient may be asked to provide a request for approval at the discretion of the Agreement Officer.

If complete documentation responding to the items listed above is not provided with the application or during the pre-award negotiation process, the Agreement Officer may delay or stop processing the application for award.

Furthermore, if the prime award is made without the required documentation, the sub-award will not be considered approved unless all the above requirements are submitted to the Agreement Officer and the recipient receives a signed letter to such effect from the Agreement Officer. Performance of a sub-award shall not begin before the date of the Agreement Officer's letter of approval or the date of the authorization by the prime recipient, whichever is later.

Cash Grants:

If USAID is able to confirm that appropriate disbursement and monitoring mechanisms exist among all partners (prime and sub-recipients) affiliated with an award, the use of cash grants is an implementation option. However, USAID's Agreement Officer will need to approve this option in writing in a letter separate from the cooperative agreement. Interested applicants should clearly articulate the role of cash grants in the proposal. The application should include: a

concrete plan that presents the goals and objectives of a cash grants program; which activities will be undertaken using the grants; how those activities will be implemented; how the activities will expand the impact of the overall Cuba program; and why cash grants are the better choice over other approaches. Disbursement and monitoring protocols should also be provided and programmatic need and mitigation measures for identified risks are among the criteria for approval. The partner must also demonstrate that it has the management capability to administer a cash grants program. Implementing partner monitoring protocols should include financial and administrative systems that require to the maximum extent possible supporting documentation on the use of cash grants and end-use verification.

Marking Waiver under USAID-Funded Assistance Instruments:

USAID marking requirements have been waived for all LAC Cuba program activities in accordance with Approved Memorandum, "Marking Requirements Waiver for All Cuba Program

Relationship to Other Activities:

Through various activities implemented by LAC/Office of Cuban Affairs and USAID/Office of Transition Initiatives (OTI) as well as the State Department's Bureau of Democracy, Human Rights, and Labor (DRL), the USG provides ongoing material support to targeted beneficiaries throughout the island to support the USG's foreign policy goals. This activity will support and complement these ongoing initiatives.

Substantial Involvement:

During the implementation of this agreement substantial involvement shall be limited to USAID approval as follows:

a. Approval of prime recipient's life-of project and annual workplan, commodities list (of all anticipated purchases of material assistance), project-specific results framework, and performance management plan (PMP) (formerly, the monitoring and evaluation plan) within 60 days after the award date and authority to monitor progress towards the achievement of program objectives during the course of the cooperative agreement.

b. Approval of specified key personnel.

c. Agreement Officer approval for all sub-awards and the transfer or contracting of any work under an award to an individual contractor who is hired to implement program-related activities (program consultants) and for all sub-awards, program consultants, and international travel not described in the proposal. (Please refer to Requirements for *Prior Approval of Sub-awards* for additional information.)

Cost Sharing:

Cost sharing is not an option for this award.

SECTION C - EVALUATION CRITERIA

A. Overview

USAID plans to award multiple cooperative agreements to the applicant's that best meet all technical evaluation criteria and cost considerations, with emphasis on the applicant's technical proposal. Only one Cooperative Agreement shall be awarded per organization. Shortly after the submission deadline, USAID will review the applications according to the evaluation criteria set forth below. While applicants should be certain to address the evaluation criteria to receive the highest possible score, they should also be sure to provide the detailed information requested in the "Instructions" found in Section A, the "Grant Application Format."

The evaluation criteria with assigned points have been tailored to this particular solicitation and identify the attributes required to implement the proposed program. These criteria serve to: a) identify the key areas of importance and programmatic emphasis which applicants should address in their applications; and b) set the standard against which all applications will be evaluated. To facilitate the review of applications, applicants should organize the narrative sections of their application in the same order as the selection criteria.

In the application review, first USAID will evaluate the technical proposals to determine the top-scoring applicants. Then USAID will consider these applicants' cost estimates, looking for general reasonableness, allowability, and allocability. Unless stated otherwise, subsections will be evaluated equally.

B. Technical Evaluation Criteria (100 points total)

1. Technical Approach (35 points): Under this evaluation criterion, USAID will be considering the following:

a. Does the technical application set forth a convincing concept, effective strategy, and techniques for accomplishing the stated objectives and anticipated results outlined in this RFA? Does it provide a list of realistic assumptions and address risks and demonstrate an in-depth knowledge and understanding of the challenges facing and working with Cuban youth and with CSGs on the island? Does the technical application provide a realistic approach for overcoming the stated challenges?
b. Does the technical application offer a credible approach for identifying Cuban youth (of both genders) who will be involved in the proposed program and for securing their participation in program activities, including activities with existing CSGs on the island? Does it also offer practical approaches for helping Cuban youth establish their own CSGs?
c. Does the technical application clearly show how proposed activities will help Cuban youth develop their leadership skills and improve their social skills? Does it demonstrate how youth-to-youth interaction will be used to enhance the results and outcomes of the program?

d. Does the technical application effectively address whether/how the proposed program will have a sustainable impact on Cuban youth?
e. Does the technical application maximize the amount of program funds spent on the island and offer activities across the island, not just in Havana?
f. If the applicant proposes to partner with one or more organizations for implementation of the program, does the technical application make a convincing case for each partnership? Does it demonstrate the strengths of the proposed partners and how the partners complement the capabilities of the applicant?
g. Does the technical application provide life-of-project and annual workplans with realistic timelines, achievable quarterly goals, and deliverables? Does it include a logical project-specific results framework with interim and sub-interim results. Does it include a Performance Management Plan with a hierarchy of well-defined indicators (differentiated by gender) and annual targets that will work to quantify and qualify expected results and anticipated outcomes?

2. **Management Plan/Key Personnel/Sub-Recipients/Program Consultants (30 points):** Under this evaluation criterion, USAID will be considering the following:

a. Does the application include a well-organized management plan that includes a staffing structure and division of responsibilities to effectively administer program activities and achieve program objectives?
c. Will the proposed Key Personnel (up to three) create a dynamic and highly qualified core team? Do the key personnel have experience working in closed countries and non-secure environments? Does the Chief of Party have at least ten years' experience managing and implementing similar development programs and demonstrated professional excellence, proven leadership, and management skills? Does s/he possess strong inter-personal skills with experience working in cross-cultural settings?
d. Does the application include a roster of program consultants who add value to the management plan? Do the proposed consultants, when known, have the technical and managerial experience and skills necessary to augment the existing staff? Do they have experience working in closed countries and non-secure environments similar to that in Cuba? Do any of the proposed program consultants have experience working with youth in development programs?

3. **Organizational Capability (15 points)**: Under this evaluation criterion, USAID will be considering the following:

a. Does the applicant have a strong, internal organizational structure and readily available core technical resources to provide the necessary administrative, professional, and logistical support for field operations? Does the applicant possess the necessary management capabilities to effectively implement program activities in Cuba?
b. Does the applicant have experience and demonstrated success (as the prime- or the sub-recipient) implementing programs or activities that are directly related to or similar in scope, magnitude, sensitivity, and complexity to that detailed in this RFA?
c. Does the applicant have a proven ability to monitor and evaluate program implementation and to effectively report results and impact?

4. **Past Performance (20 points)**: Under this evaluation criterion, USAID will be considering whether the applicant has sufficient experience successfully implementing U.S. Government and/or privately funded contracts, grants, and cooperative agreements in the three years prior to this application.

5. **Marking Waiver under USAID-Funded Assistance Instruments**
   USAID marking requirements have been waived for all LAC Cuba program activities in accordance with Approved Memorandum, "Marking Requirement Waiver for All Cuba Program activities", dated December 19, 2006. This Memorandum is on file with the LAC/Office of Cuban Affairs as well as with the Agreement Officer.

C. Cost Evaluation Criteria

Cost Effectiveness: Proposed costs shall be analyzed for cost reasonableness, completeness, and allowability. In its analysis, USAID will be considering the following:

a. Are the identified costs fair and reasonable for the proposed effort?
b. Do the proposed costs demonstrate the applicant's understanding of the RFA requirements? and
c. Are the identified costs consistent with the applicant's technical application?

D. Technical Versus Cost Considerations

For evaluation purposes, more weight shall be given to the evaluation of the technical proposal than cost/price proposal. The technical proposal and cost proposal will be evaluated separately. Only applications that receive a competitive score from the Technical Evaluation Committee shall have their costs proposals evaluated.

SECTION D – REQUIRED CERTIFICATIONS AND REPRESENTATIONS

CERTIFICATIONS, ASSURANCES, AND OTHER STATEMENTS OF THE RECIPIENT (MAY 2006)

NOTE: When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement".

PART I - CERTIFICATIONS AND ASSURANCES

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

Note: This certification applies to Non-U.S. organizations if any part of the program will be undertaken in the United States.

(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 Cooperative Agreement 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 was approved before such date. The recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the United States shall have the right to seek judicial enforcement of this Assurance. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

2. CERTIFICATION REGARDING 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 sub-awards at all tiers (including subcontracts, sub-grants, 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.

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

USAID reserves the right to terminate this Agreement, to demand a refund or take other appropriate measures if the Grantee 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 certifications are required for Key Individuals or Covered Participants.

If there are COVERED PARTICIPANTS: USAID reserves the right to terminate assistance to 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.

4. CERTIFICATION REGARDING TERRORIST FINANCING IMPLEMENTING EXECUTIVE ORDER 13224

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

1. The Recipient, to the best of its current knowledge, did not provide, within the previous ten years, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts, as that term is defined in paragraph 3.

2. The following steps may enable the Recipient to comply with its obligations under paragraph 1:

a. Before providing any material support or resources to an individual or entity, the Recipient will verify that the individual or entity does not (i) appear on the master list of Specially Designated Nationals and Blocked Persons, which list is maintained by the U.S. Treasury's Office of Foreign Assets Control (OFAC) and is available online at OFAC's website : http://www.treas.gov/offices/eotffc/ofac/sdn/t11sdn.pdf, or (ii) is not included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID to the Recipient.

b. Before providing any material support or resources to an individual or entity, the Recipient also will verify that the individual or entity has not been designated by the United Nations Security (UNSC) sanctions committee established under UNSC Resolution 1267 (1999) (the "1267 Committee") [individuals and entities linked to the Taliban, Osama bin Laden, or the Al Qaida Organization]. To determine whether there has been a published designation of an individual or entity by the 1267 Committee, the Recipient should refer to the consolidated list available online at the Committee's website: http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm.

c. Before providing any material support or resources to an individual or entity, the Recipient will consider all information about that individual or entity of which it is aware and all public information that is reasonably available to it or of which it should be aware.

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

3. For purposes of this Certification-

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

b. "Terrorist act" means-

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

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

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

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

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

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

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

5. CERTIFICATION OF RECIPIENT

By signing below the recipient provides certifications and assurances for (1) the Assurance of Compliance with Laws and Regulations Governing Non-Discrimination in Federally Assisted Programs, (2) the Certification Regarding Lobbying, (3) the Prohibition on Assistance to Drug Traffickers for Covered Countries and Individuals (ADS 206) and (4) the Certification Regarding Terrorist Financing Implementing Executive Order 13224 above.

RFA/APS No. _____

Application No. _____

Date of Application _____

Name of Recipient _____

Typed Name and Title _____

Signature _____

Date _____

PART II - 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.

PART III - PARTICIPANT CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING

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

a. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.

b. I am not and have not been an illicit trafficker in any such drug or controlled substance.

c. I am not or have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

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

Signature: _____

Name: _____

Date: _____

Address: _____

_____

Date of Birth: _____

NOTICE:

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

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

PART IV - 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: _____

3. DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER

(a) In the space provided at the end of this provision, the recipient should supply the Data Universal Numbering System (DUNS) number applicable to that name and address. Recipients should take care to report the number that identifies the recipient's name and address exactly as stated in the proposal.

(b) The DUNS is a 9-digit number assigned by Dun and Bradstreet Information Services. If the recipient does not have a DUNS number, the recipient should call Dun and Bradstreet directly at 1-800-333-0505. A DUNS number will be provided immediately by telephone at no charge to the recipient. The recipient should be prepared to provide the following information:

(1) Recipient's name.
(2) Recipient's address.
(3) Recipient's telephone number.
(4) Line of business.
(5) Chief executive officer/key manager.
(6) Date the organization was started.
(7) Number of people employed by the recipient.
(8) Company affiliation.

(c) Recipients located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at http://www.dbisna.com/dbis/customer/custlist.htm. If an offeror is unable to locate a local

service center, it may send an e-mail to Dun and Bradstreet at globalinfo@dbisma.com.

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

DUNS: _____

4. LETTER OF CREDIT (LOC) NUMBER

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

LOC: _____

5. PROCUREMENT INFORMATION

(a) Applicability. This applies to the procurement of goods and services planned by the recipient (i.e., contracts, purchase orders, etc.) from a supplier of goods or services for the direct use or benefit of the recipient in conducting the program supported by the grant, and not to assistance provided by the recipient (i.e., a subgrant or subagreement) to a subgrantee or subrecipient in support of the subgrantee's or subrecipient's program. Provision by the recipient of the requested information does not, in and of itself, constitute USAID approval.

(b) Amount of Procurement. Please indicate the total estimated dollar amount of goods and services which the recipient plans to purchase under the grant:

$_____

(c) Nonexpendable Property. If the recipient plans to purchase nonexpendable equipment which would require the approval of the Agreement Officer, please indicate below (using a continuation page, as necessary) the types, quantities of each, and estimated unit costs. Nonexpendable equipment for which the 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, and/or does not contain at least 50% componentry, which are not at least 50% U.S. source and 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, to include the probable source and/or origin of the components if less than 50% U.S. components will be contained in the commodity. "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 do 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	GOODS COMPONENTS	PROBABLE SOURCE	GOODS COMPONENTS	PROBABLE ORIGIN

(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	INTENDED USE ORIGIN

(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 SUPPLIER NATIONALITY (Non-US Only)	RATIONALE for NON-US

(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

6. PAST PERFORMANCE REFERENCES

On a continuation page, please provide past performance information requested in the RFA.

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 loc al governmental organization, [ ] a private college or university, [ ] a public college or university, [ ] an international organization, or [ ] a joint venture; or

(b) If the recipient is a non-U.S. entity, it operates as [ ] a corporation organized under the laws of _____ (country), [ ] an individual, [ ] a partnership, [ ] a nongovernmental nonprofit organization, [ ] a nongovernmental educational institution, [ ] a governmental organization, [ ] an international organization, or [ ] a joint venture.

8. ESTIMATED COSTS OF COMMUNICATIONS PRODUCTS

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

SECTION E - SPECIAL PROVISIONS, LICENSING REQUIREMENTS FOR CUBA

1. LICENSING REQUIREMENTS FOR CUBA

(a) The Cuban Democracy Act and the Libertad Act, under which the activities financed under this Cooperative Agreement are authorized, provide authority to carry out activities through individuals and nongovernmental organizations to promote a peaceful transition to democracy in Cuba. The Treasury and Commerce Departments regulate trade and traffic in Cuba. The Treasury Department maintains and enforces licensing requirements for travel to Cuba, expenditures of funds on the Island and remittances of cash in Cuba. The Commerce Department maintains and enforces licensing requirements of all U.S.-origin goods to Cuba.

(b) The Department of Treasury has provided USAID with a general license to cover USAID recipients/grantees traveling to Cuba under this program and expenses they may incur while carrying out grant activities on the Island. The US Treasury Department has issued USAID License No. C-18212 and Amendment No. C-18212-A (attached thereto), authorizing the Agency to carry out the full range of activities under this Agreement. USAID recipients/grantees must comply with the term of this license and Department of Treasury, Office of Foreign Assets Control, rules and procedures.

(c) All USAID Grantees/Recipients intending to provide certain equipment and supplies to recipients in Cuba are responsible for meeting licensing requirements as set forth in the Export Administration Regulations (EAR) (15 C.F.R. Part 730 et seq.). Part 734 defines the scope of items subject to the EAR.

Certain transactions to Cuba may be eligible for a license exception if the transaction meets all terms and conditions listed in the EAR. Part 740 describes the terms and conditions for license exceptions. USAID draws your attention to Section 746.2 of the EAR which states the licensing policy for Cuba and lists license exceptions. See also Section 740.19, which lists certain license exceptions for Consumer Communications Devices (commodities and software), Section 740.12 on gift parcels and humanitarian donations, and Supplement No. 2 to Part 740, which lists items that may be donated under the humanitarian license exception. Note that while a transaction may be excepted from licensing, certain excepted transactions still require detailed documentation under the EAR. USAID Grantees/Recipients are responsible for meeting all documentation requirements.

A Grantee/recipient's Commerce license is *not* transferable to its sub-recipients. Each sub-recipient under this award is individually responsible for meeting all licensing requirements under the EAR. The initial penalty for failure to comply with licensing requirements is $250,000. A standard penalty includes four related violations totaling approximately $100,000 in fines.

For general information concerning the license application process and licensing policy, please consult the Bureau of Industry and Security's (BIS) website at www.bis.doc.gov which includes a link to the EAR. USAID Grantees/Recipients are encouraged to attend a BIS training workshop to better understand the licensing process and requirements. Check the BIS website for the training schedule. If you need assistance with filing a license application, please call the

Outreach and Educational Services Division at (202) 482-4811. If you have questions concerning licensing policy, please call the Foreign Policy Division at (202) 482 - 4252.

(d) If the Recipient contemplates sending private (non-Federal) funds to Cuba to further the objectives of this Agreement and such funds would constitute the Recipient's "counterpart funds" under the Agreement, the Treasury Department's License No. C-18212-A Section 1(b) should permit the Recipient to send such funds to Cuba to carry out activities authorized under the Cuban Democracy Act. However, it is recommended that all Recipients intending to introduce funds into Cuba seek confirmation from Treasury (Office of Foreign Assets Control) that the use of private Recipient funds is covered by the existing license.

(e) If the non-Federal funds are covered by an appropriate license and such use of counterpart funds is contemplated under the scope of the Agreement, cash contributions would count toward any cost-sharing requirements that the Recipient may have, assuming that the other cost-sharing criteria found in 22 CFR 226.23(a) have been met.

2. CUBAN DEMOCRACY ACT and LIBERTAD ACT

(a) This Cooperative Agreement is made pursuant to the authorities of the Cuban Democracy Act. 22 U.S.C. 6001 et. Seq., Sec. 6004, ("CDA") and the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, 22 U.S.C. Sec. 6021 et. Seq., Sec.6039,("Libertad Act"). Activities authorized and financed under this Cooperative Agreement are governed and limited by the terms of the CDA and the Libertad Act.

(b) The CDA and the Libertad Act authorize assistance through nongovernmental organizations to support individuals and independent nongovernmental organizations to promote peaceful, nonviolent democratic change in Cuba through various types of democracy-building efforts for Cuba. The Recipient agrees that funds made available under this Cooperative Agreement will only be utilized for peaceful, nonviolent activities, in accordance with the CDA and the Libertad Act.

(c) No funds or assistance under this Cooperative Agreement may be provided to the Cuban Government, as stated in the Libertad Act. The Libertad Act, 22 U.S.C. Sec. 6023(1) and (5), defines "Cuban Government" as including the government of any political subdivision of Cuba, and also any "agency or instrumentality" of the Government of Cuba, as these terms are further defined in 28 U.S.C. Sec. 1603(b). Section 1603(b) states that an organization which is either a) an "organ of a foreign state or political subdivision thereof" (here an organ of the Cuban Government), or b) "a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof" is an "agency or instrumentality of a foreign state," thus ineligible for funding under this Cooperative Agreement. Employees of the Government of Cuba, as defined above, are also ineligible for assistance under this Cooperative Agreement while working in their official capacities. However, such persons, while not working in their official capacities as employees of the Cuban Government, are considered as individuals and are eligible for assistance. Furthermore, merely providing information on transitions to democracy, human rights, and market economies to individuals who are Cuban Government employees is not

considered assistance to the Cuban Government, because the information is offered to these persons as individuals, and does not benefit the current Government of Cuba.

(d) Conference Report to the Libertad Act, H.R. 104-468, page 50, clarifies that "incidental payments or indirect benefits to commercial or regulatory entities of the Cuban Government, e.g., payments for hotels, car rental travel or transportation to or within the island, purchases of other goods or services in the local economy, customs fees, migration fees, or other comparable government charges" are nor considered to be assistance to the Cuban Government which is prohibited by the Libertad Act. Other than these types of payments, no USAID funds may be used for cash assistance or procurement on the island unless prior permission is granted by the Agreement Officer.

(e) The Recipient shall take all reasonable steps necessary to ensure that the above special provisions (a)-(d) are followed. Violation of special provision No.(b) above is grounds for termination of this Cooperative Agreement for cause and disallowance of costs incurred. Violation of special provision No.(c) may lead to disallowance of costs incurred.

(f) However, <u>no USAID funding made available under this grant or cooperative agreement will be used for cash assistance to individuals or groups residing in Cuba unless approved by the Agreement Officer.</u>

(g) Due to the political sensitivity of the USAID Cuba Program, USAID does not require any attribution to USAID or to the U.S. Government in any materials that will be distributed on the island.

(h) Given the nature of the Cuban regime and the political sensitivity of the USAID Program, USAID cannot be held responsible for any injury or inconvenience suffered by individuals traveling to the island under USAID grant funding.

3. RESTRICTIONS ON PHARMACEUTICALS

The definition of "Pharmaceutical" in the USAID ADS Glossary reads as follows:

"Any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of diseases in humans or animals; any substances (other than food) intended to affect the structure or any function of the body of humans or animals; and, any substance intended for use as a component in the above. The term includes drugs, vitamins, oral rehydration salts, biologicals, and some in-vitro diagnostic reagents/test kits; but does not include devices or their components, parts, or accessories. (Chapter 312)"

This definition includes over-the-counter items, such as aspirin and even iodine. The Recipient must comply with the requirements that pharmaceuticals be U.S. produced and FDA approved and obtain prior approval from USAID in accordance with ADS 312.5.3c and Standard Provision C.9. USAID ELIGIBILITY RULES FOR GOODS AND SERVICES subsection (a)(3).

4. COMPLIANCE WITH U.S. LAWS AND REGULATIONS

All USAID Cuba Program grantees are reminded that they are expected to comply with all terms of their grant agreements as well as with all U.S. laws and USG regulations. This includes but is not limited to the following:

(a) Grantees must observe U.S. laws that protect copyrights and other intellectual property. Without advance written permission from holders of copyrights, grantees may not copy books, videos, audio cassettes, CDs, computer software and other informational materials for dissemination in the U.S. or elsewhere, or for distribution inside Cuba.

(b) Because of the First Amendment to the Constitution, grantees may not use USG funds to purchase, copy, mail, or distribute religious or anti-religious materials.

(c) Grantees and their sub-recipients may not send any equipment to Cuba without first meeting Commerce licensing requirements as set forth in the Export Administration Regulations (EAR) (15 C.F.R. Part 730 et seq), no matter who requests the equipment or how it is sent. Refer to Section E(1)(c) above.

5. NON-FEDERAL AUDITS

In accordance with 22 CFR 226.26, the Recipient and its sub-recipients are subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and OMB Circular A–133. The Recipient and its 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.

6. FINANCIAL REVIEWS AND AUDITS

Under the USAID/Cuba program additional financial reviews and audits may be required.

7. SPECIAL TRAVEL LIABILITY CLAUSE FOR CUBA

Given the nature of the regime in the country of operations and the political sensitivity of the USAID Program, USAID cannot be held responsible for any injury or inconvenience suffered by individuals traveling to or operating in the country under USAID funding. Except as otherwise provided in the agreement, the Recipient accepts the risks associated with required recipient performance in such operations.