Federal Agency Name:	United States Agency for International Development (USAID)
Funding Opportunity Title:	Promoting Human Rights in Cuba
Announcement Type:	Annual Program Statement (APS)
Funding Opportunity Number:	7200AA19APS00011
Issuance Date:	June 27, 2019
Closing Date:	June 26, 2020
Deadline for Questions (Round 1):	July 5, 2019
Deadline for Submission of Concept Papers for First Review Opportunity (Round 1):	July 18, 2019
Deadline for Questions (Round 2):	To be determined and notified through an amendment to this APS
Deadline for Submission of Concept Papers for Second Review Opportunity (Round 2):	To be determined and notified through an amendment to this APS

Dear Applicants:

The United States Agency for International Development (USAID) would like to partner with United States and non-United States organizations to achieve common objectives. This Annual Program Statement (APS) invites all qualified organizations and entities to identify and suggest ways we can work together to address key challenges in Cuba that are aligned with the United States Government's foreign assistance objectives. This APS is issued as a public notice to ensure that all interested and qualified organizations have a fair opportunity to submit applications for funding.

Subject to the availability of funds, an award will be made to that responsible applicant(s) whose application(s) best meet the objectives of this funding opportunity and the selection criteria contained herein. While several awards are anticipated as a result of this notice of funding opportunity (NOFO), USAID reserves the right to fund any or none of the concept papers/ applications submitted.

To be eligible for an award, the Applicant must provide all information as required in this solicitation and meet eligibility standards in Section III of this NOFO. For the purposes of this solicitation, "NOFO" is synonymous with "APS," as an APS is one of several types of NOFOs that USAID uses to solicit applications for new awards. Eligible organizations interested in submitting an application are encouraged to read this funding opportunity thoroughly to understand the application process, the type of program sought, concept paper submission requirements, and the evaluation process.

This APS contemplates a two-tier selection process as follows:

1. Concept Papers
2. Full Applications (By Invitation Only)

Applicants will first submit a Concept Paper that will be reviewed for responsiveness to the purpose of this APS. Concept Papers will be evaluated against the merit review criteria provided in Section V. Applicants who are successful in the Concept Paper stage will be invited to join a co-creation process. Following the co-creation process, selected applicants will be requested to submit a full application, the content and format of which will be provided in greater detail by the Agreement Officer (AO).

This funding opportunity is posted on www.grants.gov and may be amended. Potential applicants should regularly check the website to ensure they have the latest information pertaining to this NOFO.

Please send any questions to the email address listed in Section VII, Agency Contacts. The deadline for questions is shown above. Responses to questions received up to the deadline will be furnished to all potential applicants through an amendment to this notice posted on www.grants.gov.

Issuance of this notice 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 any costs incurred in preparation or submission of comments/suggestions or an application. Concept papers/applications are submitted at the risk of the Applicant. All preparation and submission costs are at the Applicant's expense.

Thank you for your interest in USAID programs.

Sincerely,



Patrick Mudd
Agreement Officer

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ATTACHMENTS:

1) Sample Concept Paper Template
2) Sample Summary Budget Template

ABBREVIATIONS AND ACRONYMS USED IN THIS NOFO

ADS	Automated Directive System
AO	Agreement Officer
AOR	Agreement Officer's Representative
APS	Annual Program Statement
BIS	Bureau of Industry and Security
CDA	Cuban Democracy Act
CFR	Code of Federal Regulations
DRL	Democracy, Human Rights, and Labor
DUNS	Data Universal Numbering System
EAR	Export Administration Regulations
FAQs	Frequently Asked Questions
FAR	Federal Acquisition Regulations
LAC	Latin America and the Caribbean
LIBERTAD	Cuban Liberty and Democratic Solidarity Act
MEL	Monitoring, Evaluation, and Learning
NED	National Endowment for Democracy
NGO	Non-Governmental Organization
NOFO	Notice of Funding Opportunity
NSPM	National Security Presidential Memorandum
OAA	Office of Acquisition & Assistance
OFAC	Office of Foreign Assets Control
SAM	System for Award Management
SF	Standard Form
U.S.	United States
USAID	U.S. Agency for International Development
USG	United States Government
WHA	Western Hemisphere Affairs

SECTION I: FUNDING OPPORTUNITY DESCRIPTION

A. Background

The overarching goal of U.S. foreign assistance to Cuba is to realize internationally recognized civil, political, religious, labor, and other rights in Cuba as set forth in the Universal Declaration of Human Rights and other international instruments. The United States Government seeks to promote a stable, prosperous, and free country for the Cuban people.

The Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 authorizes support for democracy-building efforts in Cuba. Under this authority, the United States Agency for International Development (USAID) supports a portfolio of programs that:

- provide humanitarian assistance to victims of repression, including political prisoners, their family members, and other individuals who are persecuted because of their political or religious beliefs;
- support grassroots civil society building through capacity building for independent and emerging civic groups on the island; and
- empower Cuban activists to engage an increased number of Cuban citizens in activities to promote and defend human rights, democracy, and democratic values in Cuba.

USAID also supports efforts to document human rights violations of Cuban citizens, and facilitate the free flow of information to, from, and within Cuba. This Annual Program Statement (APS) seeks to fund activities that expand and amplify these efforts.

Consistent with the Administration's 2017 "National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba (NSPM)," the overall objective of this program is to advance Cuban human rights through: 1) support to Cuban political prisoners and their family members; and 2) increased domestic and international awareness about the realities faced by Cuban citizens and failures of the Cuban Revolution.

B. Purpose Of This Annual Program Statement

The Office of Cuban Affairs of the USAID Bureau for Latin America and the Caribbean (LAC/Cuba) hereby solicits concept papers from U.S. and non-U.S. organizations for partnership under the Promoting Human Rights in Cuba APS.

The APS will be open for 12 months and eligible organizations can submit concept papers for either of the two program areas outlined in this solicitation throughout the year; however, evaluations of concept papers will be completed at the designated deadline(s) outlined in the cover page of this APS.

C. Program Areas

USAID LAC/Cuba is requesting concept papers in the following areas of strategic interest. While USAID reserves the right to fund activities outside of these specific areas, priority will be given to those concept papers and applications that are most responsive to the program areas

detailed below. Applicants are encouraged to submit innovative ideas that are not a duplication of current U.S. Government (USG)-funded activities, as USAID seeks to expand the network of on-island individuals and groups receiving assistance.

Program Area 1: Humanitarian Assistance for Political Prisoners

The Cuban regime holds more than 100 political prisoners, imprisoned simply for attempting to peacefully exercise their right to freedom of expression. Those arrested are subjected to lengthy prison terms and to prison conditions that are harsh and often life threatening. The regime denies holding any political prisoners -- those imprisoned for political reasons are often convicted on false or trumped-up charges, or arbitrary offenses such as "pre-criminal dangerousness."

Prisoners are placed in overcrowded prisons, often at great distances from family members, and are beaten or placed in solitary confinement for voicing their concerns. Prisoners also lack access to proper medical care and water, and food provided by the Cuban government is not sufficient for basic subsistence needs. In addition, former political prisoners who remain in Cuba are heavily surveilled and intimidated by the Cuban regime for political activism activities and are often prohibited from job opportunities because of dissident activities, affecting not only their own livelihood but that of other family members as well.

Partnership Objective: USAID LAC/Cuba seeks partners with experience in Cuba and similarly closed countries that can provide much-needed humanitarian assistance to Cuban political prisoners and their family members. Program activities should be designed to alleviate the hardships of people who have lost some or all of their ability to support themselves and their families because of their political or religious beliefs, or efforts to promote and push for democratic freedoms in Cuba. USAID will prioritize partners that have a demonstrated ability to distribute humanitarian assistance to Cuban political prisoners. Partners should also demonstrate an ability to work with local partners to identify and address the most important and urgent needs of political prisoners.

Program Area 2: Exposing Cuba's Realities Through Independent Information

The Cuban regime holds a tight control over all information flowing to, from, and within Cuba. In addition, through an intense public relations campaign that includes sending thousands of ill-paid medical professionals and teachers abroad, the regime has been able to manipulate its image in the international community and spread a false message that the Cuban Revolution has been successful in guaranteeing free health care and education. In reality, on-island services barely meet the basic needs of Cuban citizens. With gradual access to the internet through WiFi hotspots and 3G cell phone services, Cuban independent journalists and other independent civil society networks have increasingly been able to document the realities of everyday life in Cuba and the Cuban regime's violation of political, social, religious, and economic rights of its citizens.

Partnership Objective: Programming under this area aims to build and support a democratic culture in Cuba through greater access to independent, legitimate and uncensored information about the realities faced by Cuba's citizens. Activities may include support to Cuban independent

civil society groups, including independent journalists, civil society activists, faith-based groups, and others, as they create and disseminate information not readily available through the Cuban regime's tightly-controlled press.

The program seeks to garner greater respect for human rights in Cuba by helping to dispel the myths about the successes of the Cuban Revolution and exposing information about the realities of Cuba's institutions -- including its education and healthcare systems, and treatment of Cuban workers and corrupt economy. Partners would be encouraged to make use of communications technology to disseminate information both domestically and internationally about the everyday challenges faced by Cuban citizens as a result of 60 years of living under a dictatorship.

D. Relationship To U.S. Government Strategies And Programs

Through various activities implemented by USAID, as well as the Department of State's Bureaus for Western Hemisphere Affairs (WHA) and Democracy, Human Rights, and Labor (DRL), the U.S. Government provides ongoing support to beneficiaries throughout the island to support its foreign policy goals, including those that are outlined in the 2017 "National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba." To avoid duplication of efforts, USAID communicates regularly with the Department of State and other donors such as the National Endowment for Democracy (NED) to ensure programming is well-coordinated with existing programs.

Applicants may find information about current U.S. Government-funded Cuba programs at https://www.usaspending.gov.

E. Authorizing Legislation And Applicable Regulations And Policies

The authority for this APS and any resulting award is from the Foreign Assistance Act of 1961, as amended. Additionally, there are two statutes that are particularly critical in providing authority, notwithstanding other provisions of law, for USAID's work in Cuba: (1) Section 109(a) of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 (also referred to as "Helms-Burton Act," P.L. 104-114); and (2) Section 1705 of the Cuban Democracy Act of 1992 (22 U.S. C. Section 6004) (P.L. 102-484). Activities authorized and financed under this program are governed and limited by the terms of these two acts.

The Libertad Act of 1996 provides authority to furnish assistance and provide other support for individuals and independent non-governmental organizations to support democracy-building efforts for Cuba, including: (1) published and informational matter to be made available to independent democratic groups in Cuba, (2) humanitarian assistance to victims of political repression and their families, and (3) support for democratic and human rights groups in Cuba.

The Cuban Democracy Act of 1992 authorizes the provision of certain assistance notwithstanding any other provision of law. Specifically, this provision authorizes donations of food to non-governmental organizations (NGOs) or individuals in Cuba, exports of medicines and medical supplies generally, and assistance through appropriate NGOs for the support of individuals and organizations promoting nonviolent democratic change in Cuba.

Awards are also subject to 2 CFR 700 and 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

The following link contains the full text of the Libertad Act: http://www.treasury.gov/resource-center/sanctions/Documents/libertad.pdf

The following link contains the full text of the Cuban Democracy Act (CDA): http://www.treasury.gov/resource-center/sanctions/Documents/cda.pdf

The following link contains the text of the National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba (NSPM): https://www.federalregister.gov/documents/2017/10/20/2017-22928/strengthening-the-policy-of-the-united-states-toward-cuba

[END SECTION I]

SECTION II: FEDERAL AWARD INFORMATION

A. Estimate of Funds Available and Number of Awards Contemplated

Under this APS and subject to the availability of funds, USAID intends to award multiple Cooperative Agreements pursuant to this NOFO, ranging from $500,000 to $2 million each for up to a three-year period of performance. Organizations may not submit more than two concept papers each round, and each organization is eligible for only one Cooperative Agreement under this award. Organizations that have not previously received funding from USAID are encouraged to apply. However, USAID will not fund research for feasibility studies intended to strengthen an organization's understanding of the Cuban context.

USAID LAC/Cuba reserves the right to negotiate to lessen or increase the scope or adjust costs as appropriate. The status of ongoing U.S. Government-funded Cuba programs will be taken into consideration when awarding funds under this APS.

B. Types of Assistance Instruments

Under this APS, USAID intends to award Cooperative Agreements. Grants and Contracts are not authorized under this APS.

C. Start Date and Period of Performance of Federal Awards

The estimated start date will be upon signature of the award, on or about. The period of performance anticipated shall be between 24 and 36 months.

D. Substantial Involvement for Cooperative Agreements

USAID will be substantially involved in the program and management performance of any awarded Cooperative Agreement through technical collaboration on specified program interventions. Examples of USAID responsibilities are as follows. USAID, including the Agreement Officer's Representative (AOR), is expected to provide:

- Approval of the Recipient's Implementation Plan and Annual Work Plan;
- Approval of Specified Key Personnel;
- Agency and Recipient Collaboration or Joint Participation, such as:
    - Concurrence on the substantive provisions of sub-awards per 2 CFR 200.308(6);
    - Approval of the recipient's monitoring, evaluation and learning (MEL) plan;
    - Monitoring to authorize specified kinds of direction or redirection because of interrelationships with other projects.

[END SECTION II]

SECTION III: ELIGIBILITY INFORMATION

A. Eligible Applicants

U.S. and non-U.S. nongovernmental organizations (NGOs) are eligible to apply. USAID encourages applications from potential new partners with experience in Cuba or similarly closed societies. An NGO means any nongovernmental organization or entity, whether nonprofit or profit-making (22 CFR 203.2). USAID will not accept applications from individuals. All Applicants must be legally recognized organizational entities under applicable U.S. law.

Applicants must have established financial management, monitoring and evaluation processes, internal control systems, and policies and procedures that comply with established U.S. Government standards, laws, and regulations. The successful applicant(s) may be subject to a pre-award risk assessment (Pre-award Survey) by the AO.

B. Profit or Fee

If profit-making organizations apply for funding under this APS, no profit or fee will be authorized under the activity.

C. Cost Sharing or Matching

Cost share refers to the resources a recipient contributes to the total cost of an agreement. Cost share becomes a condition of an award when it is part of the approved award budget. The cost share must be verifiable from the Recipient's records and can be audited; for U.S. organizations it is subject to the requirements of 2 CFR 200.306, and for non-U.S. organizations it is subject to Standard Provision RAA14, "Cost Share," in USAID's Automated Directives System (ADS) 303mab, "Standard Provisions for Non-U.S. Nongovernmental Organizations." If a Recipient does not meet its cost share requirement, the AO may apply the difference in actual cost share amount from the agreed upon amount to reduce the amount of USAID funding for the following funding period, require the recipient to refund the difference to USAID when the award expires or is terminated, or reduce the amount of cost share required under the award.

The provision of cost share under this program is **voluntary but not required**. At their discretion, applicants may propose a cost share in cash, in-kind, or a combination of both. All cash and in-kind contributions committed by partners must be documented.

D. Partnerships

USAID will consider applications that include proposed partners -- including joint partnerships and subrecipients -- for implementation of this award. Applicants are encouraged to partner with organizations that show a complementarity of skill sets and capabilities. Partners may leverage the private sector, other donors, international organizations, and civil society institutions, if appropriate. Please note that applicants are not encouraged to partner with organizations that will require organizational capacity building. Rather, USAID seeks recipient organizations that have prior commendable performance in Cuba or other closed societies, with a preference for experience in Cuba.

Subject matter experience by the prime recipient or sub-recipient(s) in implementing similar programs 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 is responsible for all administrative, management, and reporting requirements to USAID.

[END SECTION III]

SECTION IV: APPLICATION AND SUBMISSION INFORMATION

A. Questions and Submission Procedures

1. Questions and Answers:

All questions regarding this NOFO should be submitted in writing to the email address specified here: CubaAPS@usaid.gov.

Questions must be submitted by e-mail no later than the date(s) stated on the cover page of this APS to provide sufficient time to address the questions and incorporate the questions and answers as an amendment to this solicitation. Any information given to a prospective Applicant concerning this APS will be furnished promptly to all other prospective Applicants, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective Applicant.

2. Submission Procedures:

Applicants must first submit a concept paper electronically to the following e-mail address: CubaAPS@usaid.gov. The e-mail must be identified with the following subject heading: "USAID/Cuba APS No: 7200AA19APS00011."

B. The Application Process

Please note: all eligible applicants may submit a concept paper; however, **do not** submit a full application unless requested to do so by the Agreement Officer.

USAID will follow a three-phase process as follows:

1. Concept Papers
2. Co-Creation (By Invitation Only)
3. Full Application (By Invitation Only)

Concept Papers must be submitted by the established date(s) and time(s) indicated in the cover letter of this APS. If the Concept Paper is not received by USAID by the specified date and time, it may be excluded from further consideration.

USAID LAC/Cuba reserves the right to not make an award at any stage of the process.

1. <u>Phase 1: Concept Papers</u>

The objective of the Concept Paper is to give USAID a clear understanding of the project that is being proposed. It should concisely describe the purpose of the project, the target beneficiaries and geographic location where the activities will be conducted, the timeframe for implementation, the number and description of the people or organization(s) that will benefit, a general statement of the approach and expected results, an outline of expected partnership

arrangements, and the anticipated budget, including any expected cost share resources and/or proposed subrecipients. The Concept Paper is not intended to provide a full or detailed project work plan or staffing plan.

Concept paper format: The Sample Concept Paper Template is provided under Attachment 1. Concept papers must **not exceed four pages**, not including the cover page and budget. A Sample Summary Budget Template is provided as Attachment 2. Applicants are encouraged to utilize the attached templates when submitting a concept paper to USAID for consideration. Further, all concept papers must clearly state the program area(s) to which the application relates, and should be clearly linked to one or more program area(s) under Section I of this APS. **Concept papers must be submitted in English.** The concept paper will be reviewed by an inter-agency selection committee, which will determine whether the concept has sufficient technical merit to warrant continuation to the co-creation phase. Generally, concept papers will be reviewed primarily on technical merit, specifically the degree to which they contribute to the achievement of objectives outlined in the APS. Up to two concept papers may be submitted by an organization during each round.

USAID anticipates two possible results from the Concept Paper merit review process: "Pass" and "No Pass;"

- **Pass** - Invited for Co-Creation: Concept Paper generally satisfies the Concept Paper Merit Review Criteria in accordance with Section V of this APS and receives a "Pass" status. USAID invites the Applicant with a co-creation invitation letter to engage in co-creation. The specific details of the co-creation process will be described in the invitation letter to Applicants of conditionally accepted Concept Papers. If the co-creation process is successfully concluded, USAID with follow with a request for submission of a full application.
- **No Pass**: Concept Paper does not satisfy the Concept Paper Merit Review Criteria in accordance with Section V of this APS and received a "No Pass" status. The process ends for the Applicant.

2. <u>Phase 2: Co-Creation</u> (By Invitation Only)

Organizations that receive a "Pass" will be invited to the co-creation and collaboration process to further develop the activities that will help achieve the results desired under this APS, identify and incorporate additional partners and/or on-island beneficiaries, and determine specific roles and responsibilities related to the implementation of those activities.

The co-creation process builds on a Concept Paper that has strength and potential; it is not intended to supplant the Applicant's initiative or build new concepts from the ground up. By the end of the co-creation process, USAID envisions a strong draft project description for the full application phase, including draft implementation timelines, and qualitative and/or quantitative indicators for performance measurement.

If an Applicant does not succeed at the co-creation phase, the process ends for that Applicant.

3. Full Application (By Invitation Only)

If Applicants successfully complete co-creation, a full application will be requested based on the consensus reached during Phase 2. At this point, USAID will issue a letter requesting that the Applicant submit a full application. The letter will provide specific written requirements and instructions for submitting the full application, including submission of an SF-424, "Application for Federal Assistance," mandatory certifications, and other information necessary to conduct a pre-award risk assessment of the organization.

Application Format: The applications and all supporting materials must be submitted in English only. The full application will include: a summary of program activities; expected program results and mechanisms for monitoring and measuring program performance; a project timeline/implementation plan; administrative and financial management capacity; a detailed description of prior related work, including prior experience in Cuba or similarly closed societies; letters of commitment from key personnel and potential partners/subrecipients; and a detailed budget. Detailed application instructions will be provided to those Applicants that are invited to submit full applications.

Request for a full application does not obligate USAID to issue an award to the Applicant. The full application will be reviewed by an inter-agency selection committee in accordance with the merit review criteria detailed below in Section V.

C. Cross Cutting Practices

1. Environmental Compliance

The Foreign Assistance Act of 1961, as amended, Section 117 requires that the impact of USAID's activities on the environment be considered and that USAID include environmental sustainability as a central condition in designing and carrying out its development programs.

This mandate is codified in Federal Regulations (22 CFR 216) and in USAID's Automated Directives System (ADS) Chapter 204, "Environmental Procedures," which, in part, require that the potential environmental impacts of USAID-financed activities are identified prior to a final decision to proceed and that appropriate environmental safeguards are adopted for all activities.

2. Sustainability

Concept papers should demonstrate the potential to yield sustainable solutions to the development challenges being addressed. The proposed activity should emphasize the transfer of methodologies and know-how among Cuban independent organizations to further their understanding of the concept of self reliance. Applicants should include activities that strengthen internal organizational capacity to eventually take the lead in expanding and sustaining programs after USAID funding ends. The activities should demonstrate proven success.

3. Gender Equality and Female Empowerment

During the full application phase, the Applicant will be required to demonstrate an understanding of gender equality and empowerment and how gender can best be addressed in programming. The Applicant will be asked to incorporate a methodology for monitoring gender impact in its monitoring, evaluation and learning (MEL) plan, including incorporation of gender-sensitive indicators. Please review USAID ADS 205 found at https://www.usaid.gov/sites/default/files/documents/1870/205.pdf for more information on integrating this policy into your approach.

D. Additional Considerations

1. Branding and Marking

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

2. Universal Entity Identifier and System for Award Management (SAM)

Dun & Bradstreet Universal Numbering System (DUNS) and SAM.gov Requirements: USAID may not award to an Applicant until the applicant has complied with all applicable unique entity identifier and System for Award Management (SAM) requirements and, if an applicant has not fully complied with the requirements by the time USAID is ready to make an award, USAID may determine that the Applicant is not qualified to receive an award. Each applicant is required to:

- Be registered in the System for Award Management (SAM) before submitting its application;
- Provide a valid Dun and Bradstreet Universal Numbering System (DUNS) number; and
- Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

It is the Applicant's responsibility to ensure that all necessary documentation is complete and received on time.

3. Controlling Language

It is USAID policy that English is the official language of all award documents because a translation may not convey the full meaning of the original. Therefore, any resulting awards under this APS will be in English only. No Spanish translation will be provided.

[END SECTION IV]

SECTION V: APPLICATION REVIEW INFORMATION

USAID will conduct a merit review of all concept papers and full applications received that comply with the instructions in this APS and in accordance with the following evaluation criteria.

A. Merit Review Criteria for Concept Papers

All Concept Papers will be evaluated in accordance with the following merit review criteria which are described in descending order of importance.

CRITERION	CRITERION NAME	IMPORTANCE
Criterion 1	Quality of the Concept	1
Criterion 2	Organizational Capacity	2

1. Quality of the Concept (Criterion 1):
    a. The concept paper details goals and objectives consistent with LAC/Cuba's strategic interest areas outlined in this APS.
    b. The concept paper demonstrates the Applicant's in-depth knowledge and understanding of the constraints and strategic priorities in Cuba.
    c. The proposed activities are not a duplication of other ongoing USG-funded Cuba program activities. If the proposed activities are similar in nature to other ongoing projects, the Applicant clearly demonstrates how the proposed project is new and distinct, and can achieve, measure, and report on results that are clearly distinct and directly linked to the proposed project.

Using the Sample Concept Paper Template (Attachment 1), the following sections will be evaluated as part of the Quality of Concept criteria: Goals and Objectives; Problem Statement; Activity Description; and Activity Beneficiaries & Geographic Location.

2. Organizational Capacity (Criterion 2):
    a. The Applicant has experience and demonstrated success (as the prime or subrecipient) implementing programs or activities that are directly related to or similar in scope, magnitude, sensitivity, and complexity to that detailed in this APS.
    b. The Applicant has experience working in closed societies, with a preference for experience in Cuba.
    c. The Applicant has a proven ability to monitor and evaluate program implementation and to effectively report results and impact.

Using the Sample Concept Paper Template (Attachment 1), the following sections will be evaluated as part of the Organizational Capacity criteria: Expected Impact and Illustrative Indicators; Organizational Capacity; Partnership Arrangements; and History of Performance.

B. Merit Review Criteria for Full Applications (Submitted by Invitation Only)

Successful Applicants whose concept papers are selected for submission of a full application will be evaluated in accordance with the merit review criteria detailed below. Please note that this criteria only applies to full applications but is provided below for informational purposes for all prospective Applicants.

CRITERION	CRITERION NAME	IMPORTANCE
Criterion 1	Technical Approach	1
Criterion 2	Organizational Capacity	2
Criterion 3	Management Structure and Staffing Plan	3

1. Technical Approach (Criterion 1):
    a. The application sets forth a convincing concept, effective strategy, and clearly defined techniques for accomplishing the stated objectives and anticipated results outlined in this APS.
    b. The technical approach presents an informed, innovative, unique and sound program strategy, including a demonstrated in-depth knowledge and understanding of the constraints and strategic priorities in Cuba.
    c. The application describes how proposed local networks or groups are ideal for the activities to be implemented.

2. Organizational Capability (Criterion 2):
    a. The Applicant has a strong internal organizational structure and readily available core technical resources to provide the necessary administrative, professional, and logistical support to program operations.
    b. The Applicant has experience and demonstrated success (as the prime or subrecipient) implementing programs or activities that are directly related to or similar in scope, magnitude, sensitivity, and complexity to that detailed in this APS.
    c. The Applicant has experience working in closed societies, with a preference for experience in Cuba.
    d. The Applicant has a proven ability to monitor and evaluate program implementation and to effectively report results and impact.

3. Management Structure and Staffing Plan (Criterion 3):
    a. The application demonstrates the Applicant's ability to employ the necessary staffing resources to achieve program objectives in a restrictive operating environment.
    b. The application has a well-integrated approach for the roles and responsibilities of any proposed partners and/or subrecipients.

C. Negotiation and Agreement Terms

If an application is selected by USAID for an award, after evaluating the full applications and subject to the availability of funds, USAID will enter final discussions to ensure all pre-award requirements are met and significant assistance terms are negotiated and agreed. Awards issued will include the Standard Provisions for Non-U.S. or U.S. Non-Governmental Organizations and will be structured as a Cooperative Agreement. The resulting Cooperative Agreement will include additional specifications on substantial involvement by USAID as part of the award terms and conditions.

The exact details of the negotiation phase will vary according to the circumstances pertaining to each application. It is possible that an application recommended for funding will not actually result in an award, due to insufficient availability of funding, or because the organization is deemed not sufficiently capable of managing a USAID award, or for other reason(s) which will be discussed with the Applicant.

A decision not to fund an application may occur at any phase of the evaluation process. No expenditures related to the preparation of concept papers/full applications will be reimbursed by USAID.

D. Pre-Award Survey

For organizations that are new to working with USAID or for organizations with outstanding audit findings, USAID may perform a pre-award survey to assess the Applicant's management and financial capabilities. If notified by USAID that a pre-award survey is necessary, Applicants must prepare, in advance, the required information and documents. Please note that a pre-award survey does not commit USAID to make any award.

E. Pre-Award Certifications, Assurances and Other Statements of the Recipient

Organizations will be required to provide certain certifications, assurances, and other statements. A detailed list will be provided to those Applicants that are invited to submit full applications. All of these certifications and forms will be required for execution during the negotiation phase. For concept paper submissions, applicants are not required to execute any of these forms or certifications.

[END SECTION V]

SECTION VI: FEDERAL AWARD ADMINISTRATION INFORMATION

A. Federal Award Notices

Award of the agreement contemplated by this NOFO cannot be made until funds have been appropriated, allocated and committed through internal USAID procedures. While USAID anticipates that these procedures will be successfully completed, potential applicants are hereby notified of these requirements and conditions for the award. 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 Agreement may be incurred before receipt of either a fully executed Agreement or a specific, written authorization from the Agreement Officer.

B. Administrative & National Policy Requirements

The resulting award(s) shall be made and administered in accordance with the following federal regulations:

- For U.S. organizations in accordance with 2 CFR 700, 2 CFR 200, and the applicable Standard Provisions;
- For Non-U.S. nongovernmental organizations in accordance with 2 CFR 200, the Standard Provisions for Non-US Non-Governmental Organizations;
- Federal Acquisition Regulations (FAR) Part 31 for Commercial Organizations;
- USAID's Automated Directives System (ADS) Series 300, Chapter 303, "Grants and Cooperative Agreements to Non-Governmental Organizations," which may be found at https://www.usaid.gov/ads/policy/300/303.

C. Reporting Requirements

The types and frequency of financial and programmatic reports are detailed in 2 CFR 200.

1. **Financial Reporting**: The Recipient must submit via email a copy of the Standard Form 425 (SF-425) on a quarterly basis to the Agreement Officer (AO) and the Agreement Officer's Representative (AOR) within thirty (30) calendar days after the end of the quarter. Electronic copies of the SF-425 can be found at: http://www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf
   Line item instructions for completing the SF-425 can be found at: http://www.whitehouse.gov/omb/grants/standard_forms/ffr_instructions.pdf.

2. **Performance Reporting**: USAID expects high quality reports in English. Reports must be professionally executed, avoiding typographical and grammatical errors. Each of the reports must be submitted electronically to the Agreement Officer's Representative (AOR) in Word, Excel, PowerPoint, or PDF format, as directed by the AOR.

D. Standard Provisions

This APS incorporates in full text the standard provisions applicable to the APS. The resulting awards will incorporate the Mandatory and Required as Applicable Provisions, depending on the type of program area, the type of organization, and funding involved. More information can be found at http://www.usaid.gov/who-we-are/agency-policy

[END SECTION VI]

SECTION VII: AGENCY CONTACTS

The point of contact for this APS and any questions during the APS process are as follows:

Patrick Mudd
Contracting & Agreement Officer
USAID
M/OAA/SIDP
1300 Pennsylvania Avenue, NW
Washington, DC 20523
CubaAPS@usaid.gov

Any prospective applicant desiring an explanation or interpretation of this APS must request it in writing by the date listed on the cover letter to allow a reply to reach all prospective applicants before the submission of their applications. Oral explanations or instructions given before award will not be binding. Any information given to a prospective applicant concerning this APS will be furnished promptly to all other prospective applicants as an amendment of this APS, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective applicants.

[END SECTION VII]

SECTION VIII: OTHER INFORMATION

A. Special Provisions and Licensing Requirements for Cuba

1. Licensing Requirements for Cuba

a. The Cuban Democracy Act of 1992 and the Libertad Act of 1996, under which the activities financed under this APS 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 trafficking of goods in Cuba. The Treasury Department maintains and enforces licensing requirements for travel to Cuba, expenditures of funds on the island and remittances of cash to 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/subrecipients traveling to Cuba under this program and expenses they may incur while carrying out program activities on the island. USAID Recipients must comply with the terms of this license and Department of Treasury, Office of Foreign Assets Control (OFAC) rules and procedures.

c. All USAID 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.

d. 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 may still require detailed documentation under the EAR. USAID Recipients are responsible for meeting all documentation requirements**.**

e. A Recipient's Commerce license is <u>not transferable</u> 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.

f. 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 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.

g. 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. CU-2014-312739-1 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/OFAC that the use of private Recipient funds is covered by the existing license.

h. 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 2 CFR 200 have been met.

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

- U.S. Office of Foreign Assets Control (OFAC): http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx
- OFAC Cuba FAQs: http://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_faqs_new.pdf
- U.S. Department of Commerce Cuba page for exports: http://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations/cuba
- State Department Fact Sheet on U.S. Relations With Cuba: https://www.state.gov/u-s-relations-with-cuba/ https://www.state.gov/r/pa/ei/bgn/2886.htm
- USAID and Assistance Awards Policies: https://www.usaid.gov/ads/policy/300/303

2. Cuban Democracy Act and Libertad Act

a. This Cooperative Agreement is made pursuant to the authorities of the Cuban Democracy Act of 1992. 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 Cooperative Agreements resulting from this APS 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 not considered to be assistance to the Cuban Government which is prohibited by the Libertad Act.

e. The Recipient shall take all reasonable steps necessary to ensure that the above special provisions (a)-(d) are followed. Violation of special provision (b) above is grounds for termination of this Cooperative Agreement for cause and disallowance of costs incurred. Violation of special provision (c) may lead to disallowance of costs incurred.

f. 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.

g. 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 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 312.3.3.3 and Standard Provision USAID ELIGIBILITY RULES FOR GOODS AND SERVICES subsection (b)(3). Additional information can be found at in USAID ADS Chapter 312, Eligibility of Commodities": https://www.usaid.gov/sites/default/files/documents/1876/312.pdf

4. Compliance with U.S. Laws and Regulations

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

a. Recipients must observe U.S. laws that protect copyrights and other intellectual property. Without advance written permission from holders of copyrights, Recipients 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, Recipients 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 VIII.A.1(c) above.

5. Non-Federal Audits and Financial Reviews

a. In accordance with 2 CFR 200, 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). 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.

b. Under the LAC/Cuba program, additional financial reviews and audits may be required.

6. Special Travel Liability Clause for Cuba

a. **Disclosure and Assumption of Risk**: Certain activities under this Cooperative Agreement will be performed in Cuba. Working in a closed society, such as Cuba, presents particular challenges and risks to the Recipient (including its subrecipients, consultants, etc.). The U.S. government cannot ensure the safety and security of Recipient assets and personnel, particularly as relates to individuals traveling to Cuba under USAID funding, or project staff based in Cuba. Implementation of USAID programs in Cuba requires Recipient awareness of political sensitivities and assumption of risks associated with hostile actions of the Cuban government.

The Recipient will not serve as an agent or act under the direction of USAID and will be responsible for the efficient and effective administration of its own programs with sound business judgment, including any precautions inherent therein. USAID will reimburse costs to the extent allowable (i.e., reasonable and allocable to the grant) up to the stated amount of the grant. To the extent not prohibited or contradicted elsewhere by Federal law, regulation, or policy, the Recipient shall not hold USAID liable for injury, death, detainment, incarceration, kidnapping, property loss, damages, or expenses incidental to those liabilities, suffered by, or attributable to the acts, omissions or negligence of, the Recipient, its agents, or its employees implementing programs in Cuba under this APS.

b. **Consultants and Travelers**

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

[END SECTION VIII]