USAID
FROM THE AMERICAN PEOPLE

Issuance Date:	April 15, 2008
Deadline for Receipt of Questions:	May 5, 2008
Closing Date for Submission of Applications:	May 27, 2008
Closing Time for Submission of Applications:	16:00 Hours Local Budapest Time

SUBJECT: **Request for Application (RFA) Number: 168-08-09**
Title: Sustainable Interventions to Combat Trafficking in Persons in Bosnia and Herzegovina (SUSTAIN)

Dear Prospective Applicant:

The United States Government, represented by the United States Agency for International Development (USAID) is seeking applications from qualified Non-Governmental Organizations (NGOs), Private Voluntary Organizations (PVOs), Public International Organizations (PIOs) and other qualified organizations for a Cooperative Agreement to implement a program entitled **"Sustainable Interventions to Combat Trafficking in Persons in Bosnia and Herzegovina (SUSTAIN)".** The authority for this Request for Application (RFA) is found in the Foreign Assistance Act of 1961, as amended.

The Resultant Applicant will be responsible for ensuring achievement of the program objectives. Please refer to Section C - Program Description of this RFA 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 Award 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, the Federal Acquisition Regulation (FAR) Part 31 for for-profit organizations, and the Mandatory Standard Provision entitled "Allowable Costs (December 2003) for Public International Organizations), may be paid under the Award.

Subject to the availability of funds, USAID intends to provide approximately $855,000 in total USAID funding to be allocated over a three-year period.

USAID reserves the right to fund any or none of the applications submitted. However, USAID anticipates making one Award under this RFA.

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

Issuance of this RFA does not constitute an Award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of an application. Further, the Government reserves the right to reject any or all applications received, if such action is considered to be in the best interest of the Government. In addition, final award of any resultant Cooperative Agreement(s) cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, Applicants are hereby notified of these requirements and conditions for an Award. Applications are submitted at the risk of the Applicant; should circumstances prevent making an Award, all preparation and submission costs are at the Applicant's expense.

The preferred method of distribution of USAID Request for Application (RFA) and submission/receipt of applications is electronically, via Grants.gov, which provides a single source for Federal government-wide competitive grant opportunities. This RFA and any future amendments can be downloaded from Grants.gov on the World Wide Web (www). The World Wide Web Address is: http://www.grants.gov. In order to use this method, an Applicant must first register on-line with Grants.gov. Click on "Search for Grant Opportunity," then click on "Browse by Agency" and choose U.S. Agency for International Development, then select the appropriate location and search for the RFA. If there are problems or you have difficulty registering or accessing the RFA, please contact the Grant.gov Helpdesk at: 1-800-518-472 or electronically, via e-mail at: support@usaid.gov for technical assistance. It is the responsibility of the Applicant of the application document to ensure that it has been received from the Grants.gov in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion processes.

Applicants will now need to download Adobe version 8.1.1 to their computers. This will only need to be done once. This step is required in order for Applicants to view and save the Adobe forms properly. Applicants will need to have both the Pure Edge software and the Adobe version 8.1.1 software on their computers as grant opportunities may appear in either format.

Applicants are hereby notified of the requirement for USAID to submit information on any proposed funding Awardee of anti-trafficking Awards to the Senior Policy Operating Group (SPOG) of U.S. Government Agencies.

If an Award is made to a U.S. or Non-U.S. Organization, the standard format for an Award to a U.S. or non-U.S. Organization, as prescribed in ADS 303, will be used. If an Award is made to a Public International Organization, the standard format for an Award to a PIO, as prescribed in ADS 308 but modified for a Cooperative Agreement, and with special provisions negotiated as necessary, will be used.

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 B	-	Selection Criteria;
(b)	Section A	-	Application Format;
(c)	Section C	-	Program Description;
(d)	This Cover Letter.		

Applicants should submit any questions concerning this RFA in writing to: Mr. Ashraf Soos, electronically, via e-mail at: asoos@usaid.gov and Mr. Clement Bucher , via e-mail at: cbucher@usaid.gov. **The deadline for receipt of questions and/or request for clarifications/explanations is May 5, 2008. No questions will be accepted after this date.** Any communications pertaining to this RFA must be through the USAID Regional Services Center/Regional Contracting Office, Budapest.

Thank you for your interest in USAID programs.

Sincerely,

/s/

Clement J. Bucher
Regional Agreement Officer
USAID Regional Services Center/
Regional Contracting Office (RSC/RCO)
Budapest, Hungary

SECTION A

APPLICATION FORMAT

A.l Preparation and Submission Guidelines

Applicants are expected to review, understand, and comply with all aspects of this Request for Application (RFA).

All applications received by the deadline will be reviewed for responsiveness and programmatic merit in accordance with the specifications outlined in these guidelines and the application format. Section B - Selection Criteria addresses the technical evaluation procedures for the applications. Applications, which are submitted late or are incomplete, run the risk of not being considered in the review process. Late applications will be considered for Award only if the Agreement Officer determines it is in the Government's interest.

Applications shall be submitted in two separate parts: (a) Technical Application; and (b) Cost/Business Application.

Applications are to be submitted electronically via e-mail to: Mr. Ashraf Soos at the following email address: **Budapest168-08-09@usaid.gov**

Internet e-mail attachments formatted in Microsoft Word and/or Excel, or Adobe Acrobat Portable Document Format (*.pdf) with a 2MB limit per e-mail should be submitted. Multiple e-mails may be sent to accommodate the application size and content, but each must contain very clear identification of the attachment and instructions for assembling the application. However, zipped files will not be accepted. In addition to the electronic submission, Applicants shall submit an original and one (1) copy of the Technical Application, and an original and one (1) copy of the Cost/Business Application accompanied by a CD with the application in an electronic format. Either the electronic or hard copy applications must be received by the stated closing date and time specified on the Cover Letter.

The application should be prepared according to the structural format set forth below. Applications must be submitted no later than the date and time specified on the Cover Letter of this RFA, to the location and in the number of copies indicated in the Cover Letter accompanying this RFA.

Applicants should retain for their records one copy of the application and all enclosures which accompany their application. Erasures or other changes must be initialed by the person signing the application. To facilitate the competitive review of the applications, USAID will consider only applications conforming to the format prescribed below.

Any Applicant desiring an explanation or interpretation of this RFA must request it in writing by the questions due date indicated on the Cover Letter of this RFA, to the e-mail address set forth in

the Cover Letter of the RFA, to allow a reply to reach all Applicants before the submission of their applications. Any information given to an Applicant concerning this RFA will also be furnished to all other Applicants as an Amendment to this RFA, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other Applicants.

A.2 Technical Application Format

The Technical Application will be the most important item of consideration in selection for Award of the proposed activity. Therefore, it should be specific, complete and presented concisely. The applications should demonstrate the Applicant's capabilities and expertise with respect to achieving the goals of this program. The Applicant should take into account the Technical Evaluation Criteria specified in Section B, and the Technical Applications should be organized according to the criteria.

Technical Application must not exceed 30 pages in length, and printed on standard 8 ½- inch by 11-inch letter size paper, exclusive of the three annexes. Attachments specifically required (e.g., Resumes, Past Performance References and Letters of Commitment from Implementing Partners, if any) will not count against the page limitation. The font size shall be at least 11-point type with 1-inch margins. Applicant may use 12 Point Times New Roman Font for the Technical Application, however the page limits stated in the instructions must be respected. The font and backsides of a single sheet are counted as 2 pages. Pages shall be sequentially numbered with the page number on each page. Any pages that exceed the page limitation will not be furnished to the Evaluation Committee.

The Technical Application shall contain the following sections: (a) Cover Page; (b) Application Summary; (c) Narrative; (d) Work Plan; and (e) three Annexes (Resumes, Past Performance References and Letters of Commitment from Implementing Partners, if any). Page limitations are specified below for each section. **Any other information submitted will not be evaluated.**

The Applicant shall submit, as part of its application, a list of all current Awards and Sub-Awards and those completed within the last three years that are similar in size, scope and complexity to the program stated in this RFA. The information supplied shall also include the name and organization for which the work was performed, current telephone number and e-mail address of the cognizant technical representative for the organization; the number of each Award; and a brief description of the services provided or program performed, including the period of performance. The list should be included as an attachment or annex to the Technical Application and will not count against the page limitation. USAID reserves the right to obtain from any sources relevant information concerning an Applicant's past performance and may consider such information in its evaluation.

The Technical Application should at a minimum include the following:

1. Cover Page

A single page with the names of the organizations/institutions involved and the lead or primary Applicant clearly identified. Any proposed Sub-Grantees (or Implementing Partners) should be listed separately. In addition, the Cover Page should provide a contact person for the prime Applicant, including this individual's name (both typed and his/her signature), title or position with the organization/institution, address, telephone and fax numbers and e-mail address. State whether the contact person is the person with authority to contract for the Applicant, and if not, that person should also be listed with contact information. If applicable, the Tax Identification Number (TIN) and Data Universal Numbering System (DUNS) numbers of the Applicant should also be listed on the Cover Page.

2. Application Summary

The Application Summary shall not exceed two pages and should summarize the key elements of the Applicant's strategy and approach. The Application Summary should be concise and accurate.

3. Narrative (27 pages or less)

The narrative should contain the following elements:

a. Technical Approach

The technical approach must set forth in detail the conceptual approach, methodology and techniques for the accomplishment of the stated objectives, taking into consideration the special considerations stated in this RFA. The rationale for the appropriateness of the suggested approach in Bosnia should be provided. The technical approach must clearly demonstrate the application of innovative tools and lessons learned from other programs. Applicants should directly link proposed interventions to the ongoing anti-trafficking activities already taking place in Bosnia. The successful Applicant's technical approach will be the basis of the Program Description in the Award document. A clear plan for effective rapid launch of activities should be provided. Lastly, Applicants should propose a Monitoring and Evaluation (M&E) Plan and Sub-Awards as described hereunder.

(1) Monitoring and Evaluation (M&E) Plan

Applications should include a Monitoring and Evaluation (M&E) Plan for this project. Below is an illustrative list of output and impact indicators for this project. These are provided as illustrative only. Applicants are encouraged to develop their own plans. After an award is made, the implementer and USAID will agree on the final choice of performance indicators useful to meaningfully reflect actual project implementation.

1) Prevention – Insertion of trafficking prevention education in schools:

Output Result/Indicators

- Increased percentage of students receiving trafficking prevention education;
- At least 2 teachers from appropriate classes, in every secondary school in the country have been trained in trafficking prevention education
- Percentage increase of secondary schools with teachers trained to integrate trafficking prevention education in their curriculum
- NGO educators who work with street children and youth who do not attend school have been trained in trafficking prevention education.

Impact Results/Indicators

- Youth from throughout the country – both students and children who do not attend school – have an appropriate level of understanding of human trafficking and related issues, their rights, and how they can seek help if needed.
- Number of schools with functioning and appropriate TIP programs integrated into their curriculum.
- Ministries of education and schools plan to continue teaching trafficking prevention in schools after the program ends (schools have trained teachers and anti-trafficking materials are integrated into the school curriculum).
- Pedagogical institutes have integrated trafficking prevention education into their curricula.

2) Protection – Support for victim assistance:

Output Results/Indicators

- Protocols for assistance to victims of trafficking are established
- Handbooks for social workers are developed / adapted
- Training module for training social workers is developed and tested
- At least 1 social worker from every CSW in the country has been trained to understand issues related to the provision of assistance to victims of trafficking.
- Percentage of CSWs in the country that have social workers on staff who have been trained to provide appropriate assistance to victims of trafficking
- Number of CSWs applying for reintegration assistance for VoTs.
- Number of VoTs receiving assistance while living in long term accommodation (accommodation other than shelter houses).
- Number of victims of trafficking participating in reintegration programs

Impact Results/Indicators

- BiH victims of trafficking have access to successful reintegration programs
- Improved quality of care provided to victims of trafficking in BiH.

- VoTs report that they are protected physically and psychologically and treated fairly.
- Increased involvement of CSWs in the provision of assistance for victims of trafficking.
- Schools for Social Work have integrated issues of providing assistance to victims of trafficking into their curricula.

3) Support to the Implementation of the National Anti-Trafficking Plan of Action (Focusing on Victim Assistance and Law Enforcement Actions Related to Victims):

Output Results/Indicators

- Monitoring team members trained and meeting regularly
- Evaluation criteria / standards for assistance to victims of trafficking and for legal proceedings established
- Methodologies for collecting data and information established and implemented
- Systems established and implemented for reporting and sharing information and developing mechanisms for taking corrective actions.

Impact Results/Indicators

- Improved standards of assistance for victims of trafficking.
- Treatment of victims within the NRM system (by NGOs, social workers, law enforcement, etc) meets the standards of assistance established.
- Improved treatment of victims within legal proceedings
- Annual reports on implementation of the national action plan provide concrete analysis of the impact of programs
- NAP and operational plans are adapted based on the finding of the monitoring mechanism

Indirect Impact

- Increased availability of data on trafficking investigations and prosecutions
- Increased percentage of victims coming forward to testify against their traffickers
- Increased criminal sanctions in cases against traffickers
- Increased percentage of cases resulting in seizure of traffickers' assets
- Increased percentage of cases resulting in compensation claims for victims of trafficking within the criminal proceedings.

b. Staffing Plan/Team

The Applicant must specify the staff required for each component, demonstrate their technical expertise and provide the estimated amount of time that each staff person would devote to the program. **The Chief of Party (COP) preferably a Bosnian national with a proven track record working on similar programs in Bosnia.** Applicants must propose which positions should be Key Personnel. In an Annex to the Technical Application, Applicants should provide Resumes for the candidates proposed for all Key Personnel positions. The Resumes should demonstrate that the proposed Key Personnel possess the skills and knowledge to effectively carry out their proposed responsibilities. Resumes may

not exceed three pages in length and shall be in chronological order starting with most recent experience. Each Resume shall be accompanied by a signed Letter of Commitment from each candidate indicating his/her: (a) availability to serve in the stated position, in terms of days after Award; (b) intention to serve for a stated term of the service; and (c) agreement to the compensation levels which corresponds to the levels set forth in the Cost Application. As references will be checked for all proposed long-term personnel, a minimum of three references for each proposed long-term person is required. Applicants should provide current phone, fax and e-mail address for each reference contact.

The Applicant should specify the organizational structure of the entire program team, including home office support and implementing partners, if any, for the entire program.

c. Organization/Institutional Capacity

As part of the Technical Application, Applicants must submit a ***Management Plan***. The Applicant should describe how each of the components will be managed. "Partners" are organizations that will have substantial implementation responsibilities. The Management Plan should identify potential partners and clearly state the responsibilities of each proposed implementing partner in achieving the results of the program and the unique capacities/skills they bring to the program. Letters of Commitment from all proposed implementing partners should be included as an Annex to the Technical Application. Such letters do not have to be exclusive to one Applicant.

Applicants must also offer evidence of their technical and managerial resources and expertise (or their ability to obtain such) in program management and their experience in managing similar programs in the past. Information in this section should include (but is not limited to) the following information:

i) Brief description of organizational history and experience;
ii) Examples of accomplishments in developing and implementing similar programs;
iii) Relevant experience with proposed approaches; and
iv) Institutional strength as represented by breadth and depth of experienced personnel in program relevant disciplines and areas.

4. Annexes

a. Resumes

Resumes are to be included in the Annex and for each individual who is proposed as Key Personnel on the program. If possible, Resumes should use a common format, not exceeding three pages and should include at least three references with telephone numbers and e-mail addresses for each reference. In addition, submit a signed Letter of Commitment from each Key Personnel proposed.

b. Past Performance References

Describe all Awards (Contracts, Grants and Cooperative Agreements) ,which the organization, both the primary Applicant (as well as any partners substantially involved in implementation) has implemented involving similar or related programs over the past three years. Please include the following: name and address of the organization for which the work was performed; current telephone number and e-mail address of responsible representative of the organization for which the work was performed; Contract/Grant name and number (if any); annual amount received for each of the last three years; beginning and ending dates; and a brief description of the program/assistance activity.

c. Letters of Commitment

Letter of Commitment from partners, if any. Such letters do not have to be exclusive to one Applicant.

5. Other Pertinent Information

Provide any other information that the Applicant believes will aid in the understanding and evaluation of the Applicants' Technical Application.

USAID anticipates the Award's start date to be on or about June 2008.

A.3 Cost Application Format

Applicants shall submit the Cost/Business Application under separate cover from the Technical Application. There is no page limit for the Cost Application. It shall include required forms and whatever schedules and other information necessary to support and/or explain the proposed cost estimates. Applicants estimating process must be clear and concise as possible, but still provide the necessary detail. Also, financial data and information should be fully supported and organized in a manner that facilitates review.

Provide the name, address, telephone and facsimile numbers, and e-mail address of the individual in the Applicant's organization to be contacted, if necessary, during the evaluation of the application. Also, provide the name(s) of the person(s) who wrote your application, i.e., the

Technical Application and the Cost Application.

Certain documents are 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 describes the documentation that Applicants for Assistance Award must submit to USAID prior to Award.

1. A copy of the Applicant's Program Description formatted in Microsoft Word.

2. Include a budget with an accompanying budget narrative that provides in detail the total costs for implementation of the program your organization is proposing. The budget shall be submitted using Standard Form (SF) 424, 424A and 424B which can be downloaded from USAID web site, http://fillform.gsa.gov, or at Federal Offices. The following forms must be completed and included in the Cost Application submitted in response to this RFA:

   - SF 424 - Application;
   - SF 424A, Budget Information - Non-Construction Programs;
   - SF 424B - Assurances - Non-Construction Programs;
   - Additionally, in support of the Applicant's information on the SF 424A on separate sheets the Applicant shall provide detailed data to support each Cost Element (Object Class Categories) as shown below; and
   - Current Negotiated Indirect Cost Rate Agreement (NICRA), if your organization has one or Proposal for Indirect Cost Rate, if your organization does not have a NICRA.

a. Personnel

(1) Identify, by title and name, each position to be supported under the proposed Award.

(2) Provide Resumes (not more than three (3) pages) for all Key Personnel and each identified professional that will be assigned to the field and who will be compensated by USAID-funds under the proposed Award. For Home Office support staff, identify who will be compensated by USAID and briefly specify duties.

(3) State the amounts of time, such as months and percent of time that will be expended by each position, their base pay rate and total direct compensation under this program, e.g., Position/Person Time XX Rate = $XXXX.

(4) Provide rate verification documentation.

b. Fringe Benefits

(1) Indicate the rate(s) used and the base of application for each rate.

(2) Provide a copy of any government approval of your indirect cost rates.

c. Travel

(1) Identify total foreign and domestic travel as separate items.

(2) Indicate the estimated number of trips, number of travelers, position of travelers, number of days per trip, point of origin, destination and purpose of travel.

(3) For each trip, itemize the estimate of transportation and/or subsistence costs, including airfare and per diem.

d. Allowances

Identify and itemize for each eligible or policy-covered employee/position.

e. Equipment, Materials and Supplies

(1) Itemize the equipment, materials and supplies and briefly justify the need for the items to be purchased as they apply to the Program Description.

(2) Indicate the estimated unit cost and number of units for each item to be purchased.

(3) Provide the basis for the cost estimates, e.g., pro forma invoice, published price lists, etc.

f. Contractual

(1) For each proposed sub-award provide a Statement of Work (SOW) or Program Description (PD) and Cost Application.

(2) Provide complete details of costs that may be incurred.

g. Construction (if any)

(1) Identify the proposed construction costs.

(2) Provide a Statement of Work (SOW) and a Cost Application for each selected sub-contractor.

h. Other Direct Costs

(1) Identify other costs and briefly justify the need for each cost item proposed relative to the Program Description.

(2) Indicate the estimated unit cost and number of units for each item proposed.

(3) Provide the basis for the cost estimates, e.g., pro forma invoice, etc.

i. Indirect Costs

(1) State the percentages and amounts used for the calculation of indirect costs.

(2) Provide a copy of your latest Government-approved Negotiated Indirect Cost Rate Agreement (NICRA).

(3) If indirect costs have not been approved by a Federal agency, state the basis for the proposed indirect cost rates, if any.

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

(a) Copies of the Applicant's financial reports for the previous 3-year period, which have been audited by a certified public accountant or other auditor satisfactory to USAID;

(b) Projected budget, cash flow and organizational chart; and

(c) A copy of the organization's accounting manual.

j. Non-Federal Contributions (if any)

Provide a breakdown of the financial (cash) and in-kind contributions (services, property, donated supplies and equipment, unrecovered indirect costs, etc.) of all organizations (prime Applicant, participant number 1, participant number 2, etc.) that would be involved in implementing the proposed Award.

The budget narrative should clearly identify the basis of all costs, such as market surveys, price quotations, current salaries historical experience etc.

3. Evidence of Responsibility

Applicants should submit any additional evidence of responsibility deemed necessary for the Agreement Officer to make a determination of responsibility. The information submitted should substantiate that the Applicant:

a. Has adequate financial resources or the ability to obtain subject resources as

required during the performance of the Award.

b. Has the ability to comply with Award conditions, taking into account all existing and currently prospective commitments of the Applicant, non-governmental and governmental.

c. 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.

d. Has a satisfactory record of integrity and business ethics; and

e. Is otherwise qualified and eligible to receive an Award under applicable laws and regulations (e.g., Equal Employment Opportunity).

f. 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.

An Award shall be made only when the Agreement Officer makes a positive determination that the Applicant possesses, or has the ability to obtain the necessary management competency in planning and carrying out assistance programs and that it will practice mutually agreed upon method s of accountability for funds and other assets provided by USAID.

For the organizations that are new to USAID or organizations with outstanding audit findings, it may be necessary to perform a pre-award survey.

A.4 Other Requirements

1. Certifications, Assurances, and Other Statements of Recipients Forms

Completed and signed Certifications, Assurances, and Other Statements of Recipients Forms, included in Section D of the RFA. This document should be signed by an individual duly authorized to represent Applicant organization. Please note that some of the certifications require certification from all prospective lower tier program participants, if any.

2. Branding Strategy and Marking Plan

The Resultant Applicant/Awardee, within 60 days, is required to submit both Branding Strategy and Marking Plan documents in Microsoft Word format.

a. Branding Strategy

Submit a Branding Strategy that describes how the program or activity is named and positioned, how it is promoted and communicated to beneficiaries and cooperating country citizens, and identifies all donors and explains how they will be acknowledged. USAID will not competitively evaluate the proposed Branding Strategy. The Agreement Officer will review the proposed Branding Strategy for adequacy to ensure that it:

- contains the required information on naming and positioning the USAID-funded program or activity;

- promotes and communicates to cooperating country beneficiaries and citizens that the USAID-funded program or activity is "from the American People;"

- is consistent with the stated objectives of the Award; the Apparently Successful Applicant's cost data submissions; the Apparently Successful Applicant's activity or program performance plan; and the regulatory requirements set out in 22 CFR 226.91.

b. Marking Plan

Submit a Marking Plan that will detail the public communications, commodities, and program materials intended to visibly bear the USAID identity.

The Standard Provisions entitled "Branding Strategy - Assistance (December 2005)," "Marking Plan - Assistance (December 2005)," and "Marking under USAID-Funded Assistance Instruments (December 2005)," which provide detailed information about the Branding Strategy and the Marking Plan is included in Annex 2 of the RFA.

A.5 Notice to Applicants

1. Unnecessarily Elaborate Applications

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

2. Acknowledgement of Amendments to the RFA

Applicants shall acknowledge receipt of any amendment to this RFA by signing and returning the amendment. The USAID must receive the acknowledgement by the time specified for receipt of applications.

3. Receipt of Applications

Applications must be received at the place designated and by the date and time specified in the Cover Letter of this RFA.

4. Submission of Applications

Applications and Modifications thereof must be submitted in sealed envelopes or packages: (1) addressed to the office specified in the Cover Letter of this RFA, and (2) showing the time specified for receipt, the RFA number, and the name and address of the Applicant.

5. Preparation of Applications

a. 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.

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

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

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

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

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

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

6. Explanation to Applicants

Any Applicant desiring an explanation or interpretation of this RFA must request it in

writing by the date as indicated on the Cover Letter of the RFA, to allow a reply to reach all Applicants before the submission of their applications. Oral explanations or instructions given before award of an Agreement will not be binding. Any information given to Applicant concerning this RFA will be furnished promptly to all other Applicants as an amendment of this RFA, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other Applicants.

7. Proposed Award

a. The Government anticipates making only one Award resulting from this RFA to the Resultant Applicant, whose application offers the greatest value to the U.S. Government and best responds to the terms of this RFA. However, the Government reserves the right to: (a) reject any or all applications, (b) accept other than the lowest cost application, (c) accept more than one application (see Section B, Selection Criteria), (d) accept alternate applications, and (e) waive informalities and minor irregularities in applications received.

b. The Government also reserves the right to make one or more Award(s) on the basis of initial applications received, without discussions. Therefore, each initial application should contain the Applicant's best terms from a cost and technical standpoint.

c. A written award mailed or otherwise furnished to the successful Applicant within the time for acceptance specified either in the application or in this RFA (whichever is later) shall result in a binding Agreement without further action by either party. Before the application's specified expiration time, 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 conducted after receipt of an application do not constitute a rejection or counter offer by the Government.

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

8. Applicant's Past Performance

USAID reserves the right to solicit from available sources relevant information concerning an Applicant's past performance and may consider such information in its evaluation.

9. Cost Sharing

There is no requirement of cost sharing under this activity. However, Applicants are encouraged to propose cost sharing that include in-kind and/or cash contributions from their own resources or Non-Federal sources, which is reasonable for proper and efficient accomplishment of program objectives.

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

11. Terrorist Financing Clause

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

12. Foreign Government Delegations to International Conferences

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

13. Organizations Eligible for Assistance (July 2004)

The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. None of the funds made available under this agreement may be used to promote, support or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to ameliorate the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked. Foreign organizations, whether prime or Sub-Recipients that receive U.S. Government funds to fight trafficking in persons cannot promote, support or advocate the legalization or practice of prostitution when they are engaged in overseas activities. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked."

14. Unsuccessful Applications

Unsuccessful applications will not be returned to the Applicant.

A.6 Special Considerations

In responding to this RFA, Applicants should bear in mind the following special considerations:

1. Authorized Geographic Code

The authorized geographic code for procurement of goods and services under this Award is 000 (United States). However, local procurement in the cooperating country is authorized within the parameters specified in 22 CFR 228.40, "Local Procurement."

2. Restrictions on Funding for Law Enforcement

None of the funds made available through this Award shall be used to provide training or advice, or provide any financial support for police, prisons or other law enforcement forces. The only exception to this restriction is activities that enhance professional capabilities to carry out investigative and forensic functions conducted under judicial or prosecutorial control. The Awardee shall consult with USAID before relying on this exception.

3. Gender Consideration

In accordance with USAID policies, activities will address gender issues as appropriate, and promote gender equality as a goal of program activities.

The Applicant should present their own perspective on gender issues and how these would be addressed during implementation. Data on gender, age, ethnicity and other factors will be disaggregated under the activity. The Applicant should consider innovative ways of measuring impact on gender issues.

4. Risk Analysis

Applicants are encouraged to include a discussion within their application of the risks involved in program implementation that could threaten the successful completion of the targeted results. In this discussion, the Applicant is encouraged to describe plans for addressing such risks should they arise.

5. Special Anti-Trafficking Provision

The following provisions will be included in any Award to any type of organization:

a. **PROHIBITION ON THE USE OF FEDERAL FUNDS TO PROMOTE, SUPPORT, OR ADVOCATE FOR THE LEGALIZATION OR PRACTICE OF PROSTITUTION - ASSISTANCE (JULY 2004)**

(a) The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. None of the funds made available under this agreement may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to ameliorate the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being

trafficked.

(b) [This subsection (b) only applies to foreign non-governmental organizations and PIOs receiving U.S. Government funds to carry out programs that target victims of severe forms of trafficking as either prime awardees or sub-awardees.]

(1) For programs that target victims of severe forms of trafficking, as a condition of entering into this agreement or sub-agreement, the recipient/sub-recipient agrees that in its activities outside of the United States and its possessions it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.

(2) The following definitions apply for purposes of this clause:

FOREIGN NON-GOVERNMENTAL ORGANIZATION - The term "foreign non-governmental organization" means an entity that is not organized under the laws of any State of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

SEVERE FORMS OF TRAFFICKING IN PERSONS. -- The term ''severe forms of trafficking in persons'' means
(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(c) The recipient shall insert this provision in all sub-agreements under this Award.

(d) This provision includes express terms and conditions of the agreement and any violation of it shall be grounds for unilateral termination, in whole or in part, of the agreement by USAID prior to the end of its term.

b. **ORGANIZATIONS ELIGIBLE FOR ASSISTANCE (JULY 2004)**

The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. None of the funds made available under this agreement

may be used to promote, support or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to ameliorate the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked. Foreign organizations, whether prime or subrecipients, that receive U.S. Government funds to fight trafficking in persons cannot promote, support or advocate the legalization or practice of prostitution when they are engaged in overseas activities. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.

c. **USAID DISABILITY POLICY - ASSISTANCE (DECEMBER 2004)**

(a) The objectives of the USAID Disability Policy are: (1) to enhance the attainment of United States foreign assistance program goals by promoting the participation and equalization of opportunities of individuals with disabilities in USAID policy, country and sector strategies, activity designs and implementation; (2) to increase awareness of issues of people with disabilities both within USAID programs and in host countries; (3) to engage other U.S. Government agencies, host country counterparts, governments, implementing organizations and other donors in fostering a climate of nondiscrimination against people with disabilities; and (4) to support international advocacy for people with disabilities. The full text of the policy paper can be found at the following website: http://www.usaid.gov/about/disability/DISABPOL.FIN.html.

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

6. Reporting Requirements

The Awardee will provide the following reports to the USAID Cognizant Technical Officer (CTO) and the Agreement Officer, as specified below:

a. Financial Reporting

Financial Reports shall be in accordance with 22 CFR 226.52. In accordance with 22 CFR 226.52, the Standard Form (SF) 269 "Financial Status Report" and Standard Form 272 "Federal Cash Transaction Report" will be required on a quarterly basis. The Awardee shall submit these forms in the following manner:

(1) Awardees receiving advances totaling more than $1 million per year in Federal funds shall submit the "Federal Cash Transaction Report," Standard Form (SF) 272. The SF 272 and 272a (if necessary) will be submitted via electronic format to the U.S. Department of Health and Human Services (DHSS) (http://www.dpm.psc.gov) within 45 calendar days following the end of each quarter. A copy of this form shall also be simultaneously submitted to the Agreement Officer and to the Cognizant Technical Officer.

(2) The SF 269 or 269a (as appropriate) shall be submitted on a quarterly basis to the USAID Cognizant Technical Officer (CTO) and the Agreement Officer, only the Final SF 269 should be sent to Bureau for Management/Financial Management/Cash Management and Payments Division (M/FM/CMP), Letter of Credit (LOC) Unit, USAID/Washington. The Final Financial Report shall be received no later than 90 days after completion of NGO financial quarter coinciding with the completion date or the end of calendar quarter, whichever is later.

(3) In accordance with 22 CFR 226.70-72, the original and two copies of Final SF 269 Financial Reports shall be submitted to M/FM/CMP - Letter of Credit (LOC) Unit, USAID/Washington, one copy to the Agreement Officer and one copy to the Cognizant Technical Officer. The electronic version of the final SF 272 or 272a shall be submitted to DHHS in accordance with paragraph (1) above.

b. Program Reporting

(1) Work Plan

The Awardee shall submit a Work Plan of its activities within 30 days of the effective date of the proposed Award. Subsequent Annual Work Plans should be submitted 30 days prior to commencement of the next Annual Work Plan period.

The Recipient shall submit significant changes/revisions to the Work Plan to the USAID Cognizant Technical Officer.

(2) Monitoring and Evaluation Plan

The Awardee shall submit a performance Monitoring and Evaluation (M&E) Plan to the USAID Cognizant Technical Officer (CTO) as attachment to the first Annual Work Plan. The M&E Plan will cover the entire period of the proposed Award. The M&E Plan shall include, but not necessarily be limited to, the following: (1) the results to be achieved by the program; (2) qualitative or quantitative indicators to be used to measure achievement of the results; (3) the method of data collection to be used to obtain the indicator data; and (4) targets for each indicator by year.

The Awardee is encouraged to consult with the USAID CTO in the development of the M&E Plan.

(3) Quarterly Program Performance Report

The Awardee shall submit Quarterly Program Performance Reports to USAID during the duration of the proposed Award. The Awardee shall submit one copy of each Quarterly Program Performance Reports to the USAID CTO.

These reports shall be submitted within 30 days following the end of the reporting period, and shall briefly present the following information contained in 22 CFR 226.51(d):

(a) A comparison of actual accomplishments with the goals established for the period. If the output of program can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(b) Reasons why established goals were not met, if applicable.

(c) Other pertinent information including the status of finances and expenditures and, when appropriate, analysis and explanation of cost overruns or high unit costs.

(4) Final Report

The Awardee is required to submit a Final Report within 90 days following the estimated completion date of the proposed Award. The Awardee shall submit one copy of a Final Program Performance Report to the USAID CTO and one copy to the Agreement Officer. In addition, one copy shall be submitted to:

USAID Development Experience Clearinghouse (DEC)
8403 Colesville Road, Suite 210
Silver Spring, MD 20910, USA
E-mail: docsubmit@dec.cdie.org;
Fax: (301) 558-7787; and
On-line Address:
http://www.dec.org/index.cfm?fuseaction=docsubmit.home

The Final Report shall contain the following information as described in 22 CFR 226.51(d), covering the full period of the proposed Award: an executive summary of the accomplishments and results achieved; an overall description of the activities and accomplishments; a summary of problems/obstacles encountered during implementation; an assessment of the performance in accomplishing the program's objectives; significance

of these activities; findings; comments and recommendations.

7. Substantial Involvement

USAID's involvement during the performance of this Award is anticipated in the following areas:

a. Approval of the Recipient's annual work plans. The first annual work plan will be submitted to USAID for approval 30 days after the cooperative agreement is signed, and others will be submitted 30 days after the start of the second and the third year of the program. The work plan shall include a timeline and benchmark indicators for achieving the objectives of each component of the program.

b. Approval of specified Key Personnel. (Chief of Party, and senior program management personnel) of the Implementer and its partnering organizations included in the application.

c. Concurrence from the USAID CTO, in writing, on all Awardee's of proposed Sub-Awards.

- END OF SECTION A -

SECTION B

SELECTION CRITERIA

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

The Technical Applications will be evaluated in accordance with the Technical Evaluation Criteria set forth below. The cost/business applications of all Applicants submitting a technically acceptable application will be opened and costs will be evaluated for general reasonableness, cost realism, allowability and allocability. To the extent that they are necessary (if Award is made based on initial applications), negotiations will then be conducted with all Applicants whose application, after discussion and negotiation, has a reasonable chance of being selected for Award. Awards will be made to responsible Applicants whose applications offer the greatest value, cost and other factors considered.

To the extent necessary, if Awards are not made on the initial applications, USAID may request clarification and supplemental materials from Applicants whose applications have a reasonable chance of being selected for Award. The entry into discussion is to be viewed as part of the evaluation process and shall not be deemed by USAID or the applications as indicative of a decision or commitment upon the part of USAID to make an Award to the applications with whom discussions are being held.

Technical Evaluation Criteria (100 Points)

The Technical Applications will be evaluated in accordance with the Technical Evaluation Criteria set forth below. The relative importance of each criterion is indicated by approximate weight by points, of which a total of 100 points are possible. The Technical Application will account for 100% of the total score.

1. Technical Approach (35 Points)

1. Extent to which the proposed approach is well-conceived, technically sound and ambitious yet feasible to achieve all the objectives and considerations identified in this RFA.
2. Extent to which the proposed approach uses innovative tools and lessons learned.
3. Extent to which the approach capitalizes on existing Bosnian capacity to implement activities and builds strong relationships with local service providers.
4. Extent to which the proposed program builds on GoBiH, other USG and USAID/BiH programs as well as collaborating with other local and international actors already conducting anti-trafficking programming.
5. Extent to which feasible approaches are proposed to make the program sustainable, wherever possible.
6. Extent to which the illustrative monitoring and evaluation plan is clearly articulated, including the plan for collecting baseline and impact data and the description of indicators.
7. Extent to which gender considerations are identified and integrated into the approach.

2. Staffing Plan (30 Points)

Extent to which the overall staffing plan including the proposed Key Personnel demonstrate the Applicant's ability to effectively and quickly launch and implement the Award; the proposed team structure is appropriate for implementing the program; Key Personnel have appropriate academic backgrounds and field experience working on similar activities including management experience of the Chief of Party; and past performance of the Applicant in retaining proposed Key Personnel.

Extent to which the staffing plan -including key personnel and Chief of Party- makes use of existing local Bosnian expertise.

3. Organization/Institutional Capacity (15 Points)

Extent to which the Applicant's corporate and institutional capability demonstrates an ability to successfully and quickly launch and implement the activity including: sound financial and programmatic management practices running similar programs and achieving sustainable results; experience in building and maintaining relationships, partnering and collaboration; and mobilization plan.

4. Past Performance (20 Points)

Past performance evaluation will focus on the successful experience in designing and implementing effective counter-trafficking programs; the quality of services provided; record of forecasting and controlling costs; adherence to contract schedules, including administrative aspects of performance; history of reasonable and cooperative behavior; and commitment to customer satisfaction of USAID and counterparts.

Cost Evaluation Criteria

Following the technical review process, a review of the cost realism analysis will be conducted on the most highly ranked Technical Applications. Cost has not been assigned a weight but will be evaluated for general reasonableness, realism, appropriateness, cost-effectiveness, allowability, and allocability. The cost realism analysis is intended to: (1) verify the Applicant's understanding of the requirements; (2) assess the degree that the Cost Application reflects the approaches in the Technical Application; and (3) assess the degree that the cost included in the Cost Application accurately represents the work effort included in the Technical Application.

SHORTLIST/SLECTION AND COOPERATIVE AGREEMENT AWARD

Based on the above evaluations, a "shortlist" of Applicants may be established by the Agreement Officer. This list will consist of the most highly-rated applications, the above technical and cost factors considered. Discussions and negotiations as necessary will then be conducted with the short listed Applicants, and revised applications will be requested from these Applicants. The entry into discussion is to be viewed as part of the evaluation process and shall not be deemed by USAID or the applications as indicative of a decision or commitment upon the part of USAID to make an award to the applications with whom discussions are being held.

Award of the Cooperative Agreement will be made based on the ranking of applications according to the selection criteria identified above to the responsible Applicant whose costs are reasonable, allowable, and allocable and whose application best responds to the terms of the RFA as determined by the Agreement Officer.

- END OF SECTION B -

SECTION C

PROGRAM DESCRIPTION

I PROGRAM OBJECTIVE

The overall objective of this three-year program is to support USG Trafficking in Persons Strategy (TIP) for Bosnia and Herzegovina (BiH), specifically helping BiH to remain a Tier 2 country and, if possible, to progress to a Tier 1 country. The program will help to strengthen the capacity of BiH's Government to combat TIP and to implement the country's National Action Plan. This objective will be accomplished through the following prevention and protection interventions:

1) Insertion of trafficking prevention education in schools
2) Support for victim assistance
3) Support to the implementation of the National Anti-Trafficking Plan of Action

This program will support, wherever possible, interventions that are by their nature self-sustaining.

II INTRODUCTION AND PROBLEM STATEMENT

Trafficking in Persons is defined by the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children as: The recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another persons for the purpose of exploitation. Exploitation includes sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Trafficking in persons is a dangerous, profitable global business and a serious human rights issue. BiH, with its post-conflict environment, has been especially vulnerable to trafficking in persons. Its severe socio-economic disruption, weak rule of law and official corruption all contribute to the problem. In addition, trafficking in persons is linked in South Eastern Europe to extremely capable and pernicious organized crime groups.

BiH is a destination, transit and increasingly a source country for victims of trafficking (VoTs). Women are being trafficked through, to and from BiH primarily for the purpose of prostitution. Until recently, VoTs identified in BiH were foreign victims so assistance programs were tailored to their particular needs. While the total number of identified victims has declined significantly, it is important to note that it is the number of foreign victims which has declined while the number of local victims has increased. Of these local nationals, nearly half are minors. According to the national statistics published by the State Coordinator's Office, in 2006, 71 victims of trafficking were identified in BiH, 31 being BiH nationals. Of these 21 were minors (15 BiH citizens and 6 foreign nationals). Current assistance programs are not

targeted to meet the needs of minors or national BiH victims of trafficking (Rosenberg 2006b)[1].

Despite the efforts of the Government of BiH, other local actors and the international community, TIP continues to remain a difficult problem to tackle, particularly in the following areas:

1) Need for a Sustainable Mechanism to Ensure Continued High Levels of Public Education

While previous mass media campaigns raised the awareness of the general public about the dangers of human trafficking, these campaigns were not sustainable. When the funding ended so did the campaign. Future generations will not know about the dangers of human trafficking and how to protect themselves unless a sustainable mechanism for educating young people is developed.

Multiple donors in BiH began an initiative within BiH to address the need for a sustainable way to educate the BiH citizenry about the dangers of trafficking in persons. In Bosnia and Herzegovina, all 13 Ministries of Education were supportive of this initiative. A teacher training module was developed and a core group of teachers trained in the use of the module. As well, Teacher Handbooks were produced[2]. During this pilot program, teachers from only 10 schools in BiH were involved while there are 291 secondary schools in total in BiH (FBiH=201, RS = 86, BD = 4.)

Therefore, this activity will build upon the success of the pilot program, expanding school education to the remaining secondary schools in the country. The project will draw on the expertise of the trainers trained during the pilot program and expand on the group of trainers to include teachers from the pedagogical institute. Together they can develop a teacher training module, based on the teachers' manual developed during the pilot program. This approach ensures not only that existing secondary school teachers will be trained but also that the pedagogical institutes will incorporate trafficking prevention education into the curriculum for students and therefore the next generation of teachers.

There are also a significant number of children who do not attend school and who are especially vulnerable to trafficking. Because they do not attend school, alternative ways of educating these children is required. The pilot project reached out to this group of vulnerable youngsters by working with NGOs who already have ongoing programs with this community. This project will build on the experience from the pilot program by expanding the work with such NGOs, giving them the tools for educating youth on the dangers of human trafficking and ways to protect themselves. This special outreach effort shall also include anti-trafficking education in orphanages.

2) Lack of Sustainable Reintegration Assistance for Victims of Trafficking

In 2006, a USAID-funded assessment of the shelters for victims of trafficking identified the need to adapt the services provided for victims of trafficking to the changing demographics of the victims. As more and more victims identified are BiH nationals, many of whom are minors, assistance provided to victims should be adapted to their specific needs, including shelter and non-shelter-based services (Rosenberg 2006b).

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[1] Rosenberg, Ruth. Shelter Assessment for Bosnia and Herzegovina. United States Agency for International development: Sarajevo, BiH, 2006.

[2] Handbooks sufficient for expanding throughout the country have been produced under the funding of various donors. They will be distributed when teachers receive appropriate training to ensure that they are used effectively.

This project will be part of a coordinated effort to address the shortcomings identified in the assessment. The goal of the existing and future funding for victim assistance cannot be to maintain all shelters in the country, but rather to ensure that services for victims of trafficking are sufficient to meet the needs of victims, and meet generally accepted minimum standards which are not currently being met as indicated in the assessment.

There are currently several initiatives underway in BiH to address the sustainability and quality of victim assistance services:

1) Development of a fund for victim assistance
2) Development of a public tendering process for shelter based services
3) Development of a montitoring system to assess the quality of services being provided

1) Development of a fund for victim assistance: The State is in the process of developing a fund for assistance for Bosnian victims of trafficking into which both donors and the State can contribute funding. Centers for Social Work (CSWs), working with local NGOs or other agencies asisting victims, will develop an individualized assistance plan for each victim of trafficking. They will then apply to the fund on behalf of the victim for financing of the reintegration plan.

Currently, all assistance to VoTs is being provided by NGOs which provide services primarily to victims who reside in their shelters, and is available in only a few locations in the country. However, a significant portion of victims do not require shelter-based support and are better served by receiving services while residing at home (in 2006, 15 of the 71 identified VoTs never resided in shelters). Centers for Social Work (CSWs) are located throughout the country (there are a total of 125 CSWs in the country) and could therefore provide assistance to those residing outside of a shelter. The Rules on Protection of Domestic Victims of Trafficking recently adopted by the BiH government have accorded the CSWs a critical role in protection of VoTs and the provision of services. However, while the CSWs are tasked with victim assistance, and in some locales, CSWs have already been active in providing this, most of the staff have had little experience in actually working with victims of trafficking. While the staff of CSWs is usually trained social workers, most have not been trained to specifically handle trafficking cases. Therefore, training will be necessary to build their capacity to fulfill this new role.

This project will establish a system for training existing and future social workers. A cadre of teachers from the Schools for Social Work will be trained on trafficking issues and tasked with designing a training module and handbook to assist social workers in handling trafficking cases. These trainers will also be encouraged to incorporate the training into their existing curruclum for social workers at their colleges.

2. Development of a public tendering process for shelter-based services: The State Coordinator's office is planning to announce a tender for the provision of services for victims of trafficking in BiH, detailing the minimum standards which assistance providers must meet. These standards were developed based on the findings from the USAID shelter assessment and address the shortcomings identified in the assessment. All existing assistance providers in BiH will be eligible to submit proposals which illustrate how they will meet these standards, how many victims they can assist and the cost of this assistance. The proposals will be reviewed by a panel of experts representing government, civil society and the international and donor community. The winning bids will be funded partially through the State budget and partially through funds from international donors. This project is not designed to contribute to this initiative as other international donors have already expressed their interest in supporting it.

3. Development of a monitoring system to assess the quality of services being provided:

While the State is involved in refering victims to shelters and in providing some funding for shelters, the State has not been monitoring or evaluating the services provided to victims of trafficking. As a result, services implemented by the different organizations providing assistance are not equal and do not all meet minimum acceptable standards as indicated by the shelter assessment (Rosenberg 2006b). The State is developing a monitoring mechanism to monitor the NRM and implementation of the NAP. Through this mechanism, the State will also monitor victim assistance. All of the recipients of State and donor funding for victim assistance which is provided via the victim assistance fund or the tender processes described above, will be required to participate in the monitoring mechanism and to maintain acceptable standards of service. The third component of this program is designed to help establish and support this monitoring mechanism (see below for details).

3) Need to Strengthen Implementation of the National Referral Mechanism (NRM) and the National Action Plan for Anti-Trafficking

Although the State Coordinator's Office is responsible for overseeing implementation of the NRM and NAP, mechanisms are not yet developed for monitoring and evaluating implementation or correcting problems. Improving implementation of the NAP is critical to assuring that the plan is implemented appropriately and that the plan is adapted as necessary as the trafficking situation and environment changes over time. Assessments of anti-trafficking efforts in BiH have demonstrated a need for better assessing the quality of those efforts (Rosenberg 2006b). For example, while the laws are all in place to prosecute cases, to claim compensation for victims, to protect victims' identities and rights and to confiscate traffickers' assets, in reality the implementation of these laws is often lacking – with victims languishing in restrictive shelters while their cases are in limbo and the traffickers are free. Similarly, while there are numerous shelters providing safe haven for victims of trafficking, recent research indicates that the quality of care at these shelters may be sub-standard (Surtees 2007)[3]. While the State has been active in coordinating responses, changing policy and regulations, and developing strategies and action plans, they have been less active in monitoring and evaluating the implementation and impact of the anti-trafficking response in the country.

In the new draft NAP for 2008-2012, the State has committed to developing a mechanism for monitoring and implementation, noting that "Regular audits of the action plan are necessary in order to gain insight into the effectiveness of the response to the trafficking issue and to enable regular alterations and additions to the activities in the scope of the State Action Plan [NAP] and the operative plan" (State Coordinator 2007)[4]. The NAP calls for the development of regional monitoring teams which would consist of a coalition of members from the State Coordinator's Office, Centers for Social Welfare, Ministry of Security, international and local non-governmental organizations and members of academia or professionals who are experts in relevant areas, such as psychiatrists, doctors and lawyers.[5] The

[3] Surtees, Rebecca. Listening to Victims: experiences of identification, return and assistance in SE Europe. ICMPD & NEXUS Institute, 2007

[4] State Coordinator. Draft National Plan of Action on Prevention of Trafficking in Human Beings in BiH (2008 - 2012), Ministry of Security: BiH, 2007.

[5] Given USAID regulations, the implementer is prohibited from providing training, advice, or any financial support to police or other law enforcement forces of a foreign government

distribution of the teams will follow the distribution of the four SIPA regional centers: Sarajevo, Mostar, Banja Luka, and Tuzla. This project will assist the State in training the team members, establishing criteria against which to monitor implementation, developing methodologies for collecting data and information, establishing systems for reporting and sharing information and developing mechanisms for taking corrective action

III PREVIOUS USAID ANTI-TRAFFICKING ACTIVITIES

To date, USAID/Bosnia has supported three anti-trafficking activities implemented by IOM. The first activity, Shelter and Protection for Trafficked Girls and Women, expired in December 2004. Through local NGOs, USAID provided shelter, protection, food, hygienic supplies, and medical and legal assistance to foreign victims of trafficking who were awaiting repatriation. The second activity, Prevention and Awareness-Raising Campaign on Trafficking in Bosnia-Herzegovina, was completed in August 2005. This activity supported a nationwide counter-trafficking campaign targeting Bosnian youth, potential users of sexual services, and victims of trafficking. Prior to the start of the third activity, USAID funded a transitional activity to ensure continued support for victim assistance. A third activity, Trafficking in Persons: Prevention and Protection in Bosnia and Herzegovina began in 2006 and was cancelled in 2007. This project was intended to build the capacity of government and NGOs to address an array of trafficking issues in the country, to reduce the vulnerabilities of BiH citizens to trafficking, and to improve victim assistance and witness protection mechanisms.

IV OTHER DONOR ASSISTANCE

The Office of the State Coordinator for the prevention of trafficking coordinates the activities of BiH institutions with responsibilities for anti-trafficking.

Other current and potential anti-trafficking actors in BiH include:

- With funding provided by Swedish Sida, IOM provides return, repatriation and reintegration services for foreign victims of trafficking settling outside of BiH.
- The NGO Vasa Prava has an MOU with the ministry of Security to provide free legal aid to victims of trafficking.
- The Norwegian and Spanish governments have provided direct funding to some shelters which provide assistance to victims of trafficking and other target groups.
- Swedish Sida and the Norwegian and Italian Embassies have indicated interest in potentially funding victim assistance in the near future.
- A multitude of donors are working with the State Gender Center to design a country-wide gender program that may include an anti-trafficking component.

V EXPECTED RESULTS

The overarching goal of this activity is to support the USG Trafficking in Persons Strategy for BiH, specifically helping BiH to remain a Tier 2 country and, if possible, to progress to a Tier 1 country. This activity will help to strengthen the capacity of BiH's Government to combat TIP and to implement the country's National Action Plan. To accomplish the stated activity purpose, the successful applicant is expected to carry out a variety of tasks under the following recommended program interventions:

1) Prevention: Insertion of trafficking prevention education in schools

To train teachers how to integrate trafficking prevention education in secondary schools as well as to educate youth who do not attend school about the dangers of trafficking and how to protect themselves. The successful applicant will design a plan for training teachers from secondary schools in the country. The aim of the project is to include all of the secondary schools in the country and ensure that at the end of the project trafficking prevention education is an integral part of secondary education throughout the country and will continue to be taught in schools long after the project has ended.

a. While Ministries of Education gave their formal support for this project when it was first piloted, because of delay in implementation and due to changes in government, the successful applicant will start by initiating contact with all Ministries of Education in the country as well as the Department of Education in the State Ministry of Civil Affairs (through the State Coordinator's Office and the State Thematic Group on Prevention) to reconfirm their formal consent to the integration of anti-trafficking education in the secondary schools.
b. The applicant will convene a meeting of trainers, teachers, and school directors who participated in the pilot program to investigate the impact of the program and the best way to approach expansion of the program to the remaining secondary schools (training design, best training methodologies to use, etc.).
c. The successful applicant will work with the pedagogical institutes to design the teacher training module (based on the teacher's manual developed during the pilot program), identifying teachers from the pedagogical institutes to serve (with the trained trainers from the pilot project) as trainers for this component as well as to integrate the material into their teacher training curriculum.
d. The training module and any additional materials developed should build on the teachers' training modules and manuals already produced and housed by the State Coordinator's Office. However, the applicant should propose innovative approaches which teachers can use to change attitudes and behaviors that contribute to prevention of TIP.
e. The successful applicant will identify NGOs throughout the country that have ongoing programs with street children or with youth who do not attend school. Staff from these organizations can be included with the teachers for training and support for integrating trafficking prevention education in their work with youth.
f. Teacher and NGO educator training programs need to be held throughout the country in order to expand this program to all secondary schools before the end of the project.

2) Protection: Support for victim assistance

To support improved victim assistance in the country by training and supporting centers for social work to assist victims of trafficking. The aim of the project is to train social workers from CSWs throughout the country.

a. Working with the State Coordinator's Office and the State Thematic Group on Protection, the successful applicant will identify schools of social work with whom to collaborate on this component in order to develop protocols for social workers to follow in providing assistance to victims of trafficking; design handbooks for social workers to use to provide guidance on working with victims of trafficking; and design a training module to train social workers. The applicant will work with the schools or colleges to encourage them to incorporate the training into their own curricula for social workers.
b. Training for social workers needs to be conducted, and workbooks and guidance distributed to the CSWs. The successful applicant will provide illustrative examples of the training subjects they anticipate will be necessary as well as innovative ideas for providing follow-up and mentoring assistance for social workers from the CSWs who are in the process of supporting victims of trafficking.

3) Support to the Implementation of the National Anti-Trafficking Plan of Action (Focusing on Victims Assistance and Law Enforcement Actions Related to Victims):

a. Assistance will be needed to help the State develop the regional monitoring mechanisms, establish the regional teams and train the team members. All activities must be coordinated with the State Coordinator's Office and the monitoring and evaluation team from the Ministry of Human Rights. Given USAID regulations, the implementer is prohibited from providing training, advice, or any financial support to police or other law enforcement forces of a foreign government. Since this activity will be implemented in close cooperation with the Office of the State Coordinator for Anti-Trafficking in BiH, USAID agreed with the State Coordinator that his office covers the cost of participation of law enforcement as needed. Utilizing the name-vetting procedure, USAID will make sure that the law enforcement representatives participating in the program do not have bad human rights records.
b. Criteria against which to monitor implementation need to be developed in collaboration with relevant stakeholders. Criteria need to be developed over the wide range of issues addressed in the NRM and the NAP. However, this project will only focus on the criteria to address areas related to victim assistance and law enforcement actions which impact on victims, including: victim assistance, reintegration services, the treatment of victims by law enforcement, the success of legal proceedings and their impact on victims, and other related areas if deemed appropriate.
c. The successful applicant needs to support the regional monitoring teams to develop methodologies for collecting data and information which will allow them to measure progress against the established criteria. A range of methodologies should be considered which would integrate objective and subjective measures and where subjective, would allow for a range of opinions and view points, including those of government actors, civil society and target groups – whether it is victims of trafficking, youth, etc. Additionally, once data is collected it needs to be reported in an understandable format and shared with relevant stakeholders. The applicant will support the efforts of the monitoring group to do this as well as to support mechanisms to use this information to take the necessary corrective actions.
d. For the training of the monitoring teams, collection of data, distribution and discussion of findings and taking of corrective actions, the applicant may consider the use of a wide range of methodologies: regional and national meetings and workshops, research studies, etc.

VI. KEY DOCUMENTS

The following key documents are posted on USAID Bosnia website www.usaid.ba/Procurement/Reference Documents for the Anti-Trafficking RFA:

SHELTER ASSESMENT IN BOSNIA AND HERZEGOVINA

Listening to Victims.Experiences of identification, return and assistance in South-Eastern Europe 2007

IOM FINAL REPORT TO USAID TRAFFICKING IN PERSONS: PREVENTION AND PROTECTION IN BOSNIA AND HERZEGOVINA

BOSNIA AND HERZEGOVINA: TRAFFICKING IN PERSONS ACTION GUIDE TO COMBAT TIP (2007-2008)

A Comparison of Witness Protection Programs: Bosnia and Herzegovina & The United States of America

State Coordinator's Annual Report 2006

- END OF SECTION C -

SECTION D

U.S. Agency for International Development

PART I

CERTIFICATIONS, ASSURANCES, AND OTHER STATEMENTS OF RECIPIENT

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

(a) The recipient hereby assures that no person in the United States shall, on the bases set forth below, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving financial assistance from USAID, and that with respect to the grant for which application is being made, it will comply with the requirements of:

(1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. 2000-d) , which prohibits discrimination on the basis of race, color or national origin, in programs and activities receiving Federal financial assistance;

(2) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance;

(3) The Age Discrimination Act of 1975, as amended (Pub. L. 95-478), which prohibits discrimination based on age in the delivery of services and benefits supported with Federal funds;

(4) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution); and

(5) USAID regulations implementing the above nondiscrimination laws set forth in Chapter II of Title 22 of the Code of Federal Regulations.

(b) If the recipient is an institution of higher education, the Assurances given herein extend to admission practices and to all other practices relating to the treatment of students or clients of the institution, or relating to the opportunity to participate in the provision of services or other benefits to such individuals, and shall be applicable to the entire institution unless the recipient establishes to the satisfaction of the USAID Administrator that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which financial assistance is sought, or the beneficiaries of, or participants in, such programs.

(c) This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the recipient by the Agency, including installment payments after such date on account of applications for Federal financial assistance which 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.

Signed: _____ **Date:** _____
(Typed Name and Title)

2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

(a) Instructions for Certification

(1) By signing and/or submitting this application or grant, the Recipient is providing the certification set out below.

(2) The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the recipient knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

(3) For Applicants/grantees other than individuals, Alternate I applies.

(4) For recipients who are individuals, Alternate II applies.

(b) Certification Regarding Drug-Free Workplace Requirements

Alternate I

(1) The recipient certifies that it will provide a drug-free workplace by:

(A) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Applicant's/grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(B) Establishing a drug-free awareness program to inform employees about—

1. The dangers of drug abuse in the workplace;

2. The Applicant's/grantee's policy of maintaining a drug-free workplace;

3. Any available drug counseling, rehabilitation, and employee assistance programs; and

4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(C) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (b) (1) (A);

(D) Notifying the employee in the statement required by paragraph (b) (1) (A) that, as a condition of employment under the grant, the employee will--

1. Abide by the terms of the statement; and

2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(E) Notifying the agency within ten days after receiving. notice under subparagraph (b) (1) (D) 1. from an employee or otherwise receiving actual notice of such conviction;

(F) Taking one of the following actions, within 30 days of receiving notice under subparagraph (b) (1) (D)2., with respect to any employee who is so convicted—

1. Taking appropriate personnel action against such an employee, up to and including termination; or

2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(G) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (b) (1) (A), (b) (1) (B), (b) (1) (C), (b) (1) (D), (b) (1) (E) and (b) (1) (F).

(2) The recipient shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

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

_____

_____

_____

_____

Alternate II

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

Signed: _____ **Date:** _____
(Typed Name and Title)

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

(a) Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meaning set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the methods and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non procurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealing.

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

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

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(A) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(B) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(C) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with' commission of any of the offenses enumerated in paragraph (1) (B) of this certification;

(D) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signed: _____ **Date:** _____

(Typed Name and Title)

4. CERTIFICATION REGARDING LOBBYING

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all 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.

Signed: _____ **Date:** _____
(Typed Name and Title)

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

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

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

Signed: _____ **Date:** _____

(Typed Name and Title)

6. CERTIFICATION REGARDING RESEARCH INVOLVING HUMAN SUBJECTS

(a) The recipient certifies that the grant [ ] will [ ] will not include research involving human subjects.

(b) If the recipient certifies that the grant will include research involving human subjects in paragraph (a) above, the recipient further certifies that it has a review committee which has reviewed and approved the proposed research, and must submit: (1) a written statement of compliance with the requirements of 45 CFR Part 46 regarding initial and continuing review of research involving human subjects; and (2) a description of the Applicant's/grantee's review committee structure, its review procedures, and the facilities and personnel available to protect the health and safety of human subjects.

(c) If the recipient certified that the grant will include research involving human subjects in paragraph (a) above, the recipient further certifies that the research [ ] will [ ] will not involve studies in the U.S. with un marketed drugs.

(d) If the recipient certified that the research will involve studies in the U.S. with unmarketed drugs in paragraph (c) above, the recipient further certifies that either [ ] the Food and Drug Administration has waived the requirement of 21 CFR Subpart 312.1(a) for a 3D-day interval, or [ ] the required 30-day interval has elapsed, and the Food and Drug Administration has not requested the recipient to limit the use of such drugs.

Signed: _____ **Date:** _____

(Typed Name and Title)

7. 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 Number	Facsimile Number

Signed: _____ **Date:** _____
(Typed Name and Title)

8. 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 Applicant's/grantee's TIN:

TIN: _____

Signed: _____ **Date:** _____
(Typed Name and Title)

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

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

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

(1) Recipient's name.
(2) Recipient's address.
(3) Recipient's telephone number.
(4) Line of business.
(5) Chief executive officer/key manager.

(6) Date the organization was started.
(7) Number of people employed by the Recipient.
(8) Company affiliation.

(c) Recipients located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Horne 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: _____

Signed: _____ **Date:** _____
(Typed Name and Title)

10. LETTER OF CREDIT (LOC) NUMBER

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

LOC: _____

Signed: _____ **Date:** _____
(Typed Name and Title)

11. 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 sub-grant or sub-agreement) to a sub-grantee or sub-recipient in support of the sub-grantee's or sub recipient'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 Grant Officer, please indicate below (using a continuation page, as necessary) the types, quantities of each, and estimated unit costs. Non-expendable equipment for which the Grant 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 Component 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% component entry 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 does not constitute production of a commodity. Any commodity whose origin is a non-Free World country is ineligible for USAID financing. "Components" are the goods which go directly into the production of a produced commodity. Any component from a non-Free World country makes the commodity ineligible for USAID financing.

Type/Description (Generic)	Estimated Quantity	Probable Unit Cost	Source of Goods	Probable Components	Origin of Goods	Components

(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)	Estimated Quantity	Probable Unit Cost	Intended Use	Probable Source	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)	Estimated Quantity	Probable Unit Cost	Supplier Nationality (Non-U.S. Only)	Rationale for Non-U.S.

(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

Signed: _____ **Date:** _____
(Typed Name and Title)

12. PAST PERFORMANCE REFERENCES

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

Signed: _____ **Date:** _____
(Typed Name and Title)

13. 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 non-governmental nonprofit organization, [ ] a state or local governmental organization, [ ] a private college or university, [ ] a public college or university, [ ] an international organization, or [ ] a joint venture; or

(b) If the recipient is a U.S. entity, it [ ] is, [ ] is not a Gray Amendment entity, as defined below.

(c) If the recipient is a Gray Amendment Entity, it is [ ] a business concerns (as defined in 48 CFR 19.001) owned and controlled by socially and economically disadvantaged individuals (as defined in 48 CFR 726.101), [ ] an institution designated by the Secretary of Education, pursuant to 34 CFR 608.2, as a historically black college or university (HBCU) , [ ] a college or university having a student body in which more than 40% of the students are Hispanic American, or [ ] a private voluntary organization which is controlled by individuals who are socially and economically disadvantaged (as defined in 48 CFR 726.101).

(d) 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.

Signed: _____ **Date:** _____
(Typed Name and Title)

14. 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.

Signed: _____ **Date:** _____
(Typed Name and Title)

15. AGREEMENT ON GRANT TERMS AND CONDITIONS

The recipient certifies that it has reviewed and is familiar with the proposed grant format and the standard provisions applicable thereto, and that it agrees to comply with all such terms and conditions, except as noted below (use a continuation page as necessary):

Solicitation Number: _____

Application/Proposal Number: _____

Date of Application/Proposal: _____

Name of Recipient: _____

Typed Name and Title: _____

Signature: _____

Date: _____

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

1/ See ADS Chapter 303, 22 CFR 208.
2/ For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the USAID grant standard provision for U.S. nongovernmental organizations entitled "Debarment, Suspension, and Related Matters" (see ADS Chapter 303), or in the USAID grant standard provision for non-U.S. nongovernmental organizations entitled "Debarment, Suspension, and Other Responsibility Matters" (see ADS Chapter 303).

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

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Solicitation Number: _____

Application/Proposal Number: _____

Date of Application/Proposal: _____

Name of Applicant/Sub-Grantee: _____

Typed Name and Title: _____

Signature: _____

Date: _____

KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKERS

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 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.

PARTICIPANT CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKERS

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: _____

Name: _____

Date: _____

Address: _____

_____

Date of Birth: _____

NOTICE:

1. You are required to sign this Certification under 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.

FORMATS\GRNTCERT: Rev. 06/16/97 (ADS 303.6, E303.5.6a) When these Certifications, Assurances, and Other Statements of Recipient are used for Cooperative Agreements, the term "Grant means "Cooperative Agreement." The Recipient must obtain from each identified subgrantee and (sub)contractor, and submit with its application/proposal, the Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions Ineligibility and Voluntary Exclusion – Lower Tier Transactions, as attached hereto.

- END OF SECTION D -

SECTION E

SURVEY ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

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

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

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

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

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Grant Name: _____

CFDA Number: _____

1. Does the Applicant have 501(c)(3) status? Yes _____ No _____

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

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

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

Less than $150,000 _____

$150,000 - $299,999 _____

$300,000 - $499,999 _____

$500,000 - $999,999 _____

$1,000,000 - $4,999,999 _____

$5,000,000 or more _____

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

Yes _____ No _____

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

Yes _____ No _____

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

Yes _____ No _____

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

Yes _____ No _____

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

Yes _____ No _____

SURVEY INSTRUCTIONS ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

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

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require non-profit Applicants to have 501(c)(3) status. Other grant programs do not.

2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the Applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

3. Annual budget means the amount of money our organization spends each year on all of its activities.

4. Self-Identify.

5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.

6. An "intermediary" is an organization that enables a group of small organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.

7. Self-explanatory.

8. Self-explanatory.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 202202-4651.

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

- END OF SECTION E -

SECTION F

ANNEXES

ANNEX 1: BRANDING STRATEGY AND MARKING PLAN

1. BRANDING STRATEGY - ASSISTANCE (DECEMBER 2005)

(a) Definitions

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

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

USAID Identity (Identity) means the official marking for the Agency, comprised of the USAID logo and new brandmark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and is provided without royalty, license, or other fee to Recipients of USAID-funded Grants or Cooperative Agreements or other Assistance Awards or Sub-Awards.

(b) Submission

The Apparently Successful Applicant, upon request of the Agreement Officer, will submit and negotiate a Branding Strategy. The Branding Strategy will be included in and made a part of the resulting Grant or Cooperative Agreement. The Branding Strategy will be negotiated within the time that the Agreement Officer specifies. Failure to submit and negotiate a Branding Strategy will make the Applicant ineligible for award of a Grant or Cooperative Agreement. The Apparently Successful Applicant must include all estimated costs associated with branding and marking USAID programs, such as plaques,

stickers, banners, press events and materials, and the like.

(c) **Submission Requirements**

At a minimum, the Apparently Successful Applicant's Branding Strategy will address the following:

(1) Positioning

What is the intended name of this program or activity?

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

If it would be inappropriate or is not possible to "brand" the program this way, such as when rehabilitating a structure that already exists or if there are multiple donors, please explain and indicate how you intend to showcase USAID's involvement in publicizing the program. *For example: School #123, rehabilitated by USAID and [Apparently Successful Applicant]/[other donors].*

Note: the Agency prefers "made possible by (or with) the generous support of the American People" next to the USAID Identity in acknowledging our contribution, instead of the phrase "funded by." USAID prefers local language translations.

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

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

(2) Program Communications and Publicity

Who are the primary and secondary audiences for this program?

Guidelines: Please include direct beneficiaries and any special target segments or influencers. *For Example: Primary audience: schoolgirls age 8-12, Secondary audience: teachers and parents–specifically mothers.*

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

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

What is the main program message(s)?

Guidelines: *For example: "Be tested for HIV-AIDS" or "Have your child inoculated."* Please indicate if you also plan to incorporate USAID's primary message – this aid is "from the American people" – into the narrative of program materials. This is optional; however, marking with the USAID Identity is required.

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

Guidelines: These may include media releases, press conferences, public events, and so forth. Note: incorporating the message, "USAID from the American People", and the USAID Identity is required.

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

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

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

(3) Acknowledgements

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

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

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

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

(d) **Award Criteria**

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

2. MARKING PLAN - ASSISTANCE (DECEMBER 2005)

(a) **Definitions**

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

Apparently Successful Applicant(s) means the Applicant(s) for USAID funding recommended for an Award after evaluation, but who has not yet been awarded a Grant, Cooperative Agreement or other Assistance Award by the Agreement Officer.

The Agreement Officer will request that Apparently Successful Applicants submit a Branding Strategy and Marking Plan. Apparently Successful Applicant status confers no right and constitutes no USAID commitment to an Award, which the Agreement Officer must still obligate.

USAID Identity (Identity) means the official marking for the Agency, comprised of the USAID logo and new brandmark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and USAID provides it without royalty, license, or other fee to Recipients of USAID-funded Grants, Cooperative Agreements, or other Assistance Awards or Sub-Awards.

A ***Presumptive Exception*** exempts the Applicant from the general marking requirements for a *particular* USAID-funded public communication, commodity, program material or other deliverable, or a *category* of USAID-funded public communications, commodities, program materials or other deliverables that would otherwise be required to visibly bear the USAID Identity. The Presumptive Exceptions are:

Presumptive Exception (i). USAID marking requirements may not apply if they would compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials, such as election monitoring or ballots, and voter information literature; political party support or public policy advocacy or reform; independent media, such as television and radio broadcasts, newspaper articles and editorials; and public service announcements or public opinion polls and surveys (22 CFR 226.91(h)(1)).

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

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

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

Presumptive Exception (v). USAID marking requirements may not apply if they would incur substantial costs or be impractical, such as items too small or otherwise unsuited for individual marking, such as food in bulk (22 CFR 226.91(h)(5)).

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

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

(b) **Submission**

The Apparently Successful Applicant, upon the request of the Agreement Officer, will submit and negotiate a Marking Plan that addresses the details of the public communications, commodities, program materials that will visibly bear the USAID Identity. The marking plan will be customized for the particular program or activity under the Resultant Grant or Cooperative Agreement. The plan will be included in and made a part of the resulting Grant or Cooperative Agreement. USAID and the Apparently Successful Applicant will negotiate the Marking Plan within the time specified by the Agreement Officer. Failure to submit and negotiate a Marking Plan will make the Applicant ineligible for award of a Grant or Cooperative Agreement. The

Applicant must include an estimate of all costs associated with branding and marking USAID programs, such as plaques, labels, banners, press events, promotional materials, and so forth in the budget portion of its application. These costs are subject to revision and negotiation with the Agreement Officer upon submission of the Marking Plan and will be incorporated into the Total Estimated Amount of the Grant, Cooperative Agreement or other Assistance Instrument.

(c) **Submission Requirements**

The Marking Plan will include the following:

(1) A description of the public communications, commodities, and program materials that the Recipient will produce as a part of the Grant or Cooperative Agreement and which will visibly bear the USAID Identity. These include:

(i) program or activity sites funded by USAID, including visible infrastructure programs or other programs, or activities that are physical in nature;

(ii) technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID;

(iii) events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences, and other public activities; and

(iv) all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies and other materials funded by USAID, and their export packaging.

(2) A table specifying:

(i) the program deliverables that the Recipient will mark with the USAID Identity,

(ii) the type of marking and what materials the Applicant will be used to mark the program deliverables with the USAID Identity, and

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

(3) A table specifying:

(i) what program deliverables will not be marked with the USAID Identity, and

(ii) the rationale for not marking these program deliverables.

(d) **Presumptive Exceptions**

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

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

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

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

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

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

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

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

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

(3) The Agreement Officer will review the request for adequacy and reasonableness. In consultation with the Cognizant Technical Officer and other agency personnel as necessary, the Agreement Officer will approve or disapprove the requested

Presumptive Exception. Approved exceptions will be made part of the approved Marking Plan, and will apply for the term of the Award, unless provided otherwise.

(e) **Award Criteria**

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

3. MARKING UNDER USAID-FUNDED ASSISTANCE INSTRUMENTS (DECEMBER 2005)

(a) Definitions

Commodities mean any material, article, supply, goods or equipment, excluding Recipient offices, vehicles, and non-deliverable items for Recipient's internal use, in administration of the USAID funded Grant, Cooperative Agreement, or other Agreement or Sub-Agreement.

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

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

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

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

Sub-Recipient means any person or government (including cooperating country government) department, agency, establishment, or for profit or nonprofit organization that receives a USAID Sub-Award, as defined in 22 CFR 226.2.

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

USAID Identity (Identity) means the official marking for the United States Agency for International Development (USAID), comprised of the USAID logo or seal and new brandmark, with the tagline that clearly communicates that our assistance is "from the American people." The USAID Identity is available on the USAID website at www.usaid.gov/branding and USAID provides it without royalty, license, or other fee to Recipients of USAID-funded Grants, or Cooperative Agreements, or other Assistance Awards.

(b) Marking of Program Deliverables

(1) All Recipients must mark appropriately all overseas programs, activities, public communications, and commodities partially or fully funded by a USAID Grant or Cooperative Agreement or other Assistance Award or Sub-Award with the USAID Identity, of a size and prominence equivalent to or greater than the Recipient's, other donor's, or any other third party's identity or logo.

(2) The Recipient will mark all program or activity sites funded by USAID, including visible infrastructure programs (for example, roads, bridges, buildings) or other programs or activities that are physical in nature (for example, agriculture, forestry, water management) with the USAID Identity. The Recipient should erect temporary signs or plaques early in the construction or implementation phase. When construction or implementation is complete, the Recipient must install a permanent, durable sign, plaque or other marking.

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

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

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

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

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

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

(9) Sub-Recipients. To ensure that the marking requirements "flow down" to Sub-Recipients of Sub-Awards, Recipients of USAID funded Grants and Cooperative Agreements or other Assistance Awards will include the USAID-approved marking provision in any USAID funded Sub-Award, as follows:

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

(10) Any 'public communications', as defined in 22 CFR 226.2, funded by USAID, in which the content has not been approved by USAID, must contain the following disclaimer:

> *"This study/report/audio/visual/other information/media product (specify) is made possible by the generous support of the American people through the United States Agency for International Development*

(USAID). The contents are the responsibility of [insert Recipient Name] and do not necessarily reflect the views of USAID or the United States Government."

(11) The Recipient will provide the Cognizant Technical Officer (CTO) or other USAID personnel designated in the Grant or Cooperative Agreement with two copies of all program and communications materials produced under the Award. In addition, the Recipient will submit one electronic or one hard copy of all final documents to USAID's Development Experience Clearinghouse.

(c) Implementation of marking requirements

(1) When the Grant or Cooperative Agreement contains an approved Marking Plan, the Recipient will implement the requirements of this provision following the approved Marking Plan.

(2) When the Grant or Cooperative Agreement does not contain an approved Marking Plan, the Recipient will propose and submit a plan for implementing the requirements of this provision within [***Agreement Officer fill-in***] days after the effective date of this provision. The plan will include:

(i) A description of the program deliverables specified in paragraph (b) of this provision that the Recipient will produce as a part of the Grant or Cooperative Agreement and which will visibly bear the USAID Identity.

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

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

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

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

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

(iii) USAID marking requirements would undercut host-country government "ownership" of constitutions, laws, regulations, policies, studies,

assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as "by" or "from" a cooperating country ministry or government official;

(iv) USAID marking requirements would impair the functionality of an item;

(v) USAID marking requirements would incur substantial costs or be impractical;

(vi) USAID marking requirements would offend local cultural or social norms, or be considered inappropriate;

(vii) USAID marking requirements would conflict with international law.

(4) The proposed plan for implementing the requirements of this provision, including any proposed exemptions, will be negotiated within the time specified by the Agreement Officer after receipt of the proposed plan. Failure to negotiate an approved plan with the time specified by the Agreement Officer may be considered as noncompliance with the requirements in this provision.

(d) Waivers

(1) The Recipient may request a waiver of the Marking Plan or of the marking requirements of this provision, in whole or in part, for each program, activity, public communication or commodity, or, in exceptional circumstances, for a region or country, when USAID required marking would pose compelling political, safety, or security concerns, or when marking would have an adverse impact in the cooperating country. The Recipient will submit the request through the Cognizant Technical Officer. The Principal Officer is responsible for approvals or disapprovals of waiver requests.

(2) The request will describe the compelling political, safety, security concerns, or adverse impact that require a waiver, detail the circumstances and rationale for the waiver, detail the specific requirements to be waived, the specific portion of the Marking Plan to be waived, or specific marking to be waived, and include a description of how program materials will be marked (if at all) if the USAID Identity is removed. The request should also provide a rationale for any use of Recipient's own identity/logo or that of a third party on materials that will be subject to the waiver.

(3) Approved waivers are not limited in duration but are subject to Principal Officer review at any time, due to changed circumstances.

(4) Approved waivers "flow down" to Recipients of Sub-Awards unless specified otherwise. The waiver may also include the removal of USAID markings already affixed, if circumstances warrant.

(5) Determinations regarding waiver requests are subject to appeal to the Principal

Officer's Cognizant Assistant Administrator. The Recipient may appeal by submitting a written request to reconsider the Principal Officer's waiver determination to the Cognizant Assistant Administrator.

(e) Non-Retroactivity

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

ANNEX 2: OTHER PROVISIONS

1. APPLICABILITY OF 22 CFR PART 226 (MAY 2005)

a. All provisions of 22 CFR Part 226 and all Standard Provisions attached to this agreement are applicable to the recipient and to subrecipients which meet the definition of "Recipient" in Part 226, unless a section specifically excludes a subrecipient from coverage. The recipient shall assure that subrecipients have copies of all the attached standard provisions.

b. For any subawards made with Non-US subrecipients the Recipient shall include the applicable "Standard Provisions for Non-US Nongovernmental Recipients." Recipients are required to ensure compliance with monitoring procedures in accordance with OMB Circular A-133.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (JANUARY 2004)

a. The recipient agrees to notify the Agreement Officer immediately upon learning that it or any of its principals:

(1) Are presently excluded or disqualified from covered transactions by any Federal department or agency;

(2) Have been convicted within the preceding three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

(3) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b); and

(4) Have had one or more public transactions (Federal, State, or local) terminated for cause or default within the preceding three years.

b. The recipient agrees that, unless authorized by the Agreement Officer, it will not knowingly enter into any subagreements or contracts under this cooperative agreement with a person or entity that is included on the Excluded Parties List System (http://epls.arnet.gov). The recipient further agrees to include the following provision in any subagreements or contracts entered into under this award:

DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION (DECEMBER 2003)

The recipient/contractor certifies that neither it nor its principals is presently excluded or disqualified from participation in this transaction by any Federal department or agency.

c. The policies and procedures applicable to debarment, suspension, and ineligibility under USAID-financed transactions are set forth in 22 CFR Part 208.

3. DRUG-FREE WORKPLACE (JANUARY 2004)

a. The recipient agrees that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any Federal award. The statement must

(1) Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;

(2) Specify the actions the recipient will take against employees for violating that prohibition; and

(3) Let each employee know that, as a condition of employment under any award, he or she

(i) Must abide by the terms of the statement, and
(ii) Must notify you in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace, and must do so no more than five calendar days after the conviction.

b. The recipient agrees that it will establish an ongoing drug-free awareness program to inform employees about

(i) The dangers of drug abuse in the workplace;

(ii) Your policy of maintaining a drug-free workplace;

(iii) Any available drug counseling, rehabilitation and employee assistance programs; and

(iv) The penalties that you may impose upon them for drug abuse violations occurring in the workplace.

c. Without the Agreement Officer's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this award or the completion date of this award, whichever occurs first.

d. The recipient agrees to immediately notify the Agreement Officer if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the number of each award on which the employee worked. The notification must be sent to the Agreement Officer within ten calendar days after the recipient learns of the conviction.

e. Within 30 calendar days of learning about an employee's conviction, the recipient must either

(1) Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or

(2) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

f. The policies and procedures applicable to violations of these requirements are set forth in 22 CFR Part 210.

- END OF SECTION F -