

Issuance Date: March 13, 2006  
Closing Date: May 01, 2006  
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Subject: Request for Applications USAID-Cambodia-442-06-002-RFA  
Title: Counter Trafficking in Persons Project (CTIP)

The United States Agency for International Development (USAID), is seeking applications (proposals for funding) from U.S. or non-U.S. non-profit or for-profit nongovernmental organizations (NGOs), public international organizations (PIO or IO), and other qualified non-USG organizations to implement a program to support anti-trafficking activities in Cambodia. The authority for the RFA is found in the Foreign Assistance Act of 1961, as amended.

The chosen recipient will be responsible for ensuring achievement of the program objectives that support anti-trafficking activities in Cambodia. Please refer to the Program Description (RFA section C) 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 program and are in accordance with applicable cost standards (22 CFR 226, plus OMB Circular A-122 for non-profit organizations, OMB Circular A-21 for universities, and the Federal Acquisition Regulation Part 31 for for-profit organizations), may be paid under the award.

Subject to the availability of funds, USAID plans to provide approximately \$4,500,000 in total USAID funding for this activity to be allocated over a three year period, with the possibility of extensions. The estimated amount for year 1 is \$2,000,000. USAID reserves the right to fund any or none of the applications submitted. Although it is planned to make an award of one cooperative agreement under this RFA, USAID in its discretion may make awards to more than one organization.

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

1. Section A - Application Format;
2. Section B - Selection Criteria;
3. Section C - Program Description;
4. Section D - Certifications, Assurances, and Other Statements of Applicant/Recipient
5. Section E - Attachments to Program Description (attachments 1, 2, and 3)

To be eligible for award, the applicant must provide all required information in its application, including the requirements found in any attachments to this [www.Grants.gov](http://www.Grants.gov) opportunity. Applicants must submit the full application package by one of the methods indicated in Section A of this RFA.

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

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Any questions concerning this RFA should be submitted in writing to Mealea S. Prak and Thea Pura, via email to [sprak@usaid.gov](mailto:sprak@usaid.gov) and [epura@usaid.gov](mailto:epura@usaid.gov), respectively, or via fax at (855-23) 991-943 (email is preferred). If you decide to submit an application, it must be **received** by the closing date and time indicated at the top of this cover letter at the place designated below for receipt of applications.

The federal grant process is now web-enabled. As of December 19, 2005, grant and cooperative agreement Request for Application (RFA) and Annual Program Statement (APS) announcements, modifications to the announcements, and the corresponding application packages must be posted via Grants.gov on the World Wide Web (www) to allow for electronic submission of applications. Applicants may upload applications to [www.grants.gov](http://www.grants.gov), however, hard copy submissions are still preferred by USAID/Cambodia. This RFA and any future amendments can be downloaded from this website [www.grants.gov](http://www.grants.gov). It is the responsibility of the recipient of the application document to ensure that it has been received from [www.grants.gov](http://www.grants.gov) in its entirety. USAID bears no responsibility for data errors resulting from transmission or conversion processes associated with electronic submissions.

Faxed proposals are not acceptable. Applicants may also submit their applications by e-mail attachment formatted in Microsoft Word (up to 2MB limit per email), with hard copies to follow. **Important:** please see Section A.1.g of the RFA for detailed instructions regarding submission of applications via email. Applications and modifications thereof shall be submitted with the name and address of the applicant and the RFA number (referenced above) inscribed thereon, via email, to [sprak@usaid.gov](mailto:sprak@usaid.gov) and [epura@usaid.gov](mailto:epura@usaid.gov).

Applicants shall confirm with Agreement Specialist Mealea S. Prak that their e-mail submissions were successfully received by the required due date. In addition to the submission of applications via email, an original and three (3) hard copies of the technical applications, and an original and three hard copies of the cost proposals, shall be sent to:

By Courier:

Mealea S. Prak  
Agreement Specialist  
USAID Cambodia, American Embassy  
#18, Street 228  
Phnom Penh, Cambodia

Hard copies of submissions need not arrive by the due date, provided that the e-mail submissions have been successfully received by the due date. It is recommended that applicants use courier service instead of international mail for the hard copies. Applications will be accepted for consideration as long as they arrive in Phnom Penh by the time stipulated. See RFA Section A.1.b regarding late applications.

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

Issuance of this RFA does not constitute an award commitment on the part of USAID, nor does it commit USAID to pay for costs incurred in the preparation and submission of an application. Further, USAID reserves the right to reject any or all applications received. In addition, final award of any resultant cooperative agreement(s) cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, potential applicants are hereby notified of these requirements and conditions for

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award. Applications are submitted at the risk of the applicant, and all preparation and submission costs are at the applicant's expense.

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

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

Applicants should take account of the expected delivery time required by the proposal transmission method they choose, and are responsible to ensure that proposals are received at USAID in Phnom Penh, Cambodia (and not at another location) by the due date and time specified above.

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

Thank you for your interest in USAID/Cambodia activities.

Sincerely,

Carey N. Gordon  
Regional Agreement Officer  
USAID Regional Development Mission/Asia  
Bangkok, Thailand

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## SECTION A - GRANT APPLICATION FORMAT

### 1. PREPARATION GUIDELINES

- a. All applications received by the deadline will be reviewed for responsiveness and programmatic merit in accord with the specifications outlined in these guidelines and the application format. Section B addresses the technical evaluation procedures for the applications. Applications shall be submitted in two separate parts: (a) technical, and (b) cost or business application. An original and three (3) hard copies of the technical application and an original and three (3) hard copies of the cost application shall be submitted in addition to the email submission, as described in the cover letter of this RFA.
- b. Applications must be received no later than the date and time indicated on the cover page of this RFA, to the location stated in the cover letter accompanying this RFA. Applications which are received late or are incomplete run the risk of not being considered in the review process. Such late or incomplete applications will be considered in USAID's sole discretion depending on the status of USAID's application review process as of the time of receipt and the quality of other applications received.
- c. Technical applications should be specific, complete and presented concisely. A lengthy application does not in and of itself constitute a well thought out proposal. Applications shall demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. Applications should take into account the technical evaluation criteria found in Section B.
- d. Explanations to Prospective Recipients: Any prospective applicant desiring an explanation or interpretation of this RFA must request it in writing to the Agreement Specialists at the email addresses set forth in the RFA cover letter. The questions and answers (Q&A) will be posted as an amendment to the RFA on [www.grants.gov](http://www.grants.gov). The deadline for receipt of questions is April 19, 2006, 4:00 PM, Cambodian time. Oral explanations or instructions given before award of a Cooperative Agreement will not be binding. Any information given to a prospective grantee concerning this RFA will also be furnished to all other prospective grantees as an amendment to this RFA, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective grantees.
- e. Applicants should retain for their records one copy of the application and all enclosures which accompany their application. Erasures or other changes on hard copies must be initialed by the person signing the application. To facilitate the competitive review of the applications, applications should conform to the format prescribed below.
- f. [Reserved].
- g. Submission of Applications by Email (**Important**):

1. Preferred software for email attachments: Microsoft Word (for narrative text) or Excel (for tables). Please convert your documents to one of these software programs before sending them to

USAID. If we convert them for you, the resulting formatting may not be what you would like us to be reviewing.

2. After you have sent your proposals by email, please immediately check your own email to confirm that the attachments you intended to send were indeed sent. If you discover an error in your transmission, please send the material again and **note in the subject line of the email that it is a "corrected" submission**. Please do not wait for USAID to advise you that certain documents intended to be sent were not sent, or that certain documents contained errors in formatting, missing sections, etc. Each applicant is responsible for its submissions, so please inspect your own emails.
  3. Please do not send the same email to us more than one time unless there has been a change, and if so, please note that it is a corrected email. If you send multiple copies of the same email, we do not know if there has been any change from one email to the next.
  4. Your organization should appoint **one** person to send in the email submissions. If we receive email submissions from more than one person in your organization, we do not know who the authorized person is, and we cannot tell whether there has been a change from one email to the next without considerable effort on our part.
  5. If you send your application by multiple emails, please indicate **in the subject line of the email** whether the email relates to the technical or cost proposal, and the desired sequence of multiple emails (if more than one is sent) and of attachments (e.g. "no. 1 of 4", etc.). For example, if your organization's name is Acme Consulting, and your cost proposal is divided and being sent in as two emails, the first email should have a **subject line** which says: "Acme, Cost Proposal, Part 1 of 2". If you do not do this clearly, we may not be sure of the correct order of the separate parts of your application. Our preference would be that each technical and each cost proposal be submitted as a single email attachment, e.g. that you consolidate the various parts of a technical proposal into a single document before sending it. But if this is not possible, please provide instructions on how the multiple parts are supposed to fit together, especially the sequence. What is obvious to you as the preparer of the document may not be obvious to us. Your application may not get optimal treatment if we are confused regarding the order and composition of your application.
- h. The hard copies of applications and modifications thereof shall be submitted in sealed envelopes or packages addressed to the office specified in the cover letter of this RFA, with the RFA number, the name and address of the applicant, and whether the contents contain technical and/or cost proposals noted on the outside of the envelopes/packages.
  - i. Telegraphic applications will not be considered; however, applications may be modified by written or telegraphic notice, if that notice is received by the time specified for receipt of applications.
  - j. Preparation of Applications:
    1. Applicants are expected to review, understand, and comply with all aspects of this RFA. Failure to do so will be at the applicant's risk.
    2. Each applicant shall furnish the information required by this RFA. On the hard copies of applications, the applicant shall sign the application and certifications and print or type its name on the Cover Page of the technical and cost applications. Erasures or other changes must be

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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.

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

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

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

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

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

## 2. TECHNICAL APPLICATION FORMAT

a. Technical approach: The technical application must set forth in sufficient detail the conceptual approach, methodology, and techniques for the accomplishment of the stated objectives. It should outline specific, focused activities; explain how the approach is expected to achieve the proposed objectives; and describe a plan that will enable the activities to continue after the cooperative agreement is completed.

Implementation Plan: The application must provide an implementation plan for achieving expected program results. The implementation plan should clearly outline links between the proposed results, conceptual approach, performance milestones and a realistic timeline for achieving the semi-annual, annual, and end-of-program results. (The Awardee will be required to submit initial and annual workplans 45 days after the award date using the USAID/Cambodia Office of General Development's (OGD) standard workplan format shown in Attachment 1).

Innovative Approach: Particular attention will be paid to innovative approaches which take into consideration existing problems, past attempts to address trafficking and offer new and innovative approaches to reducing the number of trafficking victims and reduce the negative impacts of trafficking on victims and society.

USAID is committed to gender equality. The application should discuss the most significant gender issues involved in trafficking for labor and sexual exploitation by reflecting on the following questions: (i) are men and women involved or affected differently by the context or work to be undertaken? (ii) If so, how will this difference be addressed in the proposed activities?

Applicants are encouraged to refer to Attachment 2 of this RFA entitled "USAID/Cambodia Gender Analysis and Assessment", Volume I and II and "A Fair Share for Women, Cambodia Gender

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Assessment.”(UNIFEM, WB, ADB, UNDP and DFID/UK, 2004). The entire document can be found on the World Bank website ([www.worldbank.org/kh](http://www.worldbank.org/kh)) under “Publications and reports.”

Other relevant gender analyses on trafficking that relate to both men and women are found on Legal Support for Children and Women website ([www.lscw.org](http://www.lscw.org)).

b. Institutional Capability: Applicants must provide evidence of their technical and managerial resources and expertise (or their ability to obtain such) in program management, grants management and training and their experience in managing similar programs in the past. Information in this section should include (but is not limited to) the following:

- (1) Brief description of organizational history/expertise;
- (2) Past experience and examples of accomplishments in developing and implementing similar programs;
- (3) Relevant experience with proposed approaches;
- (4) Institutional strength as represented by breadth and depth of experienced personnel in project relevant disciplines/areas;
- (5) Sub-awardee or subcontractor capabilities and expertise;
- (6) Financial controls;

c. Past Performance: Applicants must submit a list of the ten most recent U.S. Government and/or privately-funded contracts, grants, cooperative agreements, etc., and the name, address, email address and telephone number of the Project Officer, activity manager or other contact person. Include the following for each award:

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

d. Key Personnel: Applicants must propose which positions should be designated as Key Personnel (not to exceed 3 inclusive of the Chief-of-Party) and provide resumes and references for the candidates proposed for such positions. Specify the qualifications and abilities of proposed key personnel that are suited to successfully implementing the proposed technical approach. The Chief of Party should have a proven track record of managing such programs. The applicant shall also include, in an annex, resumes for all key personnel candidates. 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 may 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 email address for each reference contact.

e. Management Plan: Applications shall: (1) Specify the composition and organizational structure of the entire project team (including home office support) and describe each staff member’s role, technical



expertise and estimated amount of time each will devote to the project. Applicants may propose a mix of international and domestic advisors and specialists to cover the full range of objectives and activities.

f. Sustainability: The applicants must also submit a sustainability plan as part of the technical proposal to demonstrate the prospects for activities and results to continue after the completion of the Agreement. Given diminishing resources for anti-trafficking, applicants must demonstrate how the activity will be sustainable and empower local Cambodian partners to take over activities as the program draws to a close.

g. Subgrantees/Subcontracts: Organizations may not possess all the skills required to achieve all the results identified in this RFA. Organizations may enter into partnerships with other non-profit and for profit organizations as sub-grantees or sub-contractors to supplement skills. However, one organization shall be designated to serve as the prime organization and will be responsible for the achievement of results and the implementation of the program. If the applicant plans to collaborate with other organizations, government agencies or indigenous organizations for the implementation of the award, the services to be provided by each agency or organization shall be described. Applicants which intend to utilize subgrantees and/or subcontractors shall indicate the extent intended, the method of identifying them and the tasks/functions they will be performing. Applicants shall state whether or not they have existing relationships with these other organizations and the nature of the relationship (e.g., subgrantee, subcontractor, partnership etc). The applicant must specify the technical resources and expertise of proposed subcontract/subrecipient organizations. Technical plan information for proposed major subgrantees and/or subcontractors should follow the same format as that submitted by the applicant.

h. Page Limitation: The length of the Technical proposal shall not exceed 20 (twenty) typed pages, with 1.5 lines of spacing, 11 point Arial font, and standard one inch margins. The performance monitoring plan/results framework, past performance information, and personnel resumes are excluded from this page limitation. All other parts of the technical proposal are included in the 20 page limit. There is no page limitation on the Cost Proposal. Elaborate art work, expensive paper and bindings, and expensive visual and other presentation aids are neither necessary nor wanted.

i. Applicants should study the selection/evaluation criteria outlined in Section B of the RFA and organize the proposal accordingly.

### 3. COST APPLICATION FORMAT

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

The following sections describe the documentation that applicants for Assistance award must submit to USAID prior to award. While there is no page limit for the cost proposal, applicants are encouraged to be as concise as possible, but still provide the necessary detail to address the following:

A. Include a budget with an accompanying budget narrative which provides in detail the total proposed costs for implementation of the program your organization is proposing. Detailed **budget notes** and supporting justification of all proposed budget line items shall be included. A summary of the budget must be submitted using Standard Form 424 and 424A which can be downloaded from the USAID web site, [http://www.usaid.gov/procurement\\_bus\\_opp/procurement/forms/sf424/](http://www.usaid.gov/procurement_bus_opp/procurement/forms/sf424/). The budget shall include:

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- a) The breakdown of all costs associated with the program according to costs of, if applicable, headquarters, regional and/or country offices;
- b) The breakdown of all costs according to each partner organization (or sub-awardee) involved in the program;
- c) The costs associated with external, expatriate technical assistance and those associated with local in-country technical assistance;
- d) The breakdown of the financial and in-kind contributions of all organizations involved in implementing the expected Cooperative Agreement;
- e) Potential contributions of non-USAID or private commercial donors to this Cooperative Agreement;
- f) The procurement plan for commodities;
- g) Other instructions for preparation of proposed budgets:
- h) (1) Indicate the name, annual salary, and expected level of effort of each person charged to the project. Provide resumes showing work experience and annual salary history for at least the three most recent years for major personnel.  
  
(2) If not included in an indirect cost rate agreement negotiated with the U.S. Government, specify the applicable fringe benefit rates for each category of employees, and explain the benefits included in the rate.  
  
(3) The same individual information for consultants shall be provided as for regular personnel.  
  
(4) Allowances shall be broken down by specific type and by person, and must be in accordance with the applicant's policies.  
  
(5) Travel, per diem and other transportation expenses shall be detailed in your proposal to include number of international trips, expected itineraries, number of per diem days and per diem rates.  
  
(6) Specify all equipment to be purchased and the expected geographic source.  
  
(7) Financial Plans for all proposed subgrants and subcontracts shall have the same format and level of detail as those of the applicant.  
  
(8) Other direct costs such as supplies, communication costs, photocopying, visas, passports and other general costs should be separate cost line items.

B. A copy of your organization's current Negotiated Indirect Cost Rate Agreement, if you have one with a US federal agency;

C. Required certifications and representations (as attached below):

D. Details regarding the level of cost share your organization is proposing for this activity. While there is no stated minimum required cost share amount, applicants are encouraged to give serious consideration to the amount they propose as a signal of the applicant's commitment to the activity (see also sec. B below, selection criteria, under costs).

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E. Applicants who do not currently have a Negotiated Indirect Cost Rate Agreement (NICRA) from their cognizant agency (USAID or another agency of the US federal government) shall also submit the following information:

1. Copies of the applicant's financial reports for the previous 3-year period, which have been audited by a certified public accountant or other auditor satisfactory to USAID;
2. Projected budget, cash flow and organizational chart;
3. A copy of the organization's accounting manual.

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

1. Has adequate financial, management and personnel resources and systems or the ability to obtain such resources as required during the performance of the award.
2. Has the ability to comply with the award conditions, taking into account all existing and currently prospective commitments of the applicant, non-governmental and governmental.
3. Has a satisfactory record of performance. Past relevant unsatisfactory performance is ordinarily sufficient to justify a finding of non-responsibility, unless there is clear evidence of subsequent satisfactory performance.
4. Has a satisfactory record of integrity and business ethics; and
5. Is otherwise qualified and eligible to receive a grant under applicable laws and regulations (e.g., EEO).

G. 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.

H. Certificate of Compliance: Please submit a copy of your Certificate of Compliance if your organization's systems have been certified by the USAID/Washington's Office of Acquisition and Assistance (M/OAA, formerly known as M/OP).

## **4. COOPERATIVE AGREEMENT AWARD**

1. The Government may award one or more cooperative agreements resulting from this RFA to the responsible applicant(s) whose application(s) conforming to this RFA offers the greatest value in terms of the selection criteria (see Section B of this RFA). The Government may (a) reject any or all applications, (b) accept other than the lowest cost application, (c) accept more than one application, (d) accept alternate applications, and (e) waive informalities and minor irregularities in applications received.
2. The Government may award one or more cooperative agreements on the basis of initial applications received, without discussions or negotiations. Therefore, each initial application

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should contain the applicant's best terms from a cost and technical standpoint. As part of its evaluation process, however, USAID may elect to discuss technical, cost or other pre-award issues with one or more applicants. Alternatively, USAID may proceed with award selection based on its evaluation of initial applications received and/or commence negotiations solely with one applicant.

3. A written award mailed or otherwise furnished to the successful applicant(s) within the time for acceptance specified either in the application(s) or in this RFA (whichever is later) shall result in a binding cooperative agreement without further action by either party. Before the application's specified expiration time, if any, the Government may accept an application, whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award. Negotiations or discussions conducted after receipt of an application do not constitute a rejection or counteroffer by the Government.
4. Neither financial data submitted with an application nor representations concerning facilities or financing, will form a part of the resulting cooperative agreement unless explicitly stated otherwise in the agreement.
5. To be eligible for award of a cooperative agreement, in addition to other conditions of this RFA, organizations must have a politically neutral humanitarian mandate, a commitment to non-discrimination with respect to beneficiaries and adherence to equal opportunity employment practices. Non-discrimination includes equal treatment without regard to race, religion, ethnicity, gender, and political affiliation.
6. Applicants are reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the recipient to ensure compliance with these Executive Orders and laws. This provision must be included in all subcontracts/subawards issued under this contract/agreement.

### **5. AUTHORITY TO OBLIGATE THE GOVERNMENT**

The Grant Officer is the only individual who may legally commit the Government to the expenditure of public funds. No costs chargeable to the proposed agreement may be incurred before receipt of either a fully executed Agreement or a specific written authorization from the Grant Officer.

## SECTION B - SELECTION CRITERIA

The criteria presented below have been tailored to the requirements of this RFA. The Applicant should note that these criteria serve to identify the significant issues that Applicants should address in their applications, and to set standards against which all applications will be evaluated. To facilitate the review of applications, Applicants are requested to organize the narrative sections of technical proposals according to the evaluation criteria set forth below.

Applications will be evaluated in accordance with the evaluation criteria set forth below:

### **Technical Evaluation Criteria**

#### **Technical Approach—40 points:**

The technical approach will be evaluated based on the 1) Extent to which the application sets forth a clear and supportable course of action to achieve the program objectives and anticipated results, including familiarity with use of indicators and targets as a means for monitoring progress; 2) Originality and creativity in proposing activities that will facilitate achievement of program objectives and are considered innovative. The implementation plan and gender analysis will be evaluated under this criteria.

#### **Institutional Capability—8 points:**

Applicant's institutional capability will be evaluated based on their organizational history/expertise; pertinent work experience and representative accomplishments in developing and implementing programs of the type required under this RFA; relevant experience with proposed approaches; institutional strength as represented by breadth and depth of experienced personnel in project; relevant disciplines/areas; sub-recipient capabilities and expertise; and financial controls.

#### **Past Performance—7 points**

Past performance will be evaluated based on the applicant's record in implementing related activities and prior success in this type of project: ability to carry out participatory development activities and maintaining positive and effective relationships with partners, timeliness on meeting milestones and ability to implement activities within budget and use of cost efficient measures.

#### **Sustainability – 10 points:**

Applicants must provide a clear plan for how they will build sustainability into all relevant aspects of their activities.

#### **Key Personnel—25 points**

Key personnel will be evaluated based on their relevant prior experience directly related to the proposed work, including technical qualifications, professional competence, relevant academic background, and demonstrated experience.

**Management Plan -- 10 points**

The Management plan will be evaluated based on the proposed staffing requirements and other resources needed to implement the approach. The Management plan should (a) identify all proposed partners and explain their roles and responsibilities; (b) specify the composition and organization structure of the entire implementation team (including home office support and in-country sub-office structure) and describe each staff member's role, technical expertise and estimated amount of time each will devote to the project; and (c) should indicate the names and provide resumes of all important managerial and technical personnel to be assigned to this program activity. Proposed personnel not yet identified may be shown as "TBD" (to be determined).

**TOTAL (TECHNICAL EVALUATION CRITERIA): 100 POINTS**

Cost Evaluation: Cost has not been assigned a score but will be evaluated for cost reasonableness, allocability, allowability, cost effectiveness and realism, adequacy of budget detail and financial feasibility and cost sharing. While cost may be a determining factor in the final decision of an awardee(s), especially between closely ranked applicants, the technical merit of applications is substantially more important under this RFA.

Notes on cost sharing:

- a. Cost share is defined by USAID as “contributions, both cash and in-kind, which are necessary and reasonable to achieve program objectives and which are verifiable from the recipient’s records.” Please take note of the provision on cost sharing in 22 CFR 226.23.
  
- b. Although there is no requirement that applicants propose a specific cost share, USAID policy is that cost sharing is an important element of the USAID-recipient relationship. USAID requires applicants to demonstrate their commitment to program success by addressing the issue of cost-sharing.

Applications will be evaluated in accordance with the selection criteria identified above. USAID reserves the right to determine the resulting level of funding for any awards made under this RFA.

## SECTION C - PROGRAM DESCRIPTION

### A. USAID/CAMBODIA COUNTRY STRATEGIC STATEMENT:

USAID's program in Cambodia can be described in seven words: Good Health, Good Education and Good Governance. Anti-trafficking activities will be implemented as part of USAID/Cambodia's new strategic statement, which was approved in May 2005. Anti-trafficking activities fall under Strategic Objective (SO) 12: Improved Political and Economic Governance, and are implemented as part of the "Protect Human Rights" common program component. The other program components in SO 12 are: Improve Private Sector Competitiveness; Improve Sustainable Management of Natural Resources and Biodiversity; Promote and Support Anti-corruption Reforms; Strengthen the Justice Sector; and Support Democratic Local Government and Decentralization. The Mission's other two SOs are related to good health and good education. The full strategic statement is available at: [http://www.usaid.gov/kh/country\\_strategy\\_statement.htm](http://www.usaid.gov/kh/country_strategy_statement.htm). Applicants will need to demonstrate how they will coordinate their activities with existing USAID partners as well as other anti-trafficking programs funded by other donors in Cambodia.

### B. PROBLEM TO BE ADDRESSED:

Cambodia is a source, transit and destination country for children and adults trafficked for sexual exploitation and forced labor. Cambodian women and girls are trafficked into Thailand and Malaysia for sexual exploitation. Khmer, ethnic Vietnamese residing in Cambodia, and Vietnamese women and girls are trafficked into the sex trade, often ending up in tourist destinations. In terms of international labor trafficking, young men and boys are trafficked for fishing in Thailand and Malaysia and children of both sexes are trafficked for begging to border provinces of Thailand and Vietnam. There is also significant internal migration for labor which leads to exploitative situations for women, children and men in Cambodia.

Some structural issues that hamper current anti-trafficking interventions include inadequate shelter space and services in the provinces, which requires transportation of rescued victims to shelters in Phnom Penh. There are also no standard guidelines or policies for aftercare facilities. Challenges to combating trafficking in Cambodia also include the high level of corruption, weak rule of law and lack of capacity among law enforcement officers. Despite police training from NGOs, the investigative capacity of the police remains weak. Conditions of poverty and high unemployment make children and teens—and their families—extremely vulnerable to the promises of work in the city, not realizing the exploitative situations that sometimes await them.

### C. USAID SUPPORT, PAST AND PRESENT:

Given the congressional restriction for engagement with the Cambodian government, USAID support for anti-trafficking has been channeled primarily through non-governmental organizations and inter-governmental organizations. In recent years, annual Congressional appropriations acts have allowed trafficking activities to involve the Royal Government of Cambodia (RGC), but applicants should demonstrate flexibility in their plans to work with the RGC. USAID's primary implementing partners for anti-trafficking programs in Cambodia in the past have been The Asia Foundation (TAF), the International Justice Mission (IJM) and the International Organization for Migration (IOM).

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See the list of implementing partners for a more expanded list of subgrantees and groups funded by USAID and other US Government (USG) agencies in paragraph “G. List of USAID subgrantees” of this section.

To date, USAID programs have focused almost exclusively on issues related to trafficking of women and girls for sexual exploitation. Trafficking for forced labor of adults and children is now recognized as a major problem in Cambodia and Southeast Asia. Applicants should address issues surrounding trafficking for both labor and sexual exploitation.

### **D. FOCUS AREA OVERVIEW:**

The overarching goal of this activity is to reduce the number of people trafficked, bring traffickers to justice and empower the survivors to recover from trauma, poverty, and unemployment. This should be achieved through activities in the areas of prevention, protection, prosecution and reintegration.

**1- Prevention** activities are broadly defined as anything that can reasonably be expected to prevent men, women and children from being trafficked. This might include information campaigns to increase understanding of the dangers of migration, activities to increase incomes among the poor so they do not seek alternative livelihoods, or creation of protection networks within communities.

**2- Protection** activities give trafficking victims the shelter, care and services they require after being pulled out of an exploitative situation. Activities may include assistance to shelters which provide safe haven to survivors over the short, medium and long-term, improvement of facilities, capacity building for staff, introduction of marketable vocational skills and improved counseling services.

**3- Prosecution** activities focus on supporting investigations and prosecution of criminal traffickers. It may include support for investigations to rescue victims of trafficking and referral to after care services, legal assistance for victims, and activities to aid the successful prosecution of traffickers.

**4- Reintegration** activities help trafficking victims to integrate back into society and give them the support and skills necessary to lead productive lives. Activities could include educational and skills training programs.

### **E. DETAILED DISCUSSION OF FOCUS AREAS, ANTICIPATED RESULTS AND AREAS FOR IMPROVEMENT:**

Applicants are welcome to suggest different activities and results from those that are listed below. These are illustrative only.

#### **1. Prevention:**

Prevention activities should be focused in “source” regions of trafficking victims, including border areas. These should include Svay Rieng, Prey Veng, Kampong Cham, Kandal, Koh Kong, Battambang and Banteay Meanchey. USAID prevention efforts to date have focused on information campaigns and raising awareness among potential victims of the danger of trafficking. If applicants consider information campaigns to be necessary, they should provide a thorough justification, including the justification for regional and provincial focus and detailed roll out plans for the number and scope of campaigns. Applicants are encouraged to build on these efforts and to expand into other prevention activities, including increasing incomes and educational opportunities for at risk groups in



source regions. Income generation activities should demonstrate an understanding of market demand in targeted regions. Activities which attempt to begin discussion on changing attitudes of men towards prostitution are also possible. Prevention activities should focus on both sex trafficking for sexual exploitation and labor. Applicants must explain and justify their choice of interventions and regions.

***Anticipated Results:***

- Increase incomes and education opportunities for vulnerable populations;
- Increase awareness of risks among targeted, vulnerable populations;
- Creation of community networks to safeguard vulnerable populations from traffickers in the selected communes;
- Increase awareness of the “demand side” of trafficking and increase information technology campaigns;
- Increase access to education for vulnerable children, including girls;
- Increase income generation activities in source and border provinces: Svay Rieng, Prey Veng, Kampong Cham, Kandal, Koh Kong, Battambang and Banteay Meanchey;
- Increase knowledge about trafficking for people in remote areas.

***Illustrative Interventions:***

- The project may introduce income generation activities for vulnerable people in source areas of trafficking and border areas such as Svay Rieng, Prey Veng, Kampong Cham, Kandal, Koh Kong, Battambang and Banteay Meanchey (including Poi Pet). Mobilize villagers to produce local products which have market value within the village.
- Introduce vocational training skills in the village for unemployed women and men. Establishing networks among small business women and women vendors, including basic business training.
- The project may work to increase awareness and understanding of individuals about trafficking and safe migration. Activities may also focus on campaigns to change the attitudes of men towards prostitution and work with the demand side to help stop trafficking and exploitation. Information technology could be included in the campaigns.
- Establish and strengthen community networks to track migration trends and educate people. The network should include the structure of case reporting resulting in quick intervention and gain trust from the people.
- Improve education opportunities in rural areas through providing urgent assistance so that children can continue their education.
- Use of electronic media to broadcast messages to larger audiences.
- Set up information offices in remote areas to provide information for migrants on intended destinations so that they can migrate safely. The offices should be able to provide information on destinations both inside and outside the country.

**2. Protection:**

The main objective of this component is to provide aftercare, rehabilitation and recovery to victims to ensure they gain new life skills and will not fall victim to trafficking again. Protection activities may include services for victims in shelters. Since many shelters are located in Phnom Penh, there is a need to expand quality shelter services to other provinces, especially where the anti-trafficking police are active. It is preferable to have long-term care for victims so that they can recover from the trauma and

can be successfully reintegrated. Vocational training that responds to market needs should be incorporated to induce victims to stay in shelters, and create viable attractive alternatives when they enter the job market.

**Possible Areas for Improvement:**

Applicants should ensure that the interests and preferences of various types of victims are considered in counseling and skills training programs. For example, a skills training that is not of interest to victims will never lead to sustainable employment opportunities. Children who are underage also require special services that do not benefit from a one size fits all approach to care. Jobs training should also be sensitive to the needs and realistic opportunities for victims from rural and remote areas. Staff in shelters could also benefit from more professional training and services.

***Anticipated Results:***

- Increase in number and quality of shelter services outside of Phnom Penh.
- Improved quality and professionalism of social workers, counselors, medical staff and other support staff in shelters.
- Increase number of victims using market demanded skills to make a living;
- Establish minimum standards of care resulting in an improvement of the quality of shelters and the services they provide;
- Increased number of victims finding, and keeping, competitive jobs;
- Increase in quality and relevance of training programs in, or arranged by, shelters leading to an increase in the number of victims that complete training courses and do not leave early;
- Skills training is more relevant and more professionally provided and linked to market demands (including training outside of shelters or bringing in experts to provide training as necessary)

***Illustrative Intervention:***

**Provision of services within shelters:**

- Basic services including medical needs, counseling and legal aid;
- A safe, friendly environment for victims;
- Special services for the victims who have trauma, HIV/AIDS and other abuse;
- Capacity building for the shelter staff to effectively respond to the needs of victims.

**Improve facilities of shelters in areas outside Phnom Penh:**

- Provide small grants for equipment, furniture and other materials, if necessary;
- Introduction of sports, art, therapy, and psycho-social activities.

**Introduction of marketable vocational skills:**

- Improvement of vocational skills training;
- Improve the skills of existing trainers or recruit more professional trainers;
- Introduction of skills in which there is a real market-driven demand;
- Establish linkages with other training facilities and institutions to refer the victims to learn the skills which are not available in shelters;
- Establish linkages with the private sector to arrange for jobs, internships or apprenticeships.

**Modernization and standardization of care:**

- Coordination among shelters to share best practices;

- Introduce minimum standard of care shelters;
- Encourage shelters to apply the minimum standards of care;
- Provision of on-going support for shelters which wish to apply the minimum standards.

### **3. Prosecution:**

The basic objective of this component is to improve the capacity of law enforcement officers to investigate and prosecute trafficking cases. Applicants may focus on encouraging more victims to testify as well as improve their investigation and monitoring.

#### *Anticipated Results:*

- Better trained, more professional police that conduct investigations properly and protect victims well;
- More professional prosecutions;
- An environment with sufficient safeguards and protection of victims that leads to an increase in the number of victims testifying willingly;
- Improve the documentation of cases and quality of evidence collected;
- Improved cooperation between law enforcement officers, NGOs and lawyers dealing with trafficking cases;
- Development of a trafficking database of cases among legal aid NGOs.
- Improved identification of trafficking victims vs. voluntary sex workers.

#### *Illustrative Interventions:*

- Training for anti-trafficking police officers, judges and prosecutors in investigation techniques, interview skills, witness protection, etc;
- Training for NGOs that provide legal assistance to victims and investigate cases;
- Cooperation with relevant authorities in investigating and rescuing victims;
- Improve case documentation, filing and database;
- Provide shelters and victims with access to legal aid;
- A training curriculum for law enforcement officers may be improved or updated with follow-up technical assistance to ensure application of lessons learned from introduction of the curriculum.

### **4. Reintegration:**

The aim of this component is to introduce participatory approaches for the reintegration of survivors into their communities and to ensure a satisfactory living standard for those that have been reintegrated so that victims are not re-trafficked. The program should encourage involvement from various stakeholders to follow up and track progress of those that are reintegrated. The program should introduce shelters to a more effective follow up mechanism since very few shelters have good records about victims who have been reintegrated. The program may address the absence of a common definition of reintegration assistance and a lack of standardized services throughout the reintegration process. Moreover, it may address the weaknesses in various aspects of social services offered by service providers in Cambodia. The applicants may address viable options for alternative reintegration strategies for survivors who cannot safely be reintegrated back into their families or communities.

*Anticipated Results:*

- Increased number of victims successfully reintegrated into society that do not return to precarious situations;
- The establishment of an effective mechanism with involvement from all stakeholders;
- Reduction in the number of victims who are re-trafficked;
- Improved linkages with private sector and development organizations at the community level;
- Successful micro/small businesses established and run by survivors.

*Illustrative Interventions:*

- Set up participatory mechanism for reintegration and follow up;
- Establish a system that tracks the status and progress of reintegrated victims;
- Establish micro/small enterprises to employ survivors or link with private sector to refer them for employment.
- Link to micro credit projects and development projects of other organizations located in the rural areas so that reintegrated survivors could benefit from the project.
- Create small businesses for groups of survivors;
- Provide start up capital and on-going assistance to survivors;
- Provide support to families.

**F: ADDRESSING GENDER ISSUES:**

Gender is a cross-cutting theme in USAID/Cambodia's new Strategy, and USAID promotes gender mainstreaming in all programs. Gender refers to "the economic, social, political and cultural attributes and opportunities associated with being male and female." USAID provides two guiding questions that need to be considered in order to analyze and address gender issues:

1. Are men and women involved or affected differently by the context or work to be undertaken?
2. If so, how will this difference be addressed through managing for sustainable program impact?

Addressing these questions involves taking into account not only the different roles of men and women, but also the relationship and balance between them and the institutional structures that support them. From USAID/Cambodia's Gender Analysis, it is clear that trafficking is linked to power and poverty for both males and females, as well as the general low status of females in society.

According to the Gender Analysis, USAID/Cambodia, March 2006 (Final Draft), "Traffickers are able to operate with impunity because of inefficient law enforcement and problems of corruption and discrimination. A 1998 report found that very few women sought prostitution 'voluntarily' (ADB 1998) Close to half (47%) were sold against their will, 34% left because of extreme poverty, and some were rape victims who had been cast out of their communities. A significant number were sold by their families or tricked by traffickers and held in debt bondage at brothels (UNIFEM, 2004).

Trafficking is a complex issue which requires responses on multiple fronts: economic, social, legal and judicial. The usual focus is on the supply side—the numbers of young women and girls who are vulnerable because of poverty, lack of alternatives, and discrimination. However, demand forces—for services of prostitutes or exploitive labor situations—should also be considered. In addition to programs that address prevention, protection, enforcement, recovery, and rehabilitation, and reintegration, attention

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should be given to the exploration of agreements for safe and legal migration. Upwards of 200,000 young people will be entering the workforce annually by the year 2010. Not all of these individuals can be absorbed, leaving them vulnerable to exploitation. Safe and legal migration policies could improve the status of Cambodian workers aboard, providing better labor and wage guarantees for temporary employment opportunities as well as a way to monitor remittances.”

Illustrative Interventions include:

- Awareness-raising within community networks about differences related to gender (e.g., roles and status in the community and in the family) that contribute to the vulnerability of both men and women who are risk of trafficking.
- Training for income generation/micro enterprises that create alternatives for men and women from common and traditional activities, with the inclusion of basic business skills.
- Addressing the cultural status of females and expectations from the family and the community that contribute to vulnerability for trafficking.
- Addressing attitudes of men and women (in the community as well as traffickers) that contribute to demand for those men and women who are victims in trafficking.

Applicants are encouraged to review the draft “USAID/Cambodia Gender Analysis and Assessment” appended as Attachment -2A (Volume I: Gender Analysis) and Attachment -2B (Volume II: Gender Assessment) for a more detailed discussion of gender issues in Cambodia.

## **G. LIST OF USAID SUB- GRANTEES**

- Cambodian Human Rights and Development Association (ADHOC)
- Agir Pour les Femmes En Situation Precaire (AFESIP)
- Action Pour Les Enfants (APLE)
- American Rehabilitation Ministry (ARM)
- The Cambodian Center for the Protection of Children’s Rights (CCPCR)
- Center for Advance Study (CAS)
- CCHDO
- Cambodian Defenders Project (CDP)
- Cambodian Women Development Association (CWDA)
- NGO Coalition to address Sexual Exploitation of Children in Cambodia (Cosecam)
- Child Rights Foundation (CRF)
- Child Support Foundation (CSF)
- Don Bosco
- Enfants & Development (E&D)
- FIT Media
- Goutte D’eau
- Homeland
- Media Consulting and Development (MC&D)
- Ministry of Women Affairs (MoWA)
- Mith Samlanh (Friends)
- HAGAR
- KNK
- Komar Ney Kdey Sangkhim (KNKS)

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- Komar Reak Reay
- Krousar Thmey
- Legal Support for Children and Women (LSCW)
- New Life Foundation (NLF) or Chivit Thmey
- Phare
- Protection of Juvenile Justice (PJJ)
- Pteh Tek Dong (PTD)
- Rural Development Association (RDA)
- Santepheap 2
- Transcultural Psycho-Social Organization (TPO)
- Wattanak Pheap (WP)

### *List Of Major Donors Involved In Anti-Trafficking Work:*

- United Nations Children Funds (UNICEF)
- Australian Agency for International Development (AusAID),
- British Embassy
- US Embassy
- ILO/IPEC

## **H. SUBSTANTIAL INVOLVEMENT UNDERSTANDINGS:**

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

- 1) Approval of key personnel;
- 2) Approval of the initial and annual work plans, including the Performance Monitoring and Evaluation Plan; and changes to the approved work-plan or the performance monitoring plan.
- 3) Approval of sub-agreements except those covered by 22 CFR 225.25(c.8)

## **I. MARKING UNDER ASSISTANCE INSTRUMENTS:**

### *I. 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, project, 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 landmark, 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 subawards.

**(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, project, or activity?*

Guidelines: USAID prefers to have the USAID Identity included as part of the program or project 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 project 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 or project. *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 projects 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 project or 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 or project 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 project or 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, project,



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 project, activity, or program performance plan; and with the regulatory requirements set out in 22 CFR 226.91. The Agreement Officer may obtain advice and from technical experts while performing the evaluation.

## II. 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 landmark, 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 subawards.

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 C.F.R. 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 C.F.R. 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

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positioned as “by” or “from” a cooperating country ministry or government official (22 C.F.R. 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 C.F.R. 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 C.F.R. 226.91(h)(5)).

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

Presumptive Exception (vii). USAID marking requirements may not apply if they would conflict with international law (22 C.F.R. 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, project, 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 be produced as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity. These include:

(i) program, project, or activity sites funded by USAID, including visible infrastructure projects or other programs, projects, 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 project, activity, or program performance plan; and with the regulatory requirements of 22 C.F.R.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.

### III. 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 subagreement.

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

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

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

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

**Subrecipient** means any person or government (including cooperating country government) department, agency, establishment, or for profit or nonprofit organization that receives a USAID subaward, as defined in 22 C.F.R. 226.2.

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

**USAID Identity (Identity)** means the official marking for the United States Agency for International Development (USAID), comprised of the USAID logo or seal and new brandmark, with the tagline that clearly communicates that our assistance is “from the American people.” The USAID Identity is available on the USAID website at [www.usaid.gov/branding](http://www.usaid.gov/branding) and USAID provides it without royalty, license, or other fee to recipients of USAID-funded grants, or cooperative agreements, or other assistance awards.

**(b) Marking of Program Deliverables**

- (1) All recipients must mark appropriately all overseas programs, projects, activities, public communications, and commodities partially or fully funded by a USAID grant or cooperative agreement or other assistance award or subaward with the USAID Identity, of a size and prominence equivalent to or greater than the recipient's, other donor's, or any other third party's identity or logo.
- (2) The Recipient will mark all program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management) with the USAID Identity. The Recipient should erect temporary signs or plaques early in the construction or implementation phase. When construction or implementation is complete, the Recipient must install a permanent, durable sign, plaque or other marking.
- (3) The Recipient will mark technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID with the USAID Identity.
- (4) The Recipient will appropriately mark events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences and other public activities, with the USAID Identity. Unless directly prohibited and as appropriate to the surroundings, recipients should display additional materials, such as signs and banners, with the USAID Identity. In circumstances in which the USAID Identity cannot be displayed visually, the recipient is encouraged otherwise to acknowledge USAID and the American people's support.

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

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

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

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

(9) Subrecipients. To ensure that the marking requirements "flow down" to subrecipients of subawards, recipients of USAID funded grants and cooperative agreements or other assistance awards will include the USAID-approved marking provision in any USAID funded subaward, as follows: *"As a condition of receipt of this subaward, marking with the USAID Identity of a size and prominence equivalent to or greater than the recipient's, subrecipient's, other donor's or third party's is required. In the event the recipient chooses not to require marking with its own identity or logo by the subrecipient, USAID may, at its discretion, require marking by the subrecipient with the USAID Identity."*

(10) Any 'public communications', as defined in 22 C.F.R. 226.2, funded by USAID, in which the content has not been approved by USAID, must contain the following disclaimer: *"This study/report/audio/visual/other information/media product (specify) is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of [insert recipient name] and do not necessarily reflect the views of USAID or the United States Government."*

(11) The recipient will provide the 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 **45 days** after the effective date of this provision. The plan will include:

(i) A description of the program deliverables specified in paragraph (b) of this provision that the recipient will produce as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity.

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

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

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

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

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

(iii) USAID marking requirements would undercut host-country government “ownership” of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as “by” or “from” a cooperating country ministry or government official;

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

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

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

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

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

**(d) Waivers.**

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

(2) The request will describe the compelling political, safety, security concerns, or adverse impact that require a waiver, detail the circumstances and rationale for the waiver, detail the specific requirements to be waived, the specific portion of the Marking Plan to be waived, or specific marking to be waived,

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and include a description of how program materials will be marked (if at all) if the USAID Identity is removed. The request should also provide a rationale for any use of recipient's own identity/logo or that of a third party on materials that will be subject to the waiver.

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

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

(5) Determinations regarding waiver requests are subject to appeal to the Principal Officer's Cognizant Assistant Administrator. The recipient may appeal by submitting a written request to reconsider the Principal Officer's waiver determination to the Cognizant Assistant Administrator.

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

### **J. 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.

### **K. EXECUTIVE ORDER ON TERRORIST FINANCING:**

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



**L. ANTI-TRAFFICKING ACTIVITIES -- LIMITATION ON THE USE OF FUNDS;  
RESTRICTION ON ORGANIZATIONS PROMOTING, SUPPORTING OR ADVOCATING  
PROSTITUTION:**

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.

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 subawardees.]

(1) For programs that target victims of severe forms of trafficking, as a condition of entering into this agreement or subagreement, the recipient/subrecipient 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

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(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.

## SECTION D - CERTIFICATIONS, ASSURANCES OF APPLICANTS

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

CERTIFICATIONS, ASSURANCES, AND OTHER STATEMENTS OF APPLICANTS [1][2]

[To be submitted as part of an Applicant's cost proposal. To be signed by an authorized agent of the applicant at the end of this Section D.]

### PART I - CERTIFICATIONS AND ASSURANCES

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

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

- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. 2000-d), which prohibits discrimination on the basis of race, color or national origin, in programs and activities receiving Federal financial assistance;
- (2) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance;
- (3) The Age Discrimination Act of 1975, as amended (Pub. L. 95-478), which prohibits discrimination based on age in the delivery of services and benefits supported with Federal funds;
- (4) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution); and
- (5) USAID regulations implementing the above nondiscrimination laws, set forth in Chapter II of Title 22 of the Code of Federal Regulations.

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

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(c) This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the recipient by the Agency, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the United States shall have the right to seek judicial enforcement of this Assurance. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

**2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

**(a) Instructions for Certification**

- (1) By signing and/or submitting this application or grant, the recipient is providing the certification set out below.
- (2) The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the recipient knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
- (3) For recipients other than individuals, Alternate I applies.
- (4) For recipients who are individuals, Alternate II applies.

**(b) Certification Regarding Drug-Free Workplace Requirements**

**Alternate I**

- (1) The recipient certifies that it will provide a drug-free workplace by:
  - (A) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the applicant's/grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (B) Establishing a drug-free awareness program to inform employees about--
    - 1. The dangers of drug abuse in the workplace;
    - 2. The recipient's policy of maintaining a drug-free workplace;
    - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
    - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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(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)

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**Alternate II**

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

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

(a) Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
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. [4] You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," [5] provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous.

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9. A participant may decide the methods and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

10. 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.

11. 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, the 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.

**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 subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

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

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



**6. CERTIFICATION OF RECIPIENT**

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

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Solicitation (RFA) No. \_\_\_\_\_

Application/Proposal No. \_\_\_\_\_

Date of Application/Proposal \_\_\_\_\_

Name of Recipient \_\_\_\_\_

Typed Name and Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

[1] FORMATS: Rev. 06/16/97 (ADS 303.6, E303.5.6a) [2] When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement". [3] The recipient must obtain from each identified subgrantee and (sub)contractor, and submit with its application/proposal, the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Transactions, set forth in Attachment A hereto. The recipient should reproduce additional copies as necessary. [4] See ADS Chapter E303.5.6a, 22 CFR 208, Annex1, App A. [5] For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the grant standard provision entitled "Debarment, Suspension, and Related Matters" if the recipient is a U.S. nongovernmental organization, or in the grant standard provision entitled "Debarment, Suspension, and Other Responsibility Matters" if the recipient is a non-U.S. nongovernmental organization.

**PART II - OTHER STATEMENTS OF RECIPIENT**

**1. AUTHORIZED INDIVIDUALS**

The recipient represents that the following persons are authorized to negotiate on its behalf with the Government and to bind the recipient in connection with this application or grant:

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Name	Title	Telephone No.	Facsimile No.	Email Address

**2. TAXPAYER IDENTIFICATION NUMBER (TIN)**

If the recipient is a U.S. organization, or a foreign organization which has income effectively connected with the conduct of activities in the U.S. or has an office or a place of business or a fiscal paying agent in the U.S., please indicate the recipient's TIN:

TIN: \_\_\_\_\_

**3. 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 the number that identifies the recipient's name and address exactly as stated in the proposal.

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

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

(c) Recipients located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at <http://www.dbisna.com/dbis/customer/custlist.htm>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at [globalinfo@dbisma.com](mailto:globalinfo@dbisma.com).

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

DUNS: \_\_\_\_\_

4. LETTER OF CREDIT (LOC) NUMBER

If the recipient has an existing Letter of Credit (LOC) with USAID or another US federal agency, please indicate the LOC number:

LOC: \_\_\_\_\_

5. PROCUREMENT INFORMATION

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

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

\$ \_\_\_\_\_

(c) **Nonexpendable Property.** If the recipient plans to purchase nonexpendable equipment which would require the approval of the Agreement Officer, please indicate below (using a continuation page, as necessary) the types, quantities of each, and estimated unit costs.

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

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

(d) **Source, Origin, and Componentry of Goods.** If the recipient plans to purchase any goods/commodities which are not of U.S. source and/or U.S. origin, and/or does not contain at least 50% componentry which are not at least 50% U.S. source and origin, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, and probable source and/or origin, to include the probable source and/or origin of the components if less than 50% U.S. components will be contained in the commodity. "Source" means the country from which a commodity is shipped to the cooperating country or the cooperating country itself if the commodity is located therein at the time of purchase. However, where a commodity is shipped from a free port or bonded warehouse in the form in which received therein, "source" means the country from which the commodity was shipped to the free port or bonded warehouse. Any commodity whose source is a non-Free World country is ineligible for USAID financing. The "origin" of a commodity is the country or area in which a commodity is mined, grown, or produced. A commodity is produced when, through manufacturing, processing, or substantial and major assembling of components, a commercially recognized new commodity results, which is substantially different in basic characteristics or in purpose or utility from its components. Merely packaging various items together for a particular procurement or

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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	QUANTITY	ESTIMATED	GOODS	PROBABLE	GOODS
PROBABLE					
(Generic)		UNIT COST	COMPONENTS	SOURCE	
COMPONENTS	ORIGIN				

(e) Restricted Goods. If the recipient plans to purchase any restricted goods, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, intended use, and probable source and/or origin.

Restricted goods are Agricultural Commodities, Motor Vehicles, Pharmaceuticals, Pesticides, Rubber Compounding Chemicals and Plasticizers, Used Equipment, U.S. Government-Owned Excess Property, and Fertilizer.

TYPE/DESCRIPTION	QUANTITY	ESTIMATED	PROBABLE	PROBABLE	INTENDED
USE					
(Generic)		UNIT COST	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	QUANTITY	ESTIMATED	PROBABLE	NATIONALITY
RATIONALE	(Generic)		UNIT COST	SLUPPIER
FOR NON-US				
			(Non-US Only)	

(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.

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TYPE/DESCRIPTION (Generic)	QUANTITY	ESTIMATED UNIT COST	PROPOSED	DISPOSITION
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**6. PAST PERFORMANCE REFERENCES**

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

**7. TYPE OF ORGANIZATION**

The recipient, by checking the applicable box, represents that -

(a) If the recipient is a U.S. entity, it operates as  a corporation incorporated under the laws of the State of \_\_\_\_\_,  an individual,  a partnership,  a nongovernmental nonprofit organization,  a state or local governmental organization,  a private college or university,  a public college or university,  an international organization, or  a joint venture; or

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

**8. ESTIMATED COSTS OF COMMUNICATIONS PRODUCTS**

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

**ATTACHMENT A**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS**

(a) Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, has the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. 1/ You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier covered Transaction," 2/ without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and

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information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

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

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

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

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

Solicitation No. \_\_\_\_\_

Application/Proposal No. \_\_\_\_\_

Date of Application/Proposal \_\_\_\_\_

Name of Applicant/Subgrantee \_\_\_\_\_

Typed Name and Title \_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

1/ See ADS Chapter 303, 22 CFR 208.

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

**KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING**

I hereby certify that within the last ten years:

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

- 2. I am not and have not been an illicit trafficker in any such drug or controlled substance.
- 3. I am not and have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date of Birth: \_\_\_\_\_

**NOTICE:**

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

[Required if the identity of participant trainees is known by the time application is made].

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

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

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

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

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



Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date of Birth: \_\_\_\_\_

**NOTICE:**

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain participants must sign this Certification.
2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

FORMATS: Rev. 06/16/97 (ADS 303.6, E303.5.6a) When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement". The recipient must obtain from each identified subgrantee and (sub) contractor, and submit with its application/proposal, the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Transactions, set forth in Attachment A hereto. The recipient should reproduce additional copies as necessary. See ADS Chapter E303.5.6a, 22 CFR 208, Annex1, App A. For USAID, this clause is entitled "Debarment, Suspension, Ineligibility, and Voluntary Exclusion (March 1989)" and is set forth in the grant standard provision entitled "Debarment, Suspension, and Related Matters" if the recipient is a U.S. nongovernmental organization, or in the grant standard provision entitled "Debarment, Suspension, and Other Responsibility Matters" if the recipient is a non-U.S. nongovernmental organization.

**CERTIFICATION REGARDING TERRORIST FINANCING**

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

1. The Recipient, to the best of its current knowledge, did not provide, within the previous ten years, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts, as that term is defined in paragraph 3.
2. The following steps may enable the Recipient to comply with its obligations under paragraph 1:
  - a. Before providing any material support or resources to an individual or entity, the Recipient will verify that the individual or entity does not (i) appear on the master list of Specially Designated

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Nationals and Blocked Persons, which list is maintained by the U.S. Treasury's Office of Foreign Assets Control (OFAC) and is available online at OFAC's website:

<http://www.treas.gov/offices/eotffc/ofac/sdn/t11sdn.pdf>, or (ii) is not included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID to the Recipient.

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

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

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

### 3. For purposes of this Certification-

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

b. "Terrorist act" means-

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

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

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

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

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

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

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

Signed: \_\_\_\_\_

Name and Title: \_\_\_\_\_

Name of Organization: \_\_\_\_\_

Date: \_\_\_\_\_

## SECTION E – ATTACHMENTS

### Attachment - 1

#### STANDARD FORMAT FOR ANNUAL WORKPLANS

The purpose of Annual Workplan is to ensure that USAID programs are managed for results. At the initiation of each program, there should be a clearly identified results framework. This framework will include the relevant USAID Strategic Objective (SO), Program Components (PC), Intermediate Results (IR), Performance Indicators, Activities, and Annual Performance Targets that the program will be managed, monitored and reported against. The Annual Workplan process will allow the implementing partner and USAID to review and adjust, if need be, the Activities and Annual Performance Targets so that the program achieves the stated results. Overall, the annual workplan should be a practical document that assists both the implementing partner and USAID in managing the implementation of the program. The Annual Workplan, Performance Monitoring Plan and Quarterly Program Reports will follow the results framework in structure, thus ensuring consistency across each document.

#### Annual Workplan

The Annual Workplan should contain:

- I. Cover Letter** – The cover letter should be approximately one or two pages. For new programs submitting the first Annual Workplan this cover letter should present the expected results for the first year of the program. For subsequent Annual Workplans (year 2, 3, etc.) a brief background paragraph of the past years’ expected results should be provided, followed by 2-3 paragraphs summarizing whether the results were achieved during the previous year. In writing the cover letter, it should be understood that the USAID CTO is fully cognizant of the core documents for the program, e.g. Scope of Work, original proposal, contract/cooperative agreement/grant document, and quarterly reports. There is no need to present the core documents again in the workplan. Therefore, the workplan is primarily a management tool that follows the results framework and establishes the sequence of activities planned to accomplish the stated Annual Performance Targets that in turn will produce the stated results.
- II. Matrix of Activities** – The majority of the Annual Workplan document should be the matrix of activities. **See Attached Format.** The matrix should provide “Annual Performance Targets” that are expected to be achieved during the period covered by the annual workplan. These targets will be directly linked to the stated Performance Indicators (e.g. % of accomplishment of an indicator).
- III. Narrative Annex** – The narrative part of the workplan should supplement the matrix and only provide clarification to the information presented that deviates from previously submitted core documents. It should be short and concise using bullet format as much as possible. The narrative annex should consist of two sections for each Intermediate Result mentioned in the workplan:

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- A) Description of Activities. If the IR or Activity has been included in the core document, or if the stated activity is descriptive enough, it does not require a narrative description. If new activities are added, a description is required. If a previously implemented activity is canceled, an explanation should be provided.
  
- B) Assumptions and Risks. This should include the assumptions made in developing a new activity and the possible risks (outside the control of the implementer) that the activity will not be able to achieve the stated result.

The narrative should also provide a statement of how program activities will be in compliance with USAID's environmental procedures (codified in 22 CFR 216) and grant agreement provisions such as Congressional restrictions on working with the government.

ANNUAL WORKPLAN MATRIX FORMAT

<b>STRATEGIC OBJECTIVE: (From USAID Cambodia Strategic Statement)</b>															
<b>PROGRAM COMPONENT: (From USAID Cambodia Strategic Statement)</b>															
<b>INTER-MEDIATE RESULTS</b>	<b>PERFORMANCE INDICATORS</b>	<b>ANNUAL PERFORMANCE TARGET</b>	<b>ACTIVITIES</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>
				<b>a</b>	<b>e</b>	<b>a</b>	<b>p</b>	<b>a</b>	<b>u</b>	<b>u</b>	<b>u</b>	<b>e</b>	<b>c</b>	<b>o</b>	<b>e</b>
				<b>n</b>	<b>b</b>	<b>r</b>	<b>r</b>	<b>y</b>	<b>n</b>	<b>y</b>	<b>g</b>	<b>p</b>	<b>t</b>	<b>v</b>	<b>c</b>

**SAMPLE WORKPLAN MATRIX**

**STRATEGIC OBJECTIVE: SO12 - Improved Political and Economic Governance**

**PROGRAM COMPONENT #1: Promote and Support Anti-Corruption Reforms**

INTER-MEDIATE RESULTS	PERFORMANCE INDICATORS	ANNUAL PERFORMANCE TARGET	ACTIVITIES	J a n	F e b	M a r	A p r	M a y	J u n e	J u l y	A u g	S e p	O c t	N o v	D e c
#1: Core Stakeholders' Working Group (SWG) develops strong horizontal and vertical linkages to other constituency groups	1. SWG is implementing a written strategic plan	<b>Strategic Plan Developed</b>	1.1a. Interview potential SWG members to assess willingness and commitment to collaborative efforts	X	X										
			1.1b Facilitate first SWG meeting; support SWG in conducting stakeholders' analysis			X									
	2. SWG emerges as neutral source of fact based data on the state of corruption and applies data to support strategic advocacy, social marketing and media efforts designed to fight corruption	<b>Priority List of Research Needs Developed</b>	1.1c Build OD capacity and strengthening of SWG group cohesion			X		X		X		X		X	
			1.1d Assist SWG in developing a strategic plan including implementation Action Plan					X	X						
	<b>Baseline Survey Completed and Data used for Annual TI Index</b>	1.2a Assist SWG in determining research needs and obtaining outside expertise to conduct research			X	X	X	X						X	
	1.2b SWG commissions baseline study			X											
1.2c SWG commissions survey to establish Cambodia as a participant in TI Annual Corruption Index															