



**ISSUE DATE:** December 4, 2015  
**QUESTION DUE DATE:** December 11, 2015 at 5:00PM (local time- Washington D.C.)  
**CLOSING DATE/TIME:** January 15, 2016 at 5:00PM (local time- Washington D.C.)

**Subject:** Notice of Funding Opportunity Number: SOL-OAA-16-000018

**Program Title:** Human Rights Support Mechanism (HRSM)

Dear Ladies/Gentlemen:

The United States Agency for International Development (USAID) is seeking applications from qualified U.S. and Non-U.S. organizations to provide a wide range of services and support for the purpose of protecting human rights around the world, in USAID presence as well as non-presence countries. The applicable Catalog of Federal Domestic Assistance (CFDA) number is 98.001, *USAID Foreign Assistance for Programs Overseas*. Please refer to the Section A (Program Description) for a complete statement of goals and anticipated results.

Subject to the availability of funds an award will be made to that responsible applicant(s) whose application(s) best meets the objectives of this funding opportunity and the selection criteria contained herein.

For the purposes of this NFO the term "Grant" is synonymous with "Cooperative Agreement"; "Grantee" is synonymous with "Recipient"; and "Grant Officer" is synonymous with "Agreement Officer". Eligible organizations interested in submitting an application are encouraged to read this funding opportunity thoroughly to understand the type of program sought, application submission requirements and evaluation process.

To be eligible for award, the applicant must provide all information as required in this NFO and meet eligibility standards in Section C of this NFO. This funding opportunity is posted on [www.grants.gov](http://www.grants.gov), and may be amended. Potential applicants should regularly check the website to ensure they have the latest information pertaining to this NFO. Applicants will need to have available or download Adobe program to their computers in order to view and save the Adobe forms properly. It is the responsibility of the applicant to ensure that the entire NFO has been received from the internet in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion process. If you have difficulty registering on

[www.grants.gov](http://www.grants.gov) or accessing the NFO, please contact the Grants.gov Helpdesk at 1-800-518-4726 or via email at [support@grants.gov](mailto:support@grants.gov) for technical assistance.

Please send any questions to the point(s) of contact identified in section D. The deadline for questions is shown above. Responses to questions received prior to the deadline will be furnished to all potential applicants through an amendment to this notice posted to [www.grants.gov](http://www.grants.gov).

Issuance of this notice of funding opportunity does not constitute an award commitment on the part of the Government nor does it commit the Government to pay for any costs incurred in preparation or submission of comments/suggestions or an application. Applications are submitted at the risk of the applicant. All preparation and submission costs are at the applicant's expense.

Thank you for your interest in USAID programs.

Sincerely,

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Mir Ershadullah  
Agreement Officer

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## SECTION A –PROGRAM DESCRIPTION

### *Human Rights Support Mechanism (HRSM)<sup>1</sup>*

#### A. CHALLENGES

In 1948, with the adoption of the Universal Declaration of Human Rights (UDHR), the nations of the world committed to promote and protect a wide range of human rights. Since that time, significant progress has been made to further that commitment through the establishment of international and regional human rights instruments, as well as reporting and accountability mechanisms. However, in many developing countries, billions of people still experience poverty with limited freedom or opportunities to improve their own capabilities.

In some states with poor domestic human rights records, authoritarian or illiberal democratic systems purposefully ignore their state's international obligations and commitments and systematically deny human rights and fundamental freedoms. In other states, poor governance, weak rule of law, systemic corruption, conflict or other factors may be impacting the enjoyment of human rights. Additionally, human rights and labor rights abuses may also be committed by non-state actors, such as individuals and groups who engage in gender-based violence and multinational corporations that traffic in persons, including forced labor. These environments are often characterized by insufficient or ineffective laws and policies; weak, politicized or unaccountable institutions such as the judiciary and security sector; the consolidation of executive power with few or no checks and balances; underdeveloped or ineffective human rights institutions and actors; and/or the lack of sufficient knowledge and understanding of human rights by ordinary citizens as well as government officials.

In countries where human rights violations and abuses are widespread, structural and/or threaten the legitimacy or stability of the system, non-state actors such as human rights defenders (HRDs), independent journalists and other watchdog groups face a broad range of threats when attempting to draw attention to these violations or abuses.<sup>2</sup> In many instances, these groups rely on emergency assistance or irregular donor support to sustain operations and protect themselves against serious security risks. In some contexts, the mere presence of HRDs or international NGOs can have a deterrent effect, and can increase the protection of at-risk individuals. However, without funding or technical assistance, HRDs are often unable to fulfill that role. In other contexts, at-risk groups need assistance to better assess, plan, and improve their own self-protection. A separate challenge that many HRDs face is the failure to understand, link or target the drivers, causes and power structures (e.g. political, economic, gendered) that directly or indirectly lead to human rights violations or abuses. Furthermore, many groups or actors campaign alone or only with the most likeminded allies, failing to build strategic partnerships or coalitions. As human rights violations or abuses occur, many HRDs attempt to investigate and document specific incidents in the hopes of raising awareness in the near-term and laying the groundwork for long-term accountability efforts. However, many groups lack the resources or capabilities to do this work safely and/or effectively. While technology has created new ways for HRDs to mobilize and communicate, it has also introduced new risks such as online

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<sup>1</sup> Applicants are encouraged to rename this program as they see fit. The title of "Human Rights Support Mechanism" is intended as a placeholder only.

<sup>2</sup> As stated in the United Nation's Fact Sheet on Human Rights Defenders (Fact Sheet #29), a "human rights defender" is "a term used to describe people who, individually or with others, act to promote or protect human rights."

surveillance, hacking and website attacks, or even physical attacks or detention resulting from online activity.

In the aftermath of human rights violations or abuses, victims – be it from torture, hate crimes or other violations or abuses – often lack the opportunity to seek a remedy for their damages. Victims may lack access to justice for a variety of reasons including fear and distrust of the justice system based on systematic discrimination, financial barriers or a lack of awareness of their rights. Victims may avoid the justice system because it could subject them to re-victimization by insensitive investigators, prosecutors and judges, or fail to protect them from threats or intimidation intended to dissuade them from testifying in court. Those who perpetrate violations or abuses often escape accountability. Not only does this deprive victims of access to a remedy, but it further entrenches the notion of impunity, and increases the likelihood that violations or abuses will be repeated. Furthermore, in cases where serious violations or abuses have occurred, societies should come to terms with those experiences on a broad, public level, which could involve long, nuanced, country-led transitional justice processes to combat impunity, while rebuilding weak rule of law or corrupt systems.

Another related challenge is the speed with which USAID is able to respond to situations of concern across the globe. In many instances, human rights crises materialize with little warning – often faster than USAID’s standard Program Cycle allows us to respond. While not all of the aforementioned challenges require rapid response, for those that do - such as quickly providing support to protect HRDs, independent journalists or other at-risk individuals facing harassment, intimidation, bodily harm and even death - Mission staff and those working to support non-presence countries have few DRG tools at their disposal.

## **B. INTRODUCTION AND PURPOSE**

Over the past five years, the U.S. Government has worked to continue strengthening policies regarding human rights. In 2010, the first-ever Quadrennial Diplomacy and Development Review (QDDR) stated, “Our national security depends on human security—on preventing and responding to crisis and conflict, securing democracy, and advancing human rights.” The QDDR resulted in the “elevation” of human rights within USAID, including the establishment of the Center of Excellence on Democracy, Human Rights and Governance (DRG). In 2013, USAID developed its [Strategy for Democracy, Human Rights and Governance](#) (“DRG Strategy”), which established one of its four development objectives as “protect and promote universally recognized human rights.” The DRG Strategy further committed to “support mechanisms for protection, mitigation and response to violations against human rights, in particular human rights violations affecting the most vulnerable.” DRG’s progress on emphasizing human rights was noted in the 2015 QDDR report, which also expressed that State and USAID will “continue our commitment to the protection of human rights.”

USAID’s DRG Strategy expresses the belief that participatory, inclusive, transparent and accountable democracies can be built only upon a foundation of equality, non-discrimination, good governance, and respect for human rights—including the rights enshrined in the UDHR

and other instruments.<sup>3</sup> The strategy affirms the inextricable linkages between sustainable and inclusive development and the protection of human rights and fundamental freedoms; the promotion and protection of human rights in this sense is both a goal of development and a means by which development outcomes are achieved and sustained.

In line with these policy commitments, as well as DRG's strategic objectives to "Serve" and "Learn," this new global mechanism - the *Human Rights Support Mechanism (HRSM)* - will enable USAID to provide a wide range of services and support for the purpose of protecting human rights around the world, in USAID presence as well as non-presence countries.<sup>4</sup>

DRG already maintains a number of global mechanisms that implicitly advance human rights, in particular civil and political rights (e.g. right to political participation; freedoms of peaceful assembly, association, and expression, including the freedom to seek, receive, and impart information and ideas; and the right to equal protection of the law, fair and equal justice before competent judicial and administrative authorities, and an effect remedy). However, most of these mechanisms are generally oriented towards permissive environments, and tend to lack strong protection components suitable for contexts where these rights are under siege. The HRSM will seek to address that capability gap and focus on human rights protection, defined here as safeguarding human rights that are intentionally denied or threatened. This non-legal concept of protection is broadly defined and drawn from how key UN agencies use the term. An illustrative definition comes from United Nations' Office of the High Commissioner for Human Rights' 2005 Plan of Action: "Human rights protection is not a specific tool or approach, but rather refers to a desired outcome - where human rights are acknowledged, respected and fulfilled by those under a duty to do so, and as a result of which dignity and freedom is enhanced."

USAID is fully cognizant of the longstanding tension in the human rights community between those who emphasize the primacy of civil and political rights and those who emphasize economic, social and cultural rights. While the United States supports the UDHR and is a party to the International Covenant on Civil and Political Rights (ICCPR), it has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, many other states have ratified this Covenant, and the United States supports the efforts of those states as they work to achieve progressively the full realization of the rights recognized in the ICESCR.

There is also creative tension within USAID's own internal discussions on how to best achieve development outcomes through an approach that promotes, protects, and respects human rights. As a development agency, USAID understands the real world interconnectedness of civil and political rights with economic, social and cultural (ESC) rights. The challenge in practice is

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<sup>3</sup> The international human rights legal framework relevant to the work of USAID includes, but is not limited to, the Universal Declaration of Human Rights (which is not a legally binding instrument); the International Covenant on Economic, Social and Cultural Rights (to which the United States is not a party); the International Covenant on Civil and Political Rights; Convention against Torture; Convention on the Rights of Persons with Disabilities (to which the United States is not a party); Convention on the Rights of the Child (to which the United States is not a party) and its Optional Protocols; Convention on the Elimination of All Forms of Discrimination Against Women (to which the United States is not a party); and the Convention on the Elimination of All Forms of Racial Discrimination. In instances where the U.S. Government has not ratified a particular instrument (e.g., the ICESCR, CEDAW, CRC, and CRPD), USAID can still provide technical support to assist countries with the fulfillment of their own obligations under those instruments.

<sup>4</sup> The focus on protection is not to imply that the US has extraterritorial human rights legal obligations in certain areas.

identifying how we can be most effective advancing the promotion and protection of any and all human rights given limited resources and influence. On one hand, given the significant challenge to fundamental freedoms in this era of closing political space and democratic backsliding (as seen through the Stand with Civil Society Agenda), the argument can be made that USAID should focus on protecting civil and political rights, perhaps emphasizing the physical integrity issues that align to many of our current lines of effort (e.g. counter-trafficking in persons, atrocities prevention, preventing and responding to violence against women and LGBTI individuals, and protecting the physical security of HRDs, among others). On the other hand, we recognize that an emphasis on civil and political rights is too narrow. In many countries where we work, we need to be willing to support campaigns and implementation of host country obligations and commitments to ESC issues as expressed in country-specific obligations and domestic law.<sup>5</sup>

Taking into account both of those imperatives, HRSM will defer to USAID Missions to identify what the core human rights issues are in each particular country of focus and articulate those priorities in the context of the country's international obligations and host country domestic law. HRSM will in turn offer a broad range of technical support to advance whatever issues they determine are most important for advancing development outcomes.

Given the breadth of potential issues and approaches that could be applied, HRSM will distinguish human rights protection from the social protection of vulnerable individuals. Specifically, HRSM will emphasize assisting the enforcement of existing legal obligations (e.g. helping HRDs to document crimes against LGBTI individuals) as opposed to efforts that help members of vulnerable groups overcome economic barriers to exercising their rights (e.g. livelihood assistance for stigmatized LGBTI youth). While USAID recognizes the importance of both, this mechanism will focus on the former for the purpose of efficiency. USAID will also be prepared to work with Missions to identify opportunities for partnering and collaborating with other mechanisms designed to address social protection and related development challenges. The HRSM will directly contribute to the achievement of USAID Democracy and Governance Objectives as described in the Standardized Program Structure (SPSD).<sup>6</sup> This mechanism generally falls under "Program Area 2.1 Rule of Law and Human Rights."

### **C. PROGRAM OBJECTIVES**

To meet the challenges described above, the Global Human Rights Support Mechanism will advance the following objectives:

1. Improved enabling environments for preventing and addressing human rights violations and abuses;
2. Effective response actions to mitigate the impact of human rights violations and abuses;
3. Effective remedies to human rights violations and abuses;
4. Identification of effective approaches for protecting human rights; and
5. Rapid response to urgent or unforeseen crises.

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<sup>5</sup> It should be noted that as an assistance agency, USAID may provide technical assistance and other forms of support to help states protect and respect their human rights obligations and to help non-state actors promote human rights, regardless of whether those legal obligations are shared by the United States.

<sup>6</sup> For more information on the "F" framework, see <http://www.state.gov/f/>.

**Objective 1: Improved enabling environments for preventing and addressing human rights violations and abuses** – USAID recognizes that each country system is unique, and the legal, political, economic, social and cultural contexts in which human rights are experienced are highly dynamic. This objective aims to strengthen the policy and institutional architecture that helps states respect their human rights obligations, and build the capacity of non-state actors to promote those rights, monitor compliance and demand accountability. Activities may include legislative reform, strengthening institutional safeguards, supporting grassroots movements and actors, and changing social norms to advance and protect human rights. Environment building focuses not only on the domestic laws, policies, institutions and key actors, but also the link between respect for the rule of law and creating a culture of tolerance with the protection and respect for human rights. Environment building may focus on creating safe and constructive opportunities for advocates to engage with state and private sector institutions that commit violations or abuses for the purpose of identifying joint solutions. Finally, interventions will vary significantly based on the specific country environments. For example, countries with weak enabling environments and even structural risk factors for gross rights violations may prioritize establishing an early warning system, whereas countries with stronger national human rights protection systems may not find that type of intervention appropriate or helpful. Similarly, some contexts may be ripe for openly emphasizing politically or culturally sensitive norms, while other situations (e.g. closing spaces) may be more conducive to a proxy focus on less controversial rights.

#### ***Anticipated Results and Illustrative Activities***<sup>7</sup>

- **Strengthened normative frameworks** – This result could be achieved through the drafting and implementation of laws, policies, strategies, safeguards and national action plans that focus on both positive and negative obligations, strengthen and promote respect for international obligations and commitments, and promote the human rights and fundamental freedoms of all members of society, in accordance with international obligations. New laws may be both protective and enabling, such as legislation that facilitates the conduct of peaceful protests or taxation legislation that confers benefits and concessions to human rights organizations. Activities may also emphasize improving the processes for developing these frameworks by increasing participation, inclusion, transparency and accountability related to those efforts.
- **Increased effectiveness of non-state human rights organizations, actors and processes** – This result could be achieved through building the capacity of key individuals and organizations, including human rights defenders (either individuals, members of organizations and/or advocacy coalitions), independent media (including citizen journalists and nonprofit investigative journalists), among others that contribute to the protection of human rights. Support may be aimed at strengthening non-judicial measures to improve accountability for human rights impacts, developing and improving capabilities for assisting victims (e.g. legal aid services or victims assistance referrals), increasing accountability of state and private sector actors through non-state actors who monitor the implementation of new laws and policies (and identify implementation challenges, such as a lack of funding), improving the effectiveness of non-state

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<sup>7</sup> Each of the three objectives identifies anticipated results. As part of the Performance Management Plan, the implementing partner will be required to develop specific indicators to measure those results in alignment with DRG and Agency objectives and in coordination with the Agreement Officer's Representative.



advocacy campaigns and coalition building, advocating for the development of safeguards for human rights defenders (e.g. national protection mechanisms), monitoring the performance and effectiveness of other human rights institutions, engaging in state processes that continually assess progress towards obligations (e.g. through Universal Periodic Review(s) and human rights treaty reporting mechanisms), resolving disputes, and empowering vulnerable and historically disenfranchised groups on the basis of relevant domestic and international law. Support for human rights defenders or other non-governmental actors may emphasize planning and implementing strategically effective, issues-based advocacy campaigns or monitoring efforts; partnership development, strategic convening and dialogues; exposure to effective advocacy approaches; the application of proven techniques and tools for improving human rights reporting, verification and data management; increasing the security of people, institutions and data connected to campaigns; and increased emotional health and resilience among human rights actors.

- Increased effectiveness of state institutions responsible for promoting and protecting human rights – This result could be achieved through assistance to formal justice institutions and actors (e.g. courts, judges, prosecutors and victims services) as well as other formal government entities with human rights functions (e.g. parliamentary human rights commissions or executive bodies) to strengthen their roles as they relate to human rights protection and promotion. This may also emphasis capacity building and other forms of support for quasi-state institutions such as National Human Rights Institutions (e.g. ombudsman offices). Support may also be provided to law enforcement actors, such as sensitization to human rights and support for oversight and accountability mechanisms.<sup>8</sup>
- Improved awareness and understanding of human rights – This result could be achieved by creating a culture of tolerance and enhancing respect for rule of law through civic education and human rights education (using a broad range of approaches from social media or public art campaigns to formal curriculum reform), empowering members of marginalized groups to know more about their rights, training of public authorities (including uniformed security sector personnel), efforts to highlight the positive role that HRDs play in governance and development, support for specialized media reporting, and citizen perception surveys to better inform activity design. The dissemination and socialization of international instruments, such as conventions and guiding principles, in addition to legal literacy and “know your rights” campaigns using national law may also be effective approaches under this result. The use of social media and other new technologies as part of an outreach campaign, where possible, can also greatly enhance messaging, particularly among young people.
- Safer operations by non-state human rights actors – This result could be achieved by building the capacity of HRDs to plan for and respond to various contingencies – including imminent dangers – as effectively as possible. Support may expose HRDs to a variety of relevant tools, including those that help institute systems and protocols for

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<sup>8</sup> Technical assistance to formal state institutions may be more appropriate for acquisition and USAID will likely recommend that Missions review the various indefinite delivery/indefinite quantity (IDIQ) contract(s) related to Governance and Rule of Law when seeking assistance. However, given the critical role of state institutions in national human rights protection systems, this program will attempt to fulfill that function as appropriate.

safer handling and transmittal of sensitive data, including the use of technology and specific tools (e.g. Benetech's Martus) to protect both those collecting information and the subjects of information being collected.

- Improved early warning, monitoring and reporting of human rights violations and abuses – This result could be achieved through the mobilization of civil society organizations and government actors, including national human rights institutions and community-based networks working across a broad range of issues (e.g. women's civil society organizations or LGBTI groups, in addition to conflict resolution structures), to monitor, report, assess and ideally act upon early and late warning signals that violations or abuses are likely or even imminent. Given that early warning systems are best when linking to early response capabilities, support under HRSM may assist traditional reporting, monitoring or information sharing networks to develop or improve capabilities such as verification, mediation and other interventions aimed at preventing or mitigating violations.

**Objective 2: Effective response actions to mitigate the impact of human rights violations and abuses** – This objective acknowledges that in many country contexts - particularly those in conflict or post-conflict settings - widespread and/or systematic human rights violations or abuses may be ongoing. In these situations, there may be specific short- or medium-term assistance actions that can be taken to help mitigate the immediate impact of those violations or abuses, regardless of our ability to end them or “set them right.” Activities under this objective may require a different standard than those under the other objectives, meaning that less emphasis should be placed on the sustainability of responsive actions, and more on the direct near-term impact of those interventions. Given the sensitivity of this work, interventions under this objective should be carefully coordinated with U.S. Embassy staff, the United Nations and/or other international human rights organizations.

#### *Anticipated Results and Illustrative Activities*

- Improved protection of at-risk populations – The protection of members of at-risk groups such as political opposition or ethnic, religious, and other types of minorities—including those based on sexual orientation or gender identity—may be improved by supporting local human rights monitoring efforts, and/or deploying human rights monitors, developing local protection strategies, improving secure access to information communication technologies for those at-risk, and other interventions to directly improve the physical security of members of those populations.
- Improved protection of Human Rights Defenders – This result could be achieved through the provision of material, financial, psychosocial, moral and legal support, among other forms, to protect individuals and members of groups who have been threatened due to their efforts to promote and protect the human rights of others. The establishment of secure coordination mechanisms may also improve protection assistance to HRDs by facilitating the sharing of information and resources. Protection support may focus on a broad range of security threats (i.e. emphasizing the integration of security factors including physical, cyber and psychosocial or emotional health components) faced by HRDs, including women and LGBTI HRDs, from state and non-state actors.

- Increased and improved documentation and reporting of human rights violations and abuses – This could be achieved through the use of new and/or existing tools that can enable the safe and secure documentation of individual violations or abuses, protect the chain of custody and contribute to the preservation of evidence that may eventually help formal or informal accountability efforts. Documentation and reporting activities may also include forensic investigation (e.g. exhumation of mass graves) and related interventions. Support may also link documentation efforts to follow-on activities, such as reporting to national authorities, whenever applicable, or facilitating cooperation with international organizations. Documenting activities should assess and mitigate the risks that victims may be too traumatized to recognize (e.g. the potential repercussions that may result from their reporting or the possibility of re-traumatization) and put in place witness safety and protection mechanisms for victims who agree to participate, where possible.
- Focused advocacy and awareness raising – Advocacy activities that give victims a voice, create pressure for political response, and ensure that specific human rights issues, including individual cases, are given attention and visibility by international actors, civil society and media are likely to be more effective. Related to the emphasis below on “engaging local systems,” support for advocacy activities should stress the need for using political economy analysis or other means for identifying the strategic goals of the campaign, appropriate targets for advocacy, as well as specific barriers and opportunities to be focused on.

**Objective 3: Effective remedies for human rights violations and abuses** – Under this objective, USAID will support longer-term remedial actions that assist individual victims to access justice and efforts that help societies recover from past violations or abuses (i.e. transitional justice).<sup>9</sup> Not only are these important actions for enabling those who have been wronged to move forward, but supporting efforts to provide remedies may also help possibly prevent future violations or abuses by playing a role in combating impunity and strengthening the overall enabling environment (linking back to Objective 1). Such actions may involve both judicial and non-judicial measures to provide redress to individual victims of human rights violations or abuses, and may play a role in broader accountability and transitional justice efforts. Activities related to supporting accountability efforts should include support for domestic processes and institutions wherever possible.

#### ***Anticipated Results and Illustrative Activities***

- Increased victims’ access to assistance and services – This result could be achieved by helping victims and survivors of human rights violations or abuses, including their families, access to affordable and effective legal assistance, information counseling, mental health and psychosocial support (MHPSS) and rehabilitative services, along with effective access to other public goods and services. Special attention may be given to survivors of torture, sexual violence, and similar attacks on the person. Assistance may support formal services provided by courts and other state institution or those provided by non-governmental organizations as well as informal networks of victims groups and

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<sup>9</sup> USAID funding may not be used to individually procure legal representation for specific individuals in specific litigation or specific cause. The support to individual victims--including legal representation--described in this PD would be provided to people *generally*, typically via support to NGOs that provide legal services, as opposed to individuals directly.

actors.

- Increased access to justice – This could be achieved through a broad range of activities related to helping victims overcome institutional and structural barriers that may prevent them from engaging with domestic accountability systems (e.g. providing pro-bono legal defense services and referrals, supporting formal structures like mobile courts or informal structures such as paralegal networks).
- Increased accountability for perpetrators – This result could be achieved through support for formal processes (e.g. judicial processes to hold individuals to account for human rights violations or abuses) as well as informal processes (e.g. customary dispute resolution mechanisms) to promote accountability for perpetrators. These activities should integrate international human rights standards for survivors, witnesses and perpetrators, as well as best practices pertaining to due process for the accused, the protection of witnesses, and appropriate respect for and involvement of victims. Particular focus will be on mechanisms that integrate a “survivor-centered” approach to accountability, including providing safety and psychosocial support for witnesses.
- Increased use of strategic litigation and emblematic cases – This could be achieved by building the capacity of civil society to undertake human rights litigation as well as non-binding processes that contributes to the public interest and promotes social change while addressing matters related to discrimination, freedom of expression, cases of torture and inhumane treatment in detention, and other human rights issues. This may include bringing cases to regional tribunals and United Nations treaty bodies as well as domestic courts.
- Compensation and restitution sought – This result could be achieved through initiatives to improve access to remedies for the material, physical, psychosocial and moral damages caused by human rights violations or abuses and taking steps to prevent future harm. This may include a mix of material and symbolic benefits to individuals and groups of victims, including assisting survivors or their advocates to seek compensation, restitution, rehabilitation, and guarantees of non-repetition from the appropriate local, state or international entities.
- Greater public acknowledgement and historic memory of past violations or abuses – This could be achieved through the facilitation of truth-seeking measures (e.g. truth and reconciliation processes) that provide a venue for victims, witnesses, and others to share their experiences of past violence, make recommendations with respect to remedies, and examine root causes and patterns of violence. This could also include support for the establishment of dialogues, public memorials, and days of remembrance to preserve the memory of victims, raise awareness of past violations and abuses, and help prevent recurrence.
- Meaningful public participation in shaping remedial processes – In contexts where weak or insufficient mechanisms exist for providing effective remedies, such as in post-conflict or post-authoritarian environments, this result may be achieved through public consultations and structured dialogues, particularly at the community level for collecting public input on what mechanisms are needed, and ensuring victims’ voices and needs are considered without putting those individuals at further risk.

**Objective 4: Identification of effective approaches for protecting human rights** – Through the Leader award, HSRM will utilize a range of techniques to create, organize, share and use knowledge about how foreign assistance can be used to protect human rights. Taking advantage of the centralized role that the implementer will have in the design, management, monitoring and evaluation of a number of human rights activities (primarily through Associate Awards), the implementer will identify knowledge created under HSRM (e.g. via evaluations of single Associate Awards, or comparative studies that assess multiple Associates.) This material will be organized and shared in various forms, including practical tools that Missions can use to inform their activities. The implementer will also share learning from the HSRM widely with the community of practitioners and scholars interested in human rights. The implementer will also apply lessons identified through the work under HSRM and other relevant knowledge during the design of new human rights activities supported under HSRM.

#### *Anticipated Results and Illustrative Activities*

- Knowledge created – This result could be achieved through a range of approaches for capturing knowledge related to how assistance can strengthen human rights protection, including evaluations of activities under HSRM, comparative case studies of multiple awards, and surveys or assessments conducted under this program.
- Knowledge organized – This result could be achieved through the creation of practical tools such as how-to guides or good practice notes that spotlight learning related to environment building, response or remedy, or after action reviews of activities supported under HSRM.
- Knowledge shared – This result could be achieved through expert consultations with Mission personnel during the initial interactions around potential program support, peer-to-peer exchanges between Mission stakeholders and/or organizational partners, publication of knowledge products, web-hosted conversations via USAID’s ProgramNet that spotlight and document best practices, among other approaches.
- Knowledge used – This should be achieved through the application of best practices identified under HSRM, together with other relevant knowledge, into the design of new activities under this program, as well as other USAID-funded human rights protection assistance.

**Objective 5: Rapid response to urgent or unforeseen crises** – In many instances, human rights crises require response times that challenge USAID’s standard procurement process. Where at-risk populations or frontline HRDs are in imminent danger, programmatic responses are required in days or weeks, as opposed to months or longer. Under the Leader Award, HSRM will support initial, short-term responses to urgent and/or unforeseen human rights crises. Additionally, Missions or Bureaus may “buy in” to the Leader to support rapid response activities where either the response requires a higher level of technical knowledge than is available at the Mission, where circumstances truly warrant such an approach or for non-presence countries.<sup>10</sup> Activities under this objective may include rapid field assessments conducted by international or local experts, in-kind support to improve the security of HRDs, small grants or in-kind assistance to local HRDs to support monitoring or documentation,

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<sup>10</sup> A “non-presence country” means that there are no USAID direct hire employees working in that country.

among others. HRSM will take advantage of specific, pre-approved protocols (as proposed by the implementer, ranging from streamlined guidance on how technical directions are conveyed and approved to specific spending thresholds), tools (e.g. Pre-Authorization Letters) and partner capabilities to support initial programmatic responses under the Leader Award. These short-term interventions are designed to help bridge the gap until longer-term interventions can be launched, including but not limited to separate Associate Awards under HRSM.

### ***Anticipated Results and Illustrative Activities***

- Immediate, short-term assistance to HRDs – This result could be achieved through direct or in-kind assistance (to avoid burdening organizations with grant management requirements) to support the operations of HRDs, independent journalists and other non-state actors working in crisis contexts (e.g. human rights monitoring or documentation). It may also include direct or indirect technical support to HRDs in areas such as improving their holistic security (e.g. cyber, physical and psychosocial) through security audits or facilitating risk assessment and management planning.
- Increased information on an emerging human rights crisis – Where possible, the provision of rapid response support to in-country actors should result in those recipients providing real-time information to HRSM partners (and USAID by extension) regarding the nature and scope of human rights crises which may help inform programmatic responses, policy options and increase public awareness of the situation.
- Initial response within two weeks of request – This result could be achieved by taking steps such as supporting rapid assessments either directly or through trusted proxies, scoping initial strategies for short-term assistance, identifying how risks will be assessed and managed related to the response, and/or proposing under what conditions the situation might be conducive for response, all within two weeks of the initial USAID request.
- Flexible and adaptive activities – Interventions under this objective may be based on an imperfect knowledge of a dynamic situation and need to be flexible enough to adapt to shifting contexts. Partners may build in dynamic monitoring and evaluation systems that ensure programs remain as focused, responsive and effective as possible.

## **D. PROGRAM APPROACHES**

The following program approaches should be considered for all activities conducted through HRSM Associate Awards, and will be taken into account when determining whether a proposed activity fits within the broader HRSM program description.

1. Engaging Local Systems – Wherever possible—but particularly for Objectives 1 and 3—activities under this mechanism should include measures for ensuring that “local systems” are recognized, engaged and strengthened during implementation. By local systems, USAID refers to “those interconnected sets of actors—governments, civil society the private sector, universities, individual citizens and others—that jointly produce a particular development outcome.”<sup>11</sup> This builds on USAID’s commitment to

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<sup>11</sup> USAID’s “Local Systems: A Framework for Supporting Sustained Development,” April 2014, (<http://www.usaid.gov/sites/default/files/documents/1870/LocalSystemsFramework.pdf>)

local solutions generally, the Local Systems Framework specifically, and recognizes the following concept:

“Building the capacity of a single actor or strengthening a single relationship is insufficient. Rather, the focus must be on the system as a whole: the actors, their interrelationships and the incentives that guide them. Realizing improved development outcomes emanates from increasing the performance of multiple actors and the effectiveness of their interactions.”

Wherever possible, HRSM activities should build on the principles described in the Local Systems Framework. For example, to recognize, engage and map local systems, front-end analysis should identify the existing key dynamics and stakeholders that contribute both positively and negatively to the status quo (e.g. by utilizing Political Economy Analysis or similar tools). Program approaches should be designed holistically and articulate a theory of change that is cognizant of all relevant parts of a system and their interactivity. Activities should also embed flexibility, for example, by building in dynamic feedback mechanisms for tracking how USAID-funded activities interact with those systems (e.g. advisory groups comprised of local human rights leaders). Finally, activities should seek opportunities for strengthening those systems where possible (e.g. building the capacity of local actors through implementation).

2. Building on Gender Analysis – HRSM’s focus on protecting human rights strongly resonates with and supports USAID’s 2012 Gender Equality and Female Empowerment Policy, as demonstrated by the latter’s three objectives: 1) Reduction in gaps between males and females in access to/control over economic, political, and social resources; 2) Reductions in the prevalence of gender-based violence; and 3) Reductions in constraints that prevent women and girls from leading, participating fully in, and influencing decisions in their societies. HRSM will put a premium on support for women and girls’ rights and gender analysis—viewing it not only as a requirement as per USAID’s Automated Directives System (ADS) Chapter 205—but as a best practice and key part of achieving the overarching programmatic goal and objectives.

Put simply, gender analysis is a tool for examining the differences between the roles that women, men and gender non-conforming people play in communities and societies, the different levels of power they hold, their differing needs, constraints and opportunities, and the impact of these differences on their lives. Gender analysis **must** be conducted when planning how to implement and achieve each activity’s objectives and should reflect consideration of the context in which stakeholders will experience the program. For example, when designing a human rights education program, consider the importance of engaging women-led and women-focused groups, in addition to male heads of households, elders and opinion leaders, and the impact of those choices on how education efforts might be received. When developing local protection strategies, consider how field staff will identify and take into account the specific risks facing women, girls and gender non-conforming individuals in those environments, especially the risks of sexual violence and intimate partner (domestic) violence. When assessing discriminatory practices that prevent marginalized individuals from exercising their rights, consider the different

ways that individuals may be targeted because of their gender expression or for speaking out against discriminatory gender norms.

Gender analysis enables us to understand the relevance of gender norms and ideals about masculinity and femininity, what is and is not considered acceptable behavior in a given context based on those norms, the risks of non-conformance with those norms, and the potential unintended consequences of our programming that may result from those risks. It also helps us understand power relations between and among women and men in specific geographic and political/social contexts, as well as the broader institutional and social structures that support them.

Gender analysis under HRSM should involve, but not be limited to, examining the following factors:

- Differences in the status of women and men in the context in which an activity will take place with regard to differential access to justice and protection of the law, participation of civil society, assets, resources, opportunities, and services. Analyzing status and power dynamics must take into consideration the ways gender dynamics intersect with and are often inseparable from other structural bases of exclusion, power, and privilege, such as age, disability, sexuality, and belonging to an indigenous or ethnic or religious minority community;
- The influence of dominant gender roles and norms on leadership roles and decision-making and on the division of labor and time-use; and
- Potential differential impacts of development policies and programs on women, men, transgender people, and “third gender” or gender non-conforming people.

Strong gender analysis in the context of HRSM can start with existing resources, such as human rights and other NGOs’ research, national governments’ and NGO shadow reports to the CEDAW Committee, and follow-up reports on implementation of the Beijing Declaration and Platform for Action and UN Security Council Resolution 1325 on Women, Peace and Security. Further analysis related to the specific activity can then build from those resources and existing structures to be relevant to the context of implementation and desired results.

3. Do No Harm – USAID is mindful of the risk of unintentionally doing harm under this program and the risks that HRDs or other human rights actors may incur receiving assistance from a U.S. Government institution. This program must support key principles related to do-no-harm and human rights (“DNH strongly advises outsiders to allow insiders to make their own choices and identify their own priorities.”<sup>12</sup>) While USAID will apply its own processes for assessing and managing those risks, implementing partners will be expected to articulate and adhere to their own criteria and process for mitigating the risk of doing harm under this award.

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<sup>12</sup> CDA Collaborative Learning Project’s “Guidance Note: Human Rights and Do No Harm,” April 2013, (<http://www.cdacollaborative.org/media/52557/Guidance-Note-Human-Rights-and-Do-No-Harm.pdf>)



## **E. PROGRAM STRUCTURE**

### **1. General Information**

This Leader with Associate (LWA) award will provide leadership for regional and/or worldwide activities, and for subsequent Associate Awards by USAID Missions or other USAID or Department of State operating units. No further competition or waiver of competition is required for any Associate Agreements awarded within the terms of the Leader Award. Each Associate Award is a separate Assistance Agreement funded by a USAID Mission or other USAID or Department of State operating unit and awarded to the Leader Award Recipient to support a distinct local or regional activity that fits within the scope of the broad worldwide program description in the Leader Agreement.

An Associate Award may be a grant or a cooperative agreement. If an Associate Award is a cooperative agreement, it must spell out the terms of any substantial involvement. Under individual Associate Awards, the need for cost-sharing will be individually determined by each Mission or Bureau for their respective programs. Associate Awards will not contain separate standard provisions. Instead, they will be subject to the standard provisions of the Leader Award.

Associate Awards may be awarded for up to an initial five-year period. Associate Awards may be issued until the Leader Award expires. Associate Awards may be extended for a cumulative term of up to ten years, but in no event may Associate Awards extend for more than five years past the expiration of the Leader Award.

The Leader Award made subsequent to this RFA will include the following estimates, as more fully described in the sections below:

Leader Award:	\$25,000,000.00
Associate Awards:	\$150,000,000.00

This figure is an estimate only. There is no guarantee regarding the magnitude of Associate Awards in dollars or number of awards. The actual total award amounts of all Associate Awards cannot exceed this estimate.

### **2. Leader Award**

The Leader Award has two purposes: A) to identify effective approaches for protecting human rights, and B) to support rapid response to urgent or unforeseen human rights crises (especially in USAID non-presence country activities and situations prioritized by the Department of State).

Over the five year period of performance of the Leader Award, the identification of effective approaches for strengthening human rights protection is estimated to require \$750,000. Rapid response and other non-presence country programs is estimated to require \$23,250,000 (of that amount, USAID anticipates that \$22,500,000 will result from buy-ins to the Leader). Administrative costs, including indirect costs, are estimated to require no more than \$1,000,000 for the life of the award. These figures are estimates only and USAID cannot guarantee the utilization of any of these line items. All activities will achieve results in support of objectives

outlined in the Program Description.

When a requirement for activities is identified, the USAID Agreement Officer's Representative (AOR) will issue technical directions to the recipient to request this new activity under the Leader Award. Prior to issuing such a technical direction, the AOR will first provide informal notification to the recipient. If circumstances warrant, the recipient may also notify the AOR about needs and opportunities it has identified. Upon discussion between the AOR and the recipient on the scope and extent of these activities, the AO will issue a technical direction to request implementation of the discussed activities. The recipient will provide a proposed program description and budget for the activity which must be approved by the AOR prior to implementation.

This LWA includes scope for USAID and State Department operating units to "buy in" to the Leader Award with additional funds based on any one of the following conditions: a) the highly technical or specialized nature of the program and the lack of field staff with the required expertise to plan or manage such activities, b) there is a need to respond to truly urgent programmatic requirements that could not have been foreseen in terms of location or timing or magnitude, or c) there is a need for activities within the objectives of the Leader Award in a non-presence country.

For each new activity conducted under the Leader Award (e.g. those not described in the annual work plan or resulting from "buy ins"), the Recipient will provide a separate application conforming to the anticipated budget and period of performance. The Recipient's application, following the AOR's technical direction, for each activity under the Leader Award will identify the purpose of the activity, a detailed description or methodology for the activity proposed, a detailed budget, the Recipient's key personnel responsible for the overall performance of the activity and quality of the final outcome(s), and a performance monitoring plan. It should be noted that for new, rapid response activities, the application will be streamlined, less detailed and more focused on how the Recipient will continually monitor, respond and adjust, rather than overly scripting a response to a dynamic situation).

Specific to rapid response, USAID welcomes recipient suggestions for additional protocols that can be built into the award to help improve response times, particularly related to "buy-ins" from other USAID or State Department operating units. For example, the recipient may request the Agreement Officer to utilize a Pre-Authorization Letter to authorize the recipient to begin incurring costs prior to the formal modification is complete. Additionally, the pre-approval for issuing sub-awards, direct or in-kind assistance to local human rights actors up to a particular dollar threshold may also be of value. These types of requests should be proposed in the application process and/or during negotiation.

### ***3. Associate Awards***

An Associate Award is a separate assistance agreement funded by a USAID Mission, Bureau, office, or other U.S. Government agency and awarded to the Leader Award Recipient to support a distinct local or regional activity that fits within the scope of the worldwide Program Description in the Leader Award. Agreement Officers may, within the limits of their authority, issue Associate Awards. An Associate Award may be a grant or a cooperative agreement, independent of whether the Leader Award is a grant or cooperative agreement.

Associate Awards may be awarded by USAID Missions and USAID/Washington offices in order to implement bilateral or regional programs. Associate Awards will usually focus on development assistance in the technical field of human rights protection, but could also be awarded for technical leadership activities. Associate Awards must support one or more of the Program Objectives listed in this Program Description. A total of \$150,000,000 is estimated for Associate Awards over the life of this agreement.

Illustrative assistance supported through Associate Awards under HRSM include:

- A. *Technical Assistance to Host Country Institutions* – A broad range of advisory services may be provided to state or non-state, as well as formal or informal human rights actors, for example, key government ministries/institutions, national human rights institutions, or individual HRDs or coalitions, among others. Technical assistance may take many forms, from embedding short- or long-term experts, to facilitating peer exchanges, to organizational capacity development, among other forms.
- B. *Grant Support* – Support to human rights organizations or individual HRDs for implementing discrete activities or general operations may also be provided through HRSM via sub-grants or direct awards, as appropriate.
- C. *Technical Support to USAID Operating Units* – Advisory services may also be provided to USAID Missions or other operating units on how to integrate human rights activities into Mission-wide programs. This may also include analytical services, including human rights assessments of a particular country or do-no-harm analyses of USAID assistance efforts.

USAID's selection of countries and substantive areas for the Associate Awards will be based on demand from USAID Missions and offices. The length of activities may vary from a few weeks to many months to several years or longer. The maximum original duration of an Associate Award is five years from the date that it was awarded. Associate Awards may be extended for a cumulative term of up to ten years, but not more than five years beyond the expiration of the Leader Award. The Recipient will likely be programming simultaneously in multiple countries.

**[END OF SECTION A]**

## **SECTION B – FEDERAL AWARD INFORMATION**

### **1. Estimate of Funds Available and Number of Awards Contemplated**

Subject to funding availability, USAID intends to award one Leader with Associate Award (LWA). A Leader with Associate Award (LWA) is a grant or cooperative agreement that covers a specified worldwide activity. The Leader Award includes language that allows a USAID Mission or other office to award one or more separate awards to the recipient of the Leader Award without additional competition. This is called an “Associate Award.” An Associate Award must support activity that fits within the terms and scope of the Leader Award. The competition under this NFO covers both the Leader Award and all subsequent Associate Awards.

The Leader Award will extend for five years, with a maximum USAID funding level of up to \$25 million issued pursuant to this NFO, to be provided incrementally over that five-year period. In addition, the cumulative amount of Associate Awards issued under all Leader Awards during those five years will not exceed \$150 million.

There is no guarantee regarding the magnitude of Associate Awards in dollars or number of awards. The actual total award amounts of all Associate Awards cannot exceed this estimate. USAID reserves the right to fund any one or none of the applications submitted.

### **2. Start Date and Period of Performance for Federal Awards**

The period of performance anticipated herein is five years. The estimated start date will be upon the signature of the award, on or about.

### **3. Substantial Involvement**

USAID intends to award a cooperative agreement for the Leader Award to the responsible applicant whose application, conforming to this NFO, offers the greatest value in furthering the goals of the program described in Section A of this NFO. A cooperative agreement is distinguished from a grant by virtue of USAID having substantial involvement in the implementation of the program.

USAID will be substantially involved in the implementation of the core program described in Section A of this NFO. The intended purpose of the Agreement Officer’s Representative (AOR) involvement during the implementation of the program is to assist the recipient in achieving the supported objectives. It is expected that the Agreement Officer will delegate the following approvals to the AOR, except for changes to the Program Description or the approved budget, which may only be approved by the Agreement Officer. Substantial involvement may be inclusive of:

- (a) Approval of the Recipient's Implementation Plans;
- (b) Approval of Specified Key Personnel;
- (c) Approval of the recipient's monitoring and evaluation plans;

- (d) Agency and recipient Collaboration or Joint Participation including collaborative involvement in selection of advisory committee members, concurrence on the substantive provisions of sub-awards, and/or monitor to authorize specified kinds of direction or redirection because of interrelationships with other projects.

#### **4. Title to Property**

Property title under the resultant agreement shall vest with the recipient in accordance with the Requirements of USAID Standard Provisions for U.S. or Non-U.S. Non-Governmental Organizations, whichever applicable.

#### **5. Authorized Geographic Code**

The authorized geographic code for award recipients is 937. (See ADS 310.3.1.1 and ADS 310.3.1.6 for details see <http://www.usaid.gov/sites/default/files/documents/1876/310.pdf>)

Local procurement is authorized within the parameters specified in 22 CFR 228.40, “Local Procurement.”

#### **6. Purpose of the Award**

The principal purpose of the relationship with the Recipient and under the subject program is to transfer funds to accomplish a public purpose of support or stimulation of the Human Rights Support Mechanism which is authorized by Federal statute.

The successful Recipient will be responsible for ensuring the achievement of the program objectives and the efficient and effective administration of the award through the application of sound management practices. The Recipient will assume responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award. The Recipient using its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the resulting award.

**[END OF SECTION B]**

## **SECTION C– ELIGIBILITY INFORMATION**

### **1. Eligible Applicants**

U.S. non-governmental and non-U.S. non-governmental organizations may participate under this NFO.

It is important to note that USAID strongly encourages applicants to develop consortia with other responsible and eligible organizations (U.S. and/or non-U.S. organizations) with complementary capabilities and experiences if conducive to the achievement of results under the program objectives.

USAID welcomes applications from organizations that have not previously received financial assistance from USAID.

The Recipient must be a responsible entity. The AO may determine a pre-award survey is required to conduct an examination that will determine whether the prospective recipient has the necessary organization, experience, accounting and operational controls, and technical skills – or ability to obtain them – in order to achieve the objectives of the program and comply with the terms and conditions of the award.

When applying to the solicitation, local and regional organizations are required to attach official documentation of their formal status in their host country.

Applicant must have a DUNS number; if the applicant doesn't have a DUNS number, it is required to obtain one before award (if successful). For information, see ADS 302sao, Guidance for Obtaining a DUNS Number.

### **2. Cost Sharing or Matching**

There is no mandatory level of cost-sharing (matching) for this program; however, USAID encourages cost-sharing to the maximum practicable extent, and any proposed cost-sharing will be assessed by USAID as part of determining which applications offer the greatest value.

**[END OF SECTION C]**

## **SECTION D – APPLICATION AND SUBMISSION INFORMATION**

### **1. Agency Point of Contact**

Chelsea Poling  
Contract Specialist  
301 4<sup>th</sup> St. SW (SA-44),  
Washington, DC 20523  
E-mail: [cpoling@usaid.gov](mailto:cpoling@usaid.gov)  
Tel: (202) 567-5201

#### Questions and Answers:

All questions regarding this NFO should be submitted in writing to Chelsea Poling at the e-mail address identified above.

Questions regarding this NFO should be submitted by email no later than December 11, 2015, 5:00PM local time, to provide sufficient time to address the questions and incorporate the questions and answers as an amendment to this NFO. Any information given to a prospective Applicant concerning this NFO will be furnished promptly to all other prospective Applicants as an amendment to this NFO, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective Applicant.

### **2. Content and Form of Application Submission**

Applicants are expected to review, understand, and comply with all aspects of the NFO.

Each Applicant shall furnish the information required by this NFO. Applications shall be submitted in two separate parts: (a) Technical Application, and (b) Cost/Business Application.

Any erasures or other changes to the application must be initiated by the person signing the application. Applications signed by an agent on behalf of the Applicant shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

Applicants who include data that they do not want disclosed to the public for any purpose or used by the U.S. Government except for evaluation purpose, should 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 award. This restriction does not limit the U.S. Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are

contained in sheets {insert sheet numbers} and, mark each sheet of data it wished 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.”

Applicants should retain for their records one (1) copy of the application and all enclosures which accompany it.

### **3. Application Submission Procedures**

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

Electronic submission is required by USAID. Applications, application modifications, and revised applications/addenda must be submitted via email to the Agency Point of Contact for this NFO (Chelsea Poling, [cpoling@usaid.gov](mailto:cpoling@usaid.gov)).

For an application sent by multiple emails, please indicate in the subject line of the email whether the email relates to the technical or cost application, 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 cost application is being sent in two emails, the first email should have a subject line which says: "[organization name], Cost Application, Part 1 of 2".

Our preference is that the technical application and the cost application be submitted as single email attachments, e.g. that you consolidate the various parts of a technical application into a single document before sending them. If this is not possible, please provide instructions on how to collate the attachments. USAID will not be responsible for errors in compiling electronic applications if no instructions are provided or are unclear. All applications received by the submission deadline will be reviewed for responsiveness to the NFO and the application format. No addition or modifications will be accepted after the submission date.

After you have sent your applications electronically, immediately check your own email to confirm that the attachments you intended to send were indeed sent. If you discover an error in your transmission, please send the material again and note in the subject line of the email or indicate in the file name if submitted via grants.gov that it is a "corrected" submission. Do not send the same email more than once unless there has been a change, and if so, please note that it is a "corrected" email.

Applicants may upload (but are not required to) applications to <http://www.grants.gov>. USAID bears no responsibility for data errors resulting from transmission or conversion processes associated with electronic submissions.

### **4. Technical Application Format**

The technical application will be the most important factor for consideration in selection for



award of the proposed Cooperative Agreement. The technical application should be specific, complete and presented concisely. The application should demonstrate the Applicant's capabilities and expertise with respect to achieving the goals of this program. The application should take into account the requirements of the program and evaluation criteria found in this NFO.

USAID requests that applications be kept as concise as possible. Detailed information should be presented only when required by specific NFO instructions. **The written Technical Application is limited to 50 pages INCLUSIVE of the elements identified in this section and ALL attachments (with several exceptions listed below).**

The Technical Application shall be in English. Applicants shall use only 8.5 inch by 11 inch (210mm by 297mm) paper, single-spaced pages and number each page consecutively. Applicants must use Arial 11-point font or a similar typeset. Information submitted in the Technical Application over 50 pages **will not** be evaluated.

The Technical Application's 50-page limit does not include the following:

- Cover Page (not evaluated) which should include the program title, NFO reference number, name of organization(s) applying for the agreement, any partnerships, and the primary contact person for the application (including title, email, phone and signature of that individual)
- Table of Contents (not evaluated)
- Executive Summary (not evaluated)
- Cost Application

The Technical Application's should include the following elements (within the 50-page limit):

A. Technical Approach (15-pages maximum)

This section must demonstrate the Applicant's understanding of key human rights issues and their relationship to development, as well as how the Applicant intends to use a variety of programmatic techniques to address the Program Objectives. The Technical Approach section must clearly describe:

- Best practices related to how development assistance can advance human rights protection, including knowledge of fundamental principles, awareness of key issues, familiarity with current practices (including both effective and ineffective approaches), and the identification of emerging trends.
- Specific, appropriate and innovative illustrative activities for achieving the program's objectives and anticipated results.
- An approach to gender that will inform programming in specific, context-appropriate ways.

- A learning agenda within the program, including how global lessons and trends will be gathered, analyzed and presented and how monitoring of individual activities will be standardized to provide documentation to accomplish this.

B. Technical Capabilities (10-pages maximum)

The application must provide evidence of the applicant's capability to conduct the variety of activities described in the Program Description. The Technical Capabilities section must clearly describe:

- The applicant's ability to draw on a broad range of technical and regional expertise capable of supporting the program objectives in a global context.
- A rapid programmatic response capability for responding to unanticipated needs, including the safe mobilization of personnel and resources, clear assessment of opportunities and constraints in dynamic and challenging environments, plans for how to provide immediate assistance to local human rights actors, and responsiveness and flexibility in changing circumstances.
- The applicant's capability to analyze and assess programming contexts, identify capable and credible local partners, design interventions that are cognizant of contextual factors, and monitor and adjust programs based on dynamic feedback mechanisms and the input of local stakeholders.

C. Management Structure (9-pages maximum)

The application must provide evidence of applicant's ability to administer the award in an efficient and cost-effective manner. Given the global nature of the award and its technical and administrative complexity, USAID acknowledges the likelihood that interested organizations may enter into standing or ad hoc partnerships for the purpose of applying for this award. USAID encourages such partnerships when they serve the purpose of bringing unique and complementary expertise together for the overall achievement of results. This section must address the applicant's proposed management structure and how it contributes to the achievement of program goals. The Management Structure section must clearly describe:

- The applicant's administrative arrangements for the overall implementation of the program, including organizational structure for technical and operational management, brief biographical information on key management and technical personnel, and approach to program monitoring data management and reporting. (NOTE: If the applicant utilizes partner organizations in its application, it must describe how the partnership will be organized, and how lines of authority and decision-making will be managed across all team members and between Leader

and Associate award activities. In this regard, the application should discuss the governance structure of the partnership, the role of each organization, how the process of responding to Associate awards will draw on the expertise of all partners, and how potential disputes among partners related to the allocation of work will be resolved).

- Plans to include local and regional stakeholder perspectives into planning, program implementation and knowledge management activities (such as monitoring and evaluation activities, gender, and lessons learned) .
- Approach to assessing and mitigating the risk of doing harm via assistance under this award.
- A knowledge management plan—including an illustrative M&E Plan—that is logical, coherent, and reflects adaptive management techniques. The applicant should describe how knowledge captured through Associate Awards will be translated into useful and practical learning, which will then be applied, as appropriate, to inform and adapt related programming over time.

D. Personnel: (8-pages maximum)

The application must provide evidence of the applicant’s ability to recruit, employ and retain skilled individuals, including but not limited to the Key Personnel positions, to successfully manage the Leader Award and the related responsibilities of associate awards. This NFO identifies one Key Personnel position, listed below; however the applicant may propose additional positions as Key Personnel, as appropriate. The Personnel section must clearly describe:

- The qualifications and experience for any proposed personnel

Key personnel position is described below:

**Technical Director:** The technical director will have overall responsibility for the award, including administration, management, monitoring and evaluation, reporting, program development, and administration of associate awards. The technical director position requires a University degree in political science, human rights, international development, international relations, or other related discipline. S/he has to demonstrate ten years of professional expertise managing or implementing human rights-related assistance programs. The technical director must have a demonstrated expertise with managing large and complex programs and activities and working with civil society, governments, and international donors. The technical director should also have proven experience prioritizing gender considerations in assistance programs.

E. Past Performance (8-pages maximum)

An applicant's history of performance can serve as an indicator of the quality of its future performance. Applicants shall describe their experience in successfully conducting human rights protection programming. Applicants must provide a list of all its cost-reimbursement contracts, grants, or cooperative agreements involving similar or related programs during the past three years. The reference information for these awards must include the performance location, award number (if available), a brief description of the work performed, and a point of contact list with current telephone numbers. The Past Performance section must clearly describe:

- The application's track record implementing similar or relevant programs.
- Specific examples of how the applicant has learned from past failure.
- Examples of the applicant's ability to be effective working with local human rights actors in challenging or non-permissive environments.
- Examples of how the applicant has partnered effectively with local and regional organizations, and strengthened those organizations through those partnerships.
- Examples of how the applicant has applied do no harm principles to its work.

## **5. Cost Application Format**

The Applicant must sign and submit the cost application standard form number SF-424 and SF-424A. Standard Forms can be accessed electronically at [www.grants.gov](http://www.grants.gov).

The Cost or Business application is to be submitted under a separate cover from the Technical application. The Cost/Business application is also to be submitted in Microsoft Excel 2000 or Excel 2003 with any formulae unlocked. The Applicant is requested to submit a budget broken down by program years with accompanying detailed budget narrative (in Word 2000 or Word 2003 text accessible) which provides in detail the total costs for implementation of the program as further detailed below.

Certain documents are required to be submitted by an Applicant in order for the Agreement Officer to make a determination of responsibility. However, it is USAID policy not to burden Applicants with undue reporting requirements if that information is readily available through other sources. There is no page limit on the Cost Application.

If the Applicant has established a consortium or another legal relationship among its partners, the Cost/Business application must include a copy of the legal relationship between the parties. The agreement should include a full discussion of the relationship between the Applicant and Sub-Applicant(s) including identification of the Applicant with whom USAID will work with for purposes of Agreement administration, identity of the Applicant which will have accounting responsibility, how Agreement effort will be allocated and the express agreement of the principals thereto to be held jointly and severally liable for the acts or omissions of the other.

The following sections describe the documentation that the Applicants must submit to USAID prior to award. While there is no page limit for this portion, Applicants are encouraged to be as concise as possible, but still provide the necessary details to address the following:

1. The budget must have an accompanying detailed budget narrative and justification that provides in detail the total program amount for implementation of the program your organization is proposing. The budget narrative should provide information regarding the basis of estimate for each line item, including reference to sources used to substantiate the cost estimate (e.g. organization's policy, payroll document, and vendor quotes, etc.).
2. A budget for each program year with an accompanying detailed budget narrative which provides in detail the total costs for implementation of the program. The budget must be submitted using Standard Form 424 which can be downloaded from the following web site at: <http://apply07.grants.gov/apply/FormLinks?family=15>
3. A breakdown of all costs associated with the program according to the costs of, if applicable, headquarters, regional and/or country offices.
4. Applicants who intend to utilize contractors or sub-awardees should indicate the extent intended and a complete cost breakdown. Extensive contracts/agreement financial plans should follow the same cost format as submitted by the primary Applicant. A breakdown of all costs according to each partner organization, contract or sub-awardee involved in the program should be provided.

Pursuant to 2 CFR 200 *Contract* means a legal instrument by which the Applicant purchases property or services needed to carry out the project or program under a resulting award. The term does not include a legal instrument when the substance of the transaction meets the definition of a Federal award or sub-award (see § 200.92 Sub-award), even if the Applicant considers it a contract. The Applicant must describe the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting proposed by the contractor, and the quality of its record of past performance for similar work. For-profit contract organizations that work under the award and do not meet the above definition of a sub-awardee are eligible for profit/fee.

The cost/business application should contain the budget categories: as shown on the SF-424A

The Applicant must submit a Negotiated Indirect Cost Rate Agreement NICRA if the organization has such an agreement with an agency or department of the U.S. Government. If no NICRA the Applicant should submit the following:

Reviewed Financial Statements Report: a report issued by a Certified Public Account (CPA) documenting the review of the financial statements was performed in accordance with Statements on Standards for Accounting and Review Services; that management is responsible for the preparation and fair presentation of the financial statements in accordance with the applicable financial reporting framework and for designing, implementing and maintaining

internal control relevant to the preparation. The account must also state the he or she is not aware of any material modifications that should be made to the financial statements; or

Audited Financial Statements Report: An auditor issues a report documenting the audit was conducted in accordance with Generally Accepted Auditing Standards (GAAS), the financial statements are the responsibility of management, provides an opinion that the financial statements present fairly in all material respects the financial position of the company and the results of operations are in conformity with the applicable financial reporting framework (or issues a qualified opinion if the financial statements are not in conformity with the applicable financial reporting framework).

The business section of the cost/business application should include:

1. Required assurances, certifications and representations
2. Evidence of responsible the Agreement Officer can use to determine the Applicant:
  - a. Has adequate financial resources or the ability to obtain such resources as require during the performance of the award;
  - b. Has the ability to comply with the award conditions, taking into account all existing and currently prospective commitments of the Applicant;
  - c. Has a satisfactory record of performance. Past relevant unsatisfactory performance is ordinarily sufficient to justify a finding of non-responsibility, unless there is clear evidence of subsequent satisfactory performance;
  - d. Has a satisfactory record of integrity and business ethics; and
  - e. Is otherwise qualified and eligible to receive a Cooperative Agreement under applicable laws and regulations (e.g., EEO).
3. Certificate of Compliance: Please submit a copy of your Certificate of Compliance if your organization's systems have been certified by USAID/Washington's Office of Acquisition and Assistance (M/OAA).
4. Statutory and Regulation Certifications: The Applicant shall complete the required Certifications and sign and date in the signature space provided. The signed and dated printout must then be submitted with the application as an annex to the cost application. Original signed hardcopy of the certifications will be requested from the successful applicant prior to the agreement award.

### **Pre-Award Certifications, Assurances and Other Statements of the Recipient**

Applicant must submit the application using the SF-424 series, which includes the:

- SF-424, Application for Federal Assistance,
- SF-424A, Budget Information – Non-construction Programs, and
- SF-424B, Assurances – Non-construction Programs.

In addition to the certifications that are included in the SF-424, the applicant must provide the following certifications, assurances and other statements:

a. A signed copy of ADS 303mav, Certifications, Assurances, and Other Statements of the Recipient and Solicitation Standard Provisions, which includes:

1. Assurance of Compliance with Laws and Regulations Governing Nondiscrimination in Federally Assisted Programs (This assurance applies to Non-U.S. organizations, if any part of the program will be undertaken in the U.S.);
2. Certification on Lobbying (22 CFR 227);
3. Prohibition on Assistance to Drug Traffickers for Covered Countries and Individuals (ADS 206, Prohibition of Assistance to Drug Traffickers);
4. Certification Regarding Terrorist Financing; and
5. Certification of Recipient

b. Other certifications and statements found in ADS 303mav, Certifications, Assurances, and Other Statements of the Recipient and Solicitation Standard Provisions:

1. A signed copy of Key Individual Certification Narcotics Offenses and Drug Trafficking, (ADS 206.3.10) when applicable;
2. A signed copy of Participant Certification Narcotics Offenses and Drug Trafficking (ADS 206.3.10) when applicable;
3. The Survey on Ensuring Equal Opportunity for Applicants; and
4. Other Statements of Recipients.

### **Unique Entity Identifier and System for Award Management**

#### **Dun and Bradstreet and SAM.gov Requirements**

USAID may not award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements. Each applicant is required to:

- (i) Be registered in SAM before submitting its application. SAM is streamlining processes, eliminating the need to enter the same data multiple times, and consolidating hosting to make the process of doing business with the government more efficient.;
- (ii) Provide a valid unique entity identifier in its application; and
- (iii) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

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

### **Branding Strategy and Marking Plan (BS/MP)**

The Applicant is required to comply (and ensure compliance by partners) with USAID's branding and marking requirements set forth in 2 CFR 700.16.

These regulations and provisions include the requirement for the apparently successful applicant to submit a BS/MP for pre-award review, negotiation, and approval by the Agreement Officer. Under these regulations and provisions, the BS/MP does not need to be submitted until the applicant is notified by the Agreement Officer that it is the apparently successful applicant, and is requested to submit the BS/MP by a time specified by the Agreement Officer. Thus, the initial cost/business application is not required to include a BS/MP.

Nevertheless, applicants are encouraged, but are not required, to submit their BS/MP with their initial cost/business applications. Applicants who choose not to include their BS/MP with their initial cost/business application will not be penalized during the evaluation process, but should be aware that, if the applicant is the apparently successful applicant, the applicant will be required to submit an acceptable BS/MP as a prerequisite for any resulting award. This would delay any such award, pending receipt, review, and, if necessary, negotiation of the applicant's BS/MP. Moreover, because USAID's branding and marking requirements have cost implications, such costs must be included in the detailed budget even if the applicant does not submit its BS/MP with the initial cost/business application.

Failure to submit or negotiate a Branding Strategy within the time specified by the Agreement Officer will make the Apparent Successful Applicant ineligible for award.

The proposed Branding Strategy and Marking Plan (BS/MP) will not be evaluated competitively. The Agreement Officer shall review for adequacy the proposed BS/MP, and will negotiate, approve, and include the BS/MP in the award.

### **Funding Restrictions**

USAID policy is not to award profit under assistance instruments. However, all reasonable, allocable and allowable expenses, both direct and indirect, which are related to the agreement program and are in accordance with applicable cost principle under 2 CFR 200 Subpart E. of the Uniform Administrative Requirements may be paid under the anticipated award.

**[END OF SECTION D]**



## SECTION E- APPLICATION REVIEW INFORMATION

### Review and Selection Process

Applications will be evaluated in accordance with the criteria set forth below. To facilitate the review of the applications, applicants should organize their narrative sections of the application in the same order as the evaluation criteria. After evaluation of the applications, either: (1) the award will be made without discussions/negotiations; or (2) if deemed necessary or desirable by USAID, written and/or verbal discussions/negotiations will be conducted with applicants that submit the most highly rated applications. USAID prefers to evaluate applications and make an award without discussions with applicants (except clarifications, which are limited exchanges between USAID and applicants, such as the relevance of an applicant's past performance information and adverse past performance information to which the applicant has not previously had a chance to respond). Therefore, the applicant's initial application should contain the applicant's best terms.

If discussions are conducted with applicants, they will be conducted with all applicants that submitted the most highly rated applications. However, the Agreement Officer may limit the number of such applications to the greatest number that will permit an efficient competition among the most highly rated applications. Exchanges with applicants after receipt of an application do not constitute a rejection or counteroffer by USAID.

After the conclusion of any such discussions, applicants with whom discussions were conducted will, unless otherwise advised, be required to submit a revised application or addendum to the initial application, which will be re-evaluated against the criteria set forth below. It is expected that an award will ordinarily be made after the first round of any such discussions and revised applications/addenda; however, USAID reserves the right to conduct subsequent rounds of discussions and revised applications/addenda, and to further limit the number of applicants with which such subsequent discussions would be conducted and from which a subsequent round of revised applications/addenda would be requested.

USAID intends to make an award to the responsible applicant whose application, application modification, and/or revised application/addendum represents the greatest value to USAID based on the evaluation of applications in accordance with the evaluation criteria set forth below.

### **Criteria**

#### A. Technical Evaluation

USAID will conduct a merit review of all applications received that comply with the instructions in this NFO. Applications will be reviewed and evaluated in accordance with the following criteria shown in descending order of importance:

Technical Approach (40%)
--------------------------

USAID will consider these elements collectively to evaluate an applicant's Technical Approach:

- Demonstrated understanding of best practices related to how development assistance can advance human rights protection, including knowledge of fundamental principles, awareness of key issues, familiarity with current practices (including both effective and ineffective approaches), and the identification of emerging trends.
- The extent to which the applicant's technical approach includes specific, appropriate and innovative illustrative activities for achieving the program's objectives and anticipated results.
- Extent that the approach to gender is articulated and can be expected to inform programming in specific, context-appropriate ways.
- Incorporation of a learning agenda within the program, including how global lessons and trends will be gathered, analyzed and presented and how monitoring of individual activities will be standardized to provide documentation to accomplish this.

#### Technical Capabilities (30%)

USAID will consider these elements collectively to evaluate an applicant's Technical Capabilities:

- Extent to which the application demonstrates the applicant's ability to draw on a broad range of technical and regional expertise capable of supporting the program objectives in a global context.
- Presentation of a rapid programmatic response capability with demonstrated experience in responding to unanticipated needs, including the safe mobilization of personnel and resources, clear assessment of opportunities and constraints in dynamic and challenging environments, plans for how to provide immediate assistance to local human rights actors, and responsiveness and flexibility in changing circumstances.
- Demonstrated capability to analyze and assess programming contexts, identify capable and credible local partners, design interventions that are cognizant of contextual factors, and monitor and adjust programs based on dynamic feedback mechanisms and the input of local stakeholders.

#### Management Plan (15%)

USAID will consider these elements collectively to evaluate an applicant's Management Structure:

- Soundness and clarity of the applicant's administrative arrangements for the overall implementation of the program, including organizational structure for technical and operational management, brief biographical information on key management and technical personnel, and approach to program monitoring data management and

reporting. (NOTE: If the applicant utilizes partner organizations in its application, it must describe how the partnership will be organized, and how lines of authority and decision-making will be managed across all team members and between Leader and Associate award activities. In this regard, the application should discuss the governance structure of the partnership, the role of each organization, how the process of responding to Associate awards will draw on the expertise of all partners, and how potential disputes among partners related to the allocation of work will be resolved).

- Plans to include local and regional stakeholder perspectives into planning, program implementation and knowledge management activities (such as monitoring and evaluation activities, gender, and lessons learned) .
- Approach to assessing and mitigating the risk of doing harm via assistance under this award.
- Extent to which knowledge management plan—including an illustrative M&E Plan—is logical, coherent, and reflects adaptive management techniques. The applicant should describe how knowledge captured through Associate Awards will be translated into useful and practical learning, which will then be applied, as appropriate, to inform and adapt related programming over time.

#### Personnel (10%)

USAID will consider these elements collectively to evaluate an applicant’s Personnel:

- Appropriate qualifications and experience for any proposed personnel.

#### Past Performance (5%)

USAID will consider these elements collectively to evaluate an applicant’s Past Performance:

- Demonstrated track record in implementing similar or relevant programs.
- Specific examples of how the applicant has learned from past failure.
- Examples of the applicant’s ability to be effective working with local human rights actors in challenging or non-permissive environments.
- Examples of how the applicant has partnered effectively with local and regional organizations, and strengthened those organizations through those partnerships.
- Examples of how the applicant has applied do no harm principles to its work.

***USAID reserves the right to obtain past performance information from other sources including those not named in this application.***

## B. Cost Evaluation

The Cost/business application has not been assigned a weight. After review of technical applications, the cost applications of the applicants under consideration for award will be

evaluated for general reasonableness, allowability, allocability and cost realism. If deemed necessary, written and/or oral discussions may be conducted. Discussions should not be considered as a determination of selection decision. In the event Technical Applications are ranked/scored substantially the same, the applicant that represents the best value in terms of cost may be the determining factor for award.

With reference to the proposed Branding Strategy and Marking Plan (BS/MP); the proposed plan will not be evaluated competitively. The Agreement Officer shall review for adequacy the proposed BS/MP, and will negotiate, approve, and include the BS/MP in the award.

**[END OF SECTION E]**

## **SECTION F- FEDERAL AWARD ADMINISTRATION INFORMATION**

### **1. Federal Award Notices**

Award of the agreement contemplated by this NFO cannot be made until funds have been appropriated, allocated and committed through internal USAID procedures. While USAID anticipates that these procedures will be successfully completed, potential applicants are hereby notified of these requirements and conditions for the award. The Agreement Officer is the only individual who may legally commit the Government to the expenditure of public funds. No costs chargeable to the proposed Agreement may be incurred before receipt of either a fully executed Agreement or a specific, written authorization from the Agreement Officer.

### **2. Administrative & National Policy Requirements**

For U.S. organizations, this section must state that 2 CFR 700, 2 CFR 200, and ADS 303maa, Standard Provisions for U.S. Non-governmental Organizations are applicable.

For non-U.S. organizations, this section must state that ADS 303mab, Standard Provisions for Non-U.S. Non-governmental Organizations will apply.

USAID prefers that, instead of attaching complete copies of 2 CFR 200 and 2 CFR 700 to the NFO, the NFO direct applicants to the source (see 303.4 and 303.5). However, the applicable standard provisions must be attached to the final award document.

### **3. Reporting Requirements**

All written documentation must be submitted in professional-level English. Reports must be submitted to USAID in Arial font 11 point type or larger, unless otherwise agreed or directed by USAID. The reports listed below are the initial reports required by the recipient. Based on the evolving nature of the agreement, USAID may provide modified reporting requirements.

#### **Annual Implementation Plan**

The annual implementation shall describe all activities planned for the year and where they will be conducted; benchmarks/milestones and annual performance targets; the outputs/outcomes which the Recipient expects to achieve; and support planned to be provided by the Recipient, during the period covered. Included shall be an explanation of how those inputs are expected to achieve the outputs/outcomes and benchmarks/milestones.

The annual implementation plans will describe activities to be conducted at a greater level of detail than the Program Description of the award, but shall be cross-referenced with the applicable sections in the Program Description. All activities must be within the scope and objectives of the award. Implementation plans shall not change such scope and objectives or any other terms and conditions of the award in any way; such changes may only be approved by the Agreement Officer, in advance and in writing. Thereafter, if there are inconsistencies between the work-plan and the Program Description or other terms and conditions of the award, the latter will take precedence over the work-plan.

Within 30 days of the signing on the award for first year and 30 days before the beginning of each subsequent Agreement year, the Recipient will submit an annual implementation plan for approval by USAID.

Within 15 calendar days of submission, USAID will approve the implementation plan or provide the Recipient with written comments. The Recipient will have 15 calendar days to revise the annual implementation plan. If necessary, USAID will have an additional 15 calendar days to provide a second round of comments. USAID may approve parts of the implementation while awaiting revision of the full implementation plan. The Recipient may request USAID approve modifications to the approved annual implementation plan if necessary at some point during the program year.

### **Performance Monitoring Plan (PMP)**

The Recipient will develop a cost-effective, results-oriented performance monitoring plan that will provide USAID with information to monitor performance and effectiveness as well as to inform planning and management decisions. The Performance Monitoring Plan should also demonstrate a gender-sensitive approach, with the data collected being disaggregated by gender, historically disenfranchised groups, and other relevant groups identified, as appropriate.

The Recipient will be responsible for monitoring the program benchmarks, and final activity results. The Recipient will also be responsible for establishing a baseline which will be used for measuring program progress.

The PMP must include geographic data collection, geographic analysis, and data submission methods as a separate section.

The PMP will be submitted at the same time as the first annual work-plan discussed in the previous paragraphs. The PMP and significant revisions thereto are subject to USAID approval.

### **Performance Reports**

The Recipient shall electronically submit all performance reports to the AOR in USAID/Washington. All country-level, regional-level and local-level activities implemented under the Leader Award shall be included in the annual report. Performance reports will consist of the following:

#### **Quarterly Progress Reports**

The Recipient shall submit a performance report to the AOR of the Leader Award on a quarterly basis due within 30 days following the end of each quarter corresponding to USAID's fiscal year (from October 1 through September 30).

Quarterly progress reports shall be concise and present the following information: 1) Executive Summary; 2) Program Activities and Highlights; 3) Key Accomplishments; 4) Challenges and Problems Encountered (including financial and administrative concerns); and 5) Future Directions and Upcoming Activities. Quarterly progress reports will also include a section summarizing any ongoing rapid response activities. In addition, qualitative descriptions of

success stories and achievements to illustrate impacts of the program must be included when possible. Updated PMP data should be included with submission of the quarterly progress reports. Quarterly reporting will also include a specific section that includes brief pipeline analysis of the status of funds available in the core leader agreement.

The Recipient shall also submit an electronic copy of each quarterly progress report to the USAID Development Experience Clearinghouse.

### **Rapid Response Reporting**

For all rapid response activities conducted under the Leader Award (either with core funding or via additional buy-ins), the recipient shall adhere to these additional reporting requirements:

- *Weekly reports* - The recipient shall submit brief weekly reports which should include an update on current and planned activities, key assumptions related to the recipient's response and any significant challenges or risks related to the response.
- *Activity Tracking Mechanism* - The recipient shall also develop a reporting mechanism that can be accessed and monitored by USAID (preferably web-based) that is updated as activities are approved and implemented, including information such as what the specific activity is, where it is being implemented, the budget for that activity, the start date, and how much of the budgeted funding for the activity has been spent."

### **Final Report**

The final performance report will replace the last quarterly progress report. The final report shall include an executive summary of the Recipient's accomplishments overall and by country, regional, or local program in achieving results and impact; conclusions about lessons learned; future challenges and opportunities; an overall description of the Recipient's activities and attainment of results by country or region; an assessment of progress made toward accomplishing the development impact objectives and expected results; significance of these activities including their sustainability; and comments and recommendations. The final report shall incorporate the findings and results that were included in previous reports, and is due no later than 90 days after the completion, expiration, or termination of the award.

The Recipient shall also submit an electronic copy of each quarterly progress report to the USAID Development Experience Clearinghouse.

### **Notifications**

The Recipient will be required to immediately notify the AOR and the Agreement Officer of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

### **Financial Reporting**

Financial reporting requirements will depend on the method of payment. Recipients will comply

with the financial reporting requirements set forth in the USAID standard provisions. If advance payments are provided, reporting periods are calendar quarters or parts thereof. Quarterly financial reports are due not later than 30 days after the end of each calendar quarter. The final financial report is due not later than 90 days after the estimated completion date of the award. If payment is on a reimbursement basis, financial reports may be submitted monthly, but not less frequently than 30 days after the end of each calendar quarter. The final financial report is due not later than 90 days after the estimated completion date of the award. The Recipient shall also comply with the USAID standard provision entitled “Reporting Host Government Taxes.”

USAID requires Recipients to use the Standard Form 425 or Standard Form 425a, Federal Financial Report, or such other forms authorized for obtaining financial information as may be approved by OMB.

### **Quarterly Financial Reports**

Quarterly Financial Reports shall be due within 30 days following the end of each quarter corresponding to USAID’s fiscal year from October 1 through September 30. This report shall include a statement of quarterly accruals. To allow USAID and the AOR to monitor the financial status of the project, accruals should include the (a) total amount obligated; (b) total amount invoiced for, (c) total amount of expended but not yet invoiced for, and (d) remaining unexpended funds.

### **Final Financial Report**

The Final Financial Report shall be due within 90 days following the expiration of the award. Financial Reports shall be in accordance with 2 CFR 700. USAID requires recipients to use the Standard Form 425 or Standard Form 425a, Federal Financial Report, or such other forms authorized for obtaining financial information as may be approved by OMB.

The Final Financial Report shall be due within 90 days following the expiration of the award. The reports may be submitted electronically.

### **Development Experience Clearinghouse Requirements**

USAID recipients must submit one electronic copy of development experience documentation to the Development Experience Clearinghouse. Development experience documentation may be submitted online: <http://dec.usaid.gov>. Or by mail (for pouch delivery):

USAID Development Experience Clearinghouse  
M/CIO/ITSD/KM/DEC  
RRB M.01-010  
Washington, DC 20523-6100  
Phone: (202) 712-0579  
Email: [docsubmit@usaid.gov](mailto:docsubmit@usaid.gov)

In addition, the recipient must submit one electronic copy of development experience documentation to the AOR for the Leader award.



### **Program Income**

Any program income generated under the award(s) will be added to USAID funding (and any cost-sharing that may be provided) and used for program purposes. Program income will be subject to the USAID Standard Provisions for Non-U.S. Non-Governmental Organizations.

### **Environmental Compliance**

(a) Section 117 of the Foreign Assistance Act of 1961, as amended, requires that the impact of USAID's activities on the environment be considered and that USAID include environmental sustainability as a central consideration in designing and carrying-out its development programs, as codified in 22 CFR 216 and in USAID's Automated Directives System (ADS) 204, which, in part, require that the potential environmental impacts of USAID-financed activities are identified prior to a final decision to proceed and that appropriate environmental safeguards are adopted for all activities. The environmental compliance obligations of the Recipient of the award(s) resulting from this NFO under these regulations and procedures are specified in the following paragraphs.

(b) In addition, the Recipient must comply with host country environmental regulations unless otherwise directed in writing by USAID. In case of conflict between host country and USAID regulations, the latter shall govern.

(c) No activity funded under the award(s) resulting from this NFO may be implemented unless an environmental threshold determination, as defined by 22 CFR 216, has been reached for that activity, as documented in a Request for Categorical Exclusion (RCE), Initial Environmental Examination (IEE), or Environmental Assessment (EA) duly signed by the Bureau Environmental Officer (BEO). (Such documents are hereinafter described as "approved Regulation 216 environmental documentation.")

(d) As part of its annual work-plans, the Recipient, in collaboration with the AOR and BEO, shall review all ongoing and planned activities under the award to determine if they are within the scope of the approved Regulation 216 environmental documentation. If the Recipient plans any new activities outside the scope of the approved Regulation 216 environmental documentation, it shall prepare an amendment to the documentation for USAID review and approval. No such new activities shall be undertaken prior to receiving written USAID approval of environmental documentation amendments. Any activities found to be outside the scope of the approved Regulation 216 environmental documentation shall be halted until an amendment to the documentation is submitted and written approval is received.

(e) The Recipient will be required to use an Environmental Review Form (ERF) or Environmental Review (ER) checklist using impact assessment tools to screen sub-award and contract proposals to ensure the funded proposals will result in no adverse environmental impact, to develop mitigation measures, as necessary, and to specify monitoring and reporting. Use of the ERF or ER checklist is required when the nature of the proposals to be funded is not well enough known to make an informed decision about their potential environmental impacts; yet, due to the type and extent of activities to be funded, any adverse impacts are expected to be easily mitigated. Implementation of these activities cannot proceed until the ERF or ER checklist is completed and approved by USAID. The Recipient is responsible for ensuring that

mitigation measures specified by the ERF or ER checklist process are implemented. The Recipient will also be responsible for periodic reporting to the AOR, as specified in the award.

(f) The costs of environmental compliance will be reimbursable under the award(s) resulting from this NFO provided that they are otherwise in accordance with the terms and conditions of the award.

**[END OF SECTION F]**

**SECTION G – FEDERAL AWARDING AGENCY CONTACT(S)**

The point of contacts for this NFO and for any questions during the NFO process is:

**Ms. Chelsea Poling**, Agreement Specialist  
U.S. Agency for International Development/Washington  
SA-44  
301 4<sup>th</sup> Street, SW  
Washington, DC 20024  
Email: [cpoling@usaid.gov](mailto:cpoling@usaid.gov)

**[END OF SECTION G]**

## **SECTION H – OTHER INFORMATION**

### **H.1. MARKING AND PUBLIC COMMUNICATIONS UNDER USAID-FUNDED ASSISTANCE (DECEMBER 2014)**

a. The USAID Identity is the official marking for USAID, comprised of the USAID logo and brandmark with the tagline “from the American people”, unless amended by USAID to include additional or substitute use of a logo or seal and tagline representing a presidential initiative or other high level interagency initiative. The standard USAID logo must be used unless the award requires use of an additional or substitute logo. The USAID Identity (including any required presidential initiative or related identity) is available on the USAID Web site at [www.usaid.gov](http://www.usaid.gov). Recipients must use the USAID Identity, of a size and prominence equivalent to or greater than any other identity or logo displayed, to mark the following:

(1) Programs, projects, activities, public communications, and commodities partially or fully funded by USAID;

(2) Program, project, or activity sites funded by USAID, including visible infrastructure projects or other physical sites;

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

(4) Commodities, equipment, supplies, and other materials funded by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs; and

(5) Events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences and other public activities. If the USAID Identity cannot be displayed, the recipient is encouraged to otherwise acknowledge USAID and the support of the American people.

b. The recipient must implement the requirements of this provision following the approved Marking Plan in the award.

c. The AO may require a preproduction review of program materials and “public communications” (documents and messages intended for external distribution, including but not limited to correspondence; publications; studies; reports; audio visual productions; applications; forms; press; and promotional materials) used in connection with USAID-funded programs, projects or activities, for compliance with an approved Marking Plan.

d. The recipient is encouraged to give public notice of the receipt of this award and announce progress and accomplishments. The recipient must provide copies of notices or announcements to the Agreement Officer’s Representative (AOR) and to USAID's Office of Legislative and Public Affairs in advance of release, as practicable. Press releases or other public notices must include a statement substantially as follows:

"The U.S. Agency for International Development administers the U.S. foreign assistance program providing economic and humanitarian assistance in more than 80 countries worldwide."

e. Any “public communication” 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.”

f. The recipient must provide the USAID AOR, with two copies of all program and communications materials produced under this award.

g. The recipient may request an exception from USAID marking requirements when USAID marking requirements would:

(1) Compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials;

(2) Diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent;

(3) Undercut host-country government “ownership” of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications;

(4) Impair the functionality of an item;

(5) Incur substantial costs or be impractical;

(6) Offend local cultural or social norms, or be considered inappropriate; or

(7) Conflict with international law.

h. The recipient may submit a waiver request of the marking requirements of this provision or the Marking Plan, through the AOR, when USAID-required marking would pose compelling political, safety, or security concerns, or have an adverse impact in the cooperating country.

(1) Approved waivers “flow down” to subawards and contracts unless specified otherwise. The waiver may also include the removal of USAID markings already affixed, if circumstances warrant.

(2) USAID determinations regarding waiver requests are subject to appeal by the recipient, by submitting a written request to reconsider the determination to the cognizant Assistant Administrator.

i. The recipient must include the following marking provision in any subagreements entered into under this award:

“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.”

## **H.2.LIMITING CONSTRUCTION ACTIVITIES (AUGUST 2013)**

a) Construction is not eligible for reimbursement under this award unless specifically identified in paragraph d) below.

b) Construction means - construction, alteration, or repair (including dredging and excavation) of buildings, structures, or other real property and includes, without limitation, improvements, renovation, alteration and refurbishment. The term includes, without limitation, roads, power plants, buildings, bridges, water treatment facilities, and vertical structures.

c) Agreement Officers will not approve any subawards or procurements by recipients for construction activities that are not listed in paragraph d) below. USAID will reimburse allowable costs for only the construction activities listed in this provision not to exceed the amount specified in the construction line item of the award budget. The recipient must receive prior written approval from the AO to transfer funds allotted for construction activities to other cost categories, or vice versa.

d) Description

Construction is not eligible for reimbursement under this award.

e) The recipient must include this provision in all subawards and procurements and make vendors providing services under this award and subrecipients aware of the restrictions of this provision.

**H.3. CENTRAL CONTRACTOR REGISTRATION AND UNIVERSAL IDENTIFIER (DECEMBER 2014)**

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

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

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

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

c. Definitions. For purposes of this award term:

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

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

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

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

(4) Subaward:

- (i) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you, as the recipient, award to an eligible subrecipient.
- (ii) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200 subpart F Audit Requirements).
- (iii) A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

(5) Subrecipient means an entity that:

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

#### **ADDENDUM (JUNE 2012):**

d. Exceptions. The requirements of this provision to obtain a Data Universal Numbering System (DUNS) number and maintain a current registration in the Central Contractor Registration (CCR) do not apply, at the prime award or subaward level, to:

- (1) Awards to individuals
- (2) Awards less than \$25,000 to foreign recipients to be performed outside the United States (based on a USAID determination)
- (3) Awards where the Agreement Officer determines, in writing, that these requirements would cause personal safety concerns.

e. This provision does not need to be included in subawards.

#### **H.4. REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION (DECEMBER 2014)**

a. Reporting of First-Tier Subawards

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

(2) Where and when to report.

(i) You must report each obligating action described in paragraph a.(1) of this award term to [www.fsrs.gov](http://www.fsrs.gov).

(ii) For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

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

**b. Reporting Total Compensation of Recipient Executives.**

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

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

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

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

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

(iii) The public does not have access to information about the compensation of the

executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at [www.sec.gov/answers/excomp.htm](http://www.sec.gov/answers/excomp.htm).)

(2) Where and when to report. You must report executive total compensation described in

paragraph b.(1) of this award term:

(i) As part of your registration profile at [www.ccr.gov/](http://www.ccr.gov/).

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

**c. Reporting of Total Compensation of Subrecipient Executives.**

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



- (i) In the subrecipient's preceding fiscal year, the subrecipient received—
  - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- (ii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at [www.sec.gov/answers/execomp.htm](http://www.sec.gov/answers/execomp.htm).)

(2) Where and when to report. You must report subrecipient executive total compensation

described in paragraph c.(1) of this award term:

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

#### d. Exemptions.

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

- (1) Subawards, and
- (2) The total compensation of the five most highly compensated executives of any subrecipient.

#### e. Definitions.

For purposes of this award term:

- (1) Entity means all of the following, as defined in 2 CFR 25:
  - (i) A governmental organization, which is a State, local government, or Indian tribe;
  - (ii) A foreign public entity;
  - (iii) A domestic or foreign nonprofit organization;
  - (iv) A domestic or foreign for-profit organization;
  - (v) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

- (2) Executive means officers, managing partners, or any other employees in management positions.
- (3) Subaward:
- (i) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - (ii) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200 subpart F Audit Requirements).
  - (ii) A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- (4) Subrecipient means an entity that:
- (i) Receives a subaward from you (the recipient) under this award; and
  - (ii) Is accountable to you for the use of the Federal funds provided by the subaward.
- (5) Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
- (i) Salary and bonus.
  - (ii) Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - (iii) Earnings for services under nonequity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - (iv) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
  - (v) Above-market earnings on deferred compensation which is not tax-qualified.
  - (vi) Other compensation, if the aggregate value of all such other compensation (for example, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

**[END OF SECTION H]**

**[END OF NOTICE OF FUNDING OPPORTUNITY NO. SOL-OAA-16-000018]**