AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

BPA NO.	1. CONTRACT ID CODE	PAGE	OF PAGES
		1	10

2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
01	See Block 16C		

6. ISSUED BY CODE

OFFICE OF ACQUISITION AND ASSISTANCE
USAID/AFGHANISTAN
Great Massoud Road
Kabul, Afghanistan

7. ADMINISTERED BY (If other than Item 6) CODE

OFFICE OF ACQUISITION AND ASSISTANCE
USAID/AFGHANISTAN
Great Massoud Road
Kabul, Afghanistan

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

To all applicants

(X) X 9A. AMENDMENT OF SOLICITATION NO.
306-12-000006

9B. DATED (SEE ITEM 11)
07/12/2012

10A. MODIFICATION OF CONTRACT/ORDER NO.

10B. DATED (SEE ITEM 13)

CODE FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☒ is extended, ☐ is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
(a) By completing Items 8 and 15, and returning __________ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

☐ A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

☐ B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.)

☐ C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

☐ D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☐ is required to sign this document and return __________ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purposes of this amendment are to:
a) Amend the RFA 306-12-000006;
b) Answer the questions from the potential applicants;
c) Extend the application deadline to September 4, 2012.

Thereby the RFA is amended as follows:

1. See attached provisions.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
		Robert P. Schmidt, Jr. Agreement Officer	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY Robert P. Schmidt, Jr (Signature of Contracting Officer)	16C. DATE SIGNED 7-30-12

STANDARD FORM 30 (REV. 10-83)

1. Page 5 of the RFA states that through the MORE program, USAID will support Components 1 and 5 of the National Priority Program (NPP), i.e.
    a. Component 1: Internal Organizational Reform and Capacity Building
    b. Component 5: Public Education and Awareness-Raising

   It also states that other donors will support the remaining components of the NPP, one of which is Component 4: "Policy Research and Development." Yet on pages 8-9 of the RFA, the document states that one of the focus areas of the USAID program will be "policy;" i.e. "a thorough understanding of NAWPA themes to turn them into policies." How will the "policy" focus of the MORE program be different from what is already being supported by other donors?

   --The Component 1 policy focus is structural and organizational—to establish a policy unit within the Ministry with links to other departments, position descriptions, required qualifications and needed capacity building to enable macro policy analysis and the collection and processing of information relative to NAPWA. Component 4 focuses on enabling MOWA to develop and advocate for a government-wide gender sensitive research agenda. Component I is system and capacity oriented while Component 4 is content and advocacy oriented.

2. On page 11 of the RFA, the document reads: "Any position filled by an expatriate, however, should have one or more Afghan counterparts who are being trained and mentored so that they can eventually assume or oversee the functions necessary to implement the kinds of activities MORE requires." Should these positions be project based and thus included in the budget or will the Ministry assign its staff to work with the project-based staff?

   --These positions should be project based and included in the budget.

3. On page 12 of the RFA, the document reads: "All programmatic and financial reports shall be disaggregated by sex and province." Does the reporting by sex pertain both to the narrative or financial reports or both?

   --Both.

4. On page 25 of the RFA, the third paragraph states: "applicants are to attach to their proposal resumes and letters of commitment for each individual who will work at least 75 percent of his/her time on the program." Does this apply only to key personnel or all staff including non-key personnel proposed?

   --This will apply only to key personnel.

5. On page 25 of the RFA, the past performance section requests information on all contracts, grants, and cooperative agreements for similar or related programs over the past three years. Can the information requested in the five bullets be included as part of Annex G, or should Annex G only include contact information for past performance references, as mentioned on pages 26 and 33?

   --Yes, please correct to read as Past performance, references, contact information.

6. On page 26 of the RFA, item 5 asks that the "Cost/Business Application must include a copy of the legal relationship between the prime applicant and its partners." Could USAID please clarify what this means? Would this apply for joint ventures only? Or does this include possible prime and sub relationship?

   --Please include possible prime and subs.

7. On page 26 of the RFA, item 2 states the "cost/business application should be for a period of up to 36 months using the budget format shown in the SF-424A," while item 3 states "the budget to be presented under the Cost/Business Application should relate to results while showing the inputs." Does USAID want the budget to be presented in two different formats? Could USAID provide a sample budget format which shows to results and inputs?

   --Please use SF-424A. Item 3 of page 26 is deleted.

8. On page 26 of the RFA, item 3 states to see item 10 below for a list of inputs that the budget should be presented in. Item 10 lists the different organizational and financial information the organization is required to submit and doesn't seem to have the list of inputs. Will a list of inputs be provided?
   --As above, item 3 on page 26 is deleted.

9. On page 28 of the RFA, the guidance provided in item 9 for the budget line items lists "Seminars and Conferences" as a separate category. However, these budget line items are not included in the SF-424A as a separate category. Can USAID please clarify whether the applicant only needs to include costs related to "Seminars and Conferences" as a separate category on the detailed budget but include cost related to Seminars and Conferences as ODC in the SF-424A?
   --Yes, please prepare as separate items.

10. Would it be possible for USAID to provide the following documents mentioned in the RFA: MOWA Needs Assessments and Program Design Report and the Organizational Reform and Capacity Development Assessments?
    --No, we do not consider this necessary for the preparation of the application.

11. Will USAID consider granting an extension of the MORE proposal deadline in light of Ramazan and given and the short turnaround time for responses to questions and the current proposal submission deadline?
    --Yes. An extension until a week after EID is granted in light of the holiday. The new due date is September 4, 2012.

USAID – OAA/Afghanistan

Subject: Compliance With Updated Language/FAR Clauses in OAA/Afghanistan Procurement Instruments

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I. Contracts

a. <u>FAR 52.225-19</u> "Contractor Personnel in a Designated Operational Area of Supporting a Diplomatic or Consular Mission Outside United States (MAR 2008)[i]
b. **<u>Supplement to FAR 52.225-19</u>** "Use of Synchronized Pre-Deployment and Operational Tracker (SPOT) for Contractors Supporting a Diplomatic or Consular Mission Outside the United States"[ii]
c. **<u>FAR 52.225-13</u>** "Restriction on Certain Foreign Purchases"[iii]
d. **<u>Facilities Used for Religious Activities</u>** "Unless otherwise authorized in writing by the Contracting Officer, Contractor shall not use Contract funds for any work related to facilities of any type where the intended use of such a facility is for inherently religious activities. In cases where work addressed by this provision is authorized by the Contracting Officer, such authorization will be limited and explicit."[iv]
e. **Special Provisions for Acquisition**, including "Reporting of Foreign Taxes," "Personal Identity Verification of Contractor Personnel," and "Standards for Accessibility for the Disabled in USAID Construction Contracts."[v]
f. **Database Reporting Requirement**[vi]
g. **Subcontracting Requirement**[vii]
h. **Gender Consideration** (please make sure this is addressed)
i. **Branding and Marking** (please make sure this is addressed)

II. Grants and Cooperative Agreements (Assistance Instruments)

a. <u>Special Provision for Performance in Afghanistan (July 2010)</u>[viii]
b. **<u>"Central Contractor Registration and Universal Identifier" Provision</u>**[ix]
c. **<u>"Reporting Subawards and Executive Compensation" Provision</u>**[x]
d. **<u>"Trafficking in Persons"</u> Provision**[xi]
e. **<u>"IMPLEMENTATION OF E.O. 13224 – EXECUTIVE ORDER ON TERRORIST FINANCING (MARCH 2002)"</u> Standard Provision**[xii]
f. **Database Reporting Requirement**[xiii]
g. **Standard Provisions per ADS 303.4.2 (ab. – ae.)**[xivxv] (ensure that your award contains the most up to date provision)
h. **Gender Consideration** (please make sure this is addressed)
i. **Branding and Marking** (please make sure this is addressed)

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[i] http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd10_04.pdf
[ii] http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd10_04.pdf

(Must be included in Section H of the Uniform Contract Format when awarding contracts, including task orders under IQCs, with a performance period over 30 days and when the contractor will be conducting activities in Afghanistan. COs must modify existing contracts to include this provision as soon as possible.

[iii] http://inside.usaid.gov/M/OAA/policy/PEBs/pdf/PEB2011_02.pdf

[iv] https://kabulcollaboration.state.gov/sites/sbu/Supported_Agencies/USAID/Mission%20Notices/USAID%20Mission%20Notices%20Archive/Mission%20Notices%20%202011/USAID%20Afghanistan%20Admin%20Notice%202011-21-%20USAID%20and%20the%20Prohibition%20against%20Funding%20Religious%20Activities%20.pdf

[v] http://www.usaid.gov/policy/ads/300/302mas.pdf

[vi] O:\OAA Office\clauses for Afghanistan

[vii] O:\OAA Office\clauses for Afghanistan

[viii] http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd10_04.pdf

(Must be inserted in all assistance solicitations and awards when the performance period will be greater than 30 days or valued at more than $100,000 and when the recipient will be carrying out activities in Afghanistan. AOs must amend existing awards to include this provision as soon as practicable.

[ix] http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd11_01.pdf

(AOs must include this provision in all assistance solicitations and all awards made on or after October 1, 2010)

[x] http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd11_01.pdf

(AOs must include this provision in all assistance solicitations and all awards made on or after October 1, 2010)

[xi] http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd11_01.pdf

(AOs must modify existing awards to include this provision at the earliest practicable opportunity)

[xii] http://inside.usaid.gov/M/OAA/policy/PEBs/pdf/PEB2011_02.pdf

[xiii] O:\OAA Office\clauses for Afghanistan

[xiv] http://www.usaid.gov/policy/ads/300/303.pdf

Click on the link for the relevant list of mandatory standard provisions. This list will also contain the list of required as applicable provisions. Endnote xii contains guidance for inclusion and numbering of standard provisions.

[xv] http://inside.usaid.gov/M/OAA/policy/PEBs/pdf/PEB2008_02.pdf

'CENTRAL CONTRACTOR REGISTRATION AND UNIVERSAL :DENTIFIER (OCTOBER 2010)

ı. Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 CFR ؛5.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial ·eport required under this award or receive the final payment, whichever is later. This requires that you review and update the nformation at least annually after the initial registration, and more frequently if required by changes in your information or ınother award term.

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

1) Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward 'rom 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.

:. **Definitions.** For purposes of this award term:

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

2) Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and 3radstreet, 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 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 part 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 ›rogram 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 :xplanation, see Sec. --.210 of the attachment to OMB Circular A- 133, "Audits of States, Local Governments, and Non-Profit)rganizations").
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."

\ttachment B, insert the following after the last entry:

ꓤEPORTING SUBAWARDS AND EXECUTIVE COMPENSATION (OCTOBER 2010)

ı. 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 (see definitions in paragraph e of this award term).

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.
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 specify.

). 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 http://www.sec.gov/answers/execomp.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.
ii) By the end of the month following the month in which this award is made, and annually thereafter.

:. 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 shall 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 subrecipientreceived—

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

ıbout the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange \ct 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 ıccess to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at ıttp://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 ıward 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 ›bligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any ·equired compensation information of the subrecipient by November 30 of that year.

l. Exemptions

f, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to ·eport:

1) subawards, and
2) the total compensation of the five most highly compensated executives of any subrecipient.

:. Definitions. For purposes of this award term:

1) Entity means all of the following, as defined in 2 CFR part 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 ›rogram 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 :xplanation, see Sec. --.210 of the attachment to OMB Circular A- 133, "Audits of States, Local Governments, and Non- Profit)rganizations").
iii) A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a :ontract.

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 ;ubrecipient'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 ·eporting 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 eimbursement 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 taxqualified.
vi) Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of ife insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

ttachment C, insert the following provision after the last entry:

RAFFICKING IN PERSONS (OCTOBER 2010)

. Provisions applicable to a recipient that is a private entity.

1) You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

i) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
ii) Procure a commercial sex act during the period of time that the award is in effect; or
iii) Use forced labor in the performance of the award or subawards under the award.

2) We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a rivate entity —

i) Is determined to have violated a prohibition in paragraph a. (1) of this award term; or
ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition n paragraph a. (1) of this award term through conduct that is either—

A) Associated with performance under this award; or

B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an rganization that are provided in 2 CFR part 180, ''OMB Guidelines to Agencies on Governmentwide Debarment and uspension (Nonprocurement),'' as implemented by our agency at 22 CFR 208 or its superseding Part in 2 CFR.

. Provisions applicable to a recipient other than a private entity.

1) We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private ntity—

i) Is determined to have violated an applicable prohibition in paragraph a. (1) of this award term; or
ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable rohibition in paragraph a. (1) of this award term through conduct that is either—

A) Associated with performance under this award; or
B) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an rganization that are provided in 2 CFR part 180, ''OMB Guidelines to Agencies on Governmentwide Debarment and uspension (Nonprocurement),'' as implemented by our agency at 22 CFR 208 or its superseding Part in 2 CFR.

. Provisions applicable to any recipient.

1) You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in aragraph a. (1) of this award term.

2) Our right to terminate unilaterally that is described in paragraph a. (2) or b of this section:

i) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
ii) Is in addition to all other remedies for noncompliance that are available to us under this award.

3) You must include the requirements of paragraph a. (1) of this award term in any subaward you make to a private entity.

l. Definitions. For purposes of this provision:

1) ''Employee'' means either:

i) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this ıward; or
ii) Another person engaged in the performance of the project or program under this award and not compensated by you ncluding, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution oward cost sharing or matching requirements.

2) ''Forced labor'' means labor obtained by any of the following methods: the recruitment, harboring, transportation, ›rovision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of ;ubjection to involuntary servitude, peonage, debt bondage, or slavery.

3) ''Private entity'':

i) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25(b)

ii) Includes:

A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than ›ne included in the definition of Indian tribe at 2 CFR 175.25(b).

B) A for-profit organization.

4) ''Severe forms of trafficking in persons,'' ''commercial sex act,'' and ''coercion'' have the meanings given at section 103 ›f the TVPA, as amended (22 U.S.C. 7102).