



BAA-OAA-OEGI-WASH-2020
Western Kenya Water, Sanitation, and Hygiene (WASH) BAA

Issuance Date: NOVEMBER 06, 2020

Open Period: NOVEMBER 06, 2020 to DECEMBER 09, 2020

BAA-OAA-OEGI-WASH-2020

**United States Agency for International Development's (USAID)
Broad Agency Announcement (BAA) for
Western Kenya Water, Sanitation, and Hygiene (WASH)**

I. OVERVIEW

The United States Agency for International Development (USAID) is issuing this Broad Agency Announcement (BAA) to seek participants to co-create, co-design, co-invest, and collaborate on research and development¹ (R&D) interventions to address the need for sustainable water and sanitation services in Western Kenya. USAID invites organizations and companies to submit an Expression of Interest, as provided in Section VIII below. USAID and stakeholders, through the co-creation process, will strive to design an activity that will (1) build a robust sanitation and hygiene market to enable the adoption of higher quality latrines and county-wide access to hygiene products; and (2) ensure county-wide sustainable drinking water services to households, including effective management of water resources.

II. COLLABORATION

¹ The Federal Acquisition Regulations (FAR) 2.101 define "**basic research**" as research directed toward increasing knowledge in science. The primary aim of basic research is a fuller knowledge or understanding of the subject under study, rather than any practical application of that knowledge. Additionally, FAR 35.001 defines "**applied research**" as that effort which (1) normally follows basic research, but may not be severable from the related basic research, (2) attempts to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques, and (3) attempts to advance the state of the art. Applied research does not include efforts whose principal aim is design, development, or test of specific items or services to be considered for sale; these efforts are within the definition of the term "development," defined in this subsection. FAR 35.001 defines "**development**" as the systematic use of scientific and technical knowledge in the design, development, testing, or evaluation of a potential new product or service (or of an improvement in an existing product or service) to meet specific performance requirements or objectives. It includes the functions of design engineering, prototyping, and engineering testing; it excludes subcontracted technical effort that is for the sole purpose of developing an additional source for an existing product.

The intent of the BAA is to allow co-creation and co-design to the maximum extent to create high-quality, effective partnerships with great efficiency in time and resources. USAID will invite selected public, private, for-profit, and nonprofit organizations, as well as institutions of higher education, public international organizations, non-governmental organizations, U.S. and non-U.S. governmental organizations, multilateral and international donor organizations, as detailed below, to co-create R&D solutions to the Problem and Challenge Statements stated in this BAA in Section IV below.

Co-creation. Occurs after EOIs have been submitted by Offerors in response to this BAA and have been selected by USAID for further discussion - but before a thorough concept is developed. The EOI Offeror(s), the U.S. Government (USG), represented by the USAID Activity Manager for this BAA, and potentially other stakeholders, work together to determine the best course forward. This co-creation engagement may include consideration of one or multiple EOI Offerors, potential partners, industry experts, WASH sector associations, other government agencies, and non-governmental organizations (NGOs). As part of the co-creation process, EOI Offeror(s) will collaboratively develop individual Concept Papers for potential new USAID-funded projects, and jointly present the Concept Paper(s) to the USAID Peer Scientific Review Board (PSRB) for consideration and further development.

Co-design/development. Occurs after the USAID PSRB recommends a Concept Paper for further development, and the USAID Contracting Officer/Agreement Officer (CO/AO) has determined a Concept Paper Offeror to be an Apparently Successful Partner. At this point, the CO/AO may determine the general nature of the award type or the specific award/instrument type, depending on the nature of the project, to facilitate project design. During codesign/development, the Apparently Successful Partner and the USAID Activity Manager will design the technical approach, general resource requirements, and management control of the project under the guidance of the CO/AO.

A. Federal Agency Name

The United States Agency for International Development (USAID)

B. Opportunity Title

Western Kenya Water, Sanitation, and Hygiene (WASH) Broad Agency Announcement (BAA)

C. Opportunity Number

BAA-OAA-OEGI-WASH-2020

D. Announcement Type

This BAA serves to inform the public of the opportunity for funding from USAID, to co-create, co-design, co-invest, and collaborate on research and development² (R&D)

² The Federal Acquisition Regulations (FAR) 2.101 define "**basic research**" as research directed toward increasing knowledge in science. The primary aim of basic research is a fuller knowledge or understanding of the subject under study, rather than any practical application of that knowledge. Additionally, FAR 35.001 defines "**applied research**" as that effort which (1) normally follows basic

interventions to address the need for sustainable water and sanitation services in Western Kenya. **This BAA is open through December 09, 2020, 4.00 p.m. Nairobi, local time.**

E. Authority

This BAA is issued under Federal Acquisition Regulations (FAR) Part 35.016 (c). This is **NOT** a FAR Part 15 Procurement.

F. Catalog of Federal Domestic Assistance (CFDA) Number

98.001 USAID Foreign Assistance Programs for Overseas

III. SPECIFIC RIGHTS RESERVED FOR THE U.S. GOVERNMENT (USG) UNDER THIS BAA

The United States Government (USG) reserves specific rights, in addition to the rights described elsewhere in this document and subsequent Addenda issued under this BAA, or by law or regulation, including:

1. The right to award multiple awards, a single award, or no awards under this BAA.
2. The right to make an award without discussions, or to conduct discussions and/or negotiations, whichever is determined to be in the USG's interest
3. The right to accept proposals in their entirety or to select only portions of proposals for award or co-investment.
4. The right to select for award an instrument type that is appropriate to the specific development context, partner relationship, and concept selected for award. Instrument types include but are not limited to contracts, grants, cooperative agreements, Global Development Alliance agreements, Inter-Agency Agreements, Government to Government Agreements, Donor to Donor Agreements, and Memoranda of Understanding. In addition, the USG may craft a new instrument type to meet the needs of a specific relationship. Such instruments may or may not commit or exchange monetary resources.
5. The right to co-create projects with one or more proposers under the BAA, when it is in the best interest of the USG.

research, but may not be severable from the related basic research, (2) attempts to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques, and (3) attempts to advance the state of the art. Applied research does not include efforts whose principal aim is design, development, or test of specific items or services to be considered for sale; these efforts are within the definition of the term "development," defined in this subsection. FAR 35.001 defines "**development**" as the systematic use of scientific and technical knowledge in the design, development, testing, or evaluation of a potential new product or service (or of an improvement in an existing product or service) to meet specific performance requirements or objectives. It includes the functions of design engineering, prototyping, and engineering testing; it excludes subcontracted technical effort that is for the sole purpose of developing an additional source for an existing product.

6. The right to request any additional, necessary documentation upon initial review. Such additional information may include, but is not limited to, a further detailed proposal, budget, and representations and certifications.
7. The right to fund or co-invest in recommended Concept Note projects in phases, with options for continued work at the end of one or more of the phases.
8. The right to award instruments under this BAA that do not commit or exchange monetary resources.
9. The right to remove proposers from award consideration should the parties fail to reach agreement on award terms, conditions, and cost/price within a reasonable time, the proposer fails to provide requested additional information in a timely manner, or if USAID determines it is no longer in the best interest of the USG to proceed with the Offeror.

IV. PROBLEM AND CHALLENGE STATEMENTS

PROBLEM

Despite on-going economic progress, Kenya continues to face challenges in providing sustainable access to water and sanitation services, with only 61 percent of Kenyans having access to a basic drinking water service, and only 30 percent having access to basic sanitation (WHO/UNICEF JMP 2017). Adding to this challenge, the poor operations and maintenance systems, and insufficient behavior change create challenges to the sustainability of services. This lack of progress is largely due to weak governance and institutional capacity, inadequate sector financing, insufficient adoption of key sanitation and hygiene behaviors, and poor management of natural resources. The COVID-19 pandemic has raised additional challenges in the WASH sector, as payment for water and sanitation services has declined in the face of economic shocks and public funds are stretched thin.

Sector reform efforts have resulted in significant changes in the institutional arrangements and responsibilities for water and sanitation service provision in Kenya. The 2016 Water Act aligns the water sector with the Constitution's primary objective of devolution, recognizing that water related functions are a shared responsibility between the national government and the county government. The Water Act gives county governments the mandate for water and sanitation service provision and the development of county water works. Water service and water resource regulation remains the responsibility of the national government, as does the management of national public water works. These changes offer opportunity for new spaces for public participation and accountability, but challenges in operationalizing these reforms remain.

A facilitative approach is critical to ensuring the delivery of sustainable services. This requires developing new approaches to empowering and building the capacity across government, private sector, and civil society stakeholders. This activity will develop county-wide approaches that address the systems-level barriers and incentives to tackle two persistent challenges in Western Kenya.

CHALLENGE

Despite reductions in population practicing open defecation, access to basic sanitation services has not improved over the past 15 years³. In 2011, the Ministry of Public Health and Sanitation (MOPHS) initiated the Open Defecation Free (ODF) Rural Kenya Campaign, adopting Community Led Total Sanitation (CLTS) as its core strategy. While this approach, which centers on triggering community collective action to stop open defecation, has shown success in reducing open defecation in many places, it has not led to wide adoption of improved sanitation facilities. At the same time, girls and women frequently lack the water, toilets, and disposal mechanisms to manage their menstruation at school, at home, at work, and in other public institutions.

The second part of the challenge is in ensuring county-wide sustainable drinking water services to households, including effective management of water resources at the catchment level. While access to basic water services has been increasing, existing rural water services suffer from poor financial and technical sustainability. Recent evidence shows that rates of non-functionality for rural water services are often around 40%. Poorly managed water resources and climate variability impact many water supply sources in terms of both quantity and quality.

Such approaches should consider incorporating the following factors:

- Geography: Target counties for this activity are: Bungoma, Busia, Homa Bay, Kakamega, Kisii, Kisumu, Migori, and Siaya. Selected counties beyond these may be proposed if appropriate, but interventions should be targeted. It is not necessary to propose work in all target counties. Proposed activities should consider how to work county-wide, including urban, peri-urban, and rural areas as appropriate. It may also be necessary to expand the boundaries of work outside of these target counties in order to take a watershed approach to the management of water resources critical for water service delivery.
- Collaboration and coordination: Partnership with county government(s), the private sector, and civil society where the work is located will be required, and partnerships and synergies with other relevant USAID and donor activities will be critical. Activities should consider how they will co-plan and co-implement all work with the respective county government(s), and how they will coordinate and collaborate with others working in the sector, as well as those implementing health, nutrition, agriculture, and environment activities in the targeted geography.
- Private sector engagement: Activities should consider how to engage private sector actors. Approaches should prioritize alignment with private sector core business functions and not corporate social responsibility goals, explore opportunities to promote equity and reach the most vulnerable, and consider how to incentivize private sector entities to enter the market and leverage additional funds and expertise needed. Where appropriate, activities may leverage existing USAID tools for engaging with the private sector, such as those available through the Development Finance Corporation (DFC).

³ washdata.org

- Learning and adaptation: Given that this activity will be developing and testing new approaches to addressing the development challenges, a continuous cycle of learning and adaptation will be necessary. Activities should consider how they will collect and make use of evidence throughout the implementation period.
- Environmental compliance: USAID promotes environmentally sound design by requiring that all USAID funded activities undergo an environmental review and comply with Title 22 of the Code of Federal Regulations Part 216, commonly known as 22 CFR 216 or "Reg 216."

Areas of Interest

The Expression(s) of Interest must include a proposed R&D intervention to address one or both of the areas listed below with the ultimate goal of achieving sustainable water and sanitation services in Western Kenya.

1) County-wide approach to strengthening markets for sanitation and hygiene products and services

To address the need for progressively realizing higher quality household sanitation facilities in rural areas, new approaches that go beyond the traditional "Do-It-Yourself" model promoted through CLTS are needed. Market-based solutions are critical for improving the quality of household sanitation and hygiene products. This activity will work to counter previous, full subsidy approaches, to market sanitation and hygiene products as desirable and aspirational, rather than relying on health promotion to motivate adoption. The need for menstrual hygiene management facilities and products has often been neglected in sanitation and hygiene initiatives, so this activity must work to develop new approaches to incorporate this into market-based sanitation activities.

Engagement with private sector actors will be critical to stimulate innovation and investment to meet demand, while considering affordability, sustainability, and local market conditions. USAID is seeking innovative approaches to strengthen market actors such as sanitation enterprises, sales agents, and financial institutions to lay the foundation for a functioning, sustainable market for sanitation and hygiene.

2) Ensuring county-wide sustainable drinking water services to households, including effective management of water resources

In an effort to facilitate better delivery of services, as opposed to funding infrastructure and direct service provision, this activity will apply a range of approaches to both professionalize rural water services and strengthen water utilities, while protecting the watersheds and effectively managing the water resources that these services rely upon. In urban areas served by formal Water and Sanitation Companies (WASCOS), there is a need to improve the operational performance of these utilities in order to allow them to engage more effectively with commercial finance. However, much of the population in these counties lie outside the service area of these WASCOS. In those rural areas, the activity will also need to develop and test new

ways to work with the private sector, government, and civil society to expand services, improve the quality of services, monitor service delivery, and enforce environmental standards. New approaches to address the challenge of providing reliable operations and maintenance services to these disparate water systems will be needed to address the on-going challenge of functionality.

In order to ensure both the quality and quantity of water supply services, the management of water resources needs to be better integrated. The activity will identify opportunities to directly link water management with water service provision by bringing together stakeholders at the national and sub-national levels to better govern and manage resources.

County governments are ultimately responsible for ensuring that all citizens have reliable water services. Therefore, this activity will strengthen institutional capacity at the county level to plan for, finance, and manage water and sanitation services. Monitoring and regulation of water services is particularly important for rural services delivered by private sector actors or community-based organizations. To address this need, the activity will develop approaches to support the creation and use of water and sanitation regulations, and monitoring and asset management systems that are fit-for-purpose and can be financed and managed by local officials.

USAID encourages respondents under this BAA to consider a number of relevant and timely USG policies of interest and WASH sector support priorities, including:

1. The U.S. Global Water Strategy and USAID Water and Development Plan, <https://www.globalwaters.org/2017-us-government-global-water-strategy>, which outlines USAID's strategic approach to ensuring sustainable management of water and sanitation services;
2. The Journey to Self-Reliance, <https://www.usaid.gov/selfreliance> whereby partner countries are positioned to solve their own development challenges;
3. Self-Reliance Metrics and Country Roadmaps, <https://selfreliance.usaid.gov/> which measure and depict a country's capacity to plan, finance, and implement solutions to local development changes - and a commitment to see these through effectively, inclusively, and with accountability;
4. The USAID Private Sector Engagement Policy, <https://www.usaid.gov/work-usaid/private-sector-engagement> an intentional shift toward enterprise-driven development as a more sustainable way to empower people, communities, and countries on their journey to self-reliance;
5. The Acquisition and Assistance Strategy, <https://www.usaid.gov/work-usaid/how-to-work-with-usaid/acquisition-and-assistance-strategy> which focuses on procurement innovation and addresses ways to expand and diversify the partner base, among other matters;

6. The New Partnership Initiative, <https://www.usaid.gov/npi/fact-sheet> which supports USAID Operating Units as they develop plans for engaging new partners through new and existing procurement mechanisms.

V. GENERAL CRITERIA FOR CONSIDERATION

This section provides general information on USAID's intended approach to considering EOIs submitted under this BAA.

1. Submissions of EOIs and proposals received by USAID are not evaluated against other submissions, but solely against the evaluation criteria presented under this BAA.
2. Decisions regarding USAID's pursuit of a particular project, technology, or relationship are based on the available evidence, data, and resulting analysis. USAID seeks solutions that have a significant impact (i.e. breakthroughs, not incremental improvements) and can achieve that impact at scale on the specified areas of interest for the Western Kenya WASH sector.
3. The past performance of the Offerors, and the managerial and technical ability of the team engaged in the endeavor are always significant considerations in assessing the potential and the risks associated with each award.

VI. THE BAA PROCESS

The amount of resources made available under this BAA will depend on the concepts received and the availability of funds from USAID and other resource partners. Some award types may not include any funding. The award process under this BAA has the following stages:

STAGE 1 - Submission of Expressions of Interest (EOIs)

Please submit an expression of interest addressing the criteria below, in the format required in Section VIII. More than one expression of interest can be submitted. EOIs must state which of the two challenge statements they are addressing, **or if they are addressing both**. Each EOI must indicate what county or counties the organization intends to work in. It is not necessary to propose work in all target counties.

USAID will review the EOI to determine the extent to which each Expression of Interest addresses the criteria/eligibility stated below. Not all organizations that submit an Expression of Interest will be invited to proceed to Stage 2. Due to the number of EOI received, USAID is unable to provide details on why EOI were not selected.

Criteria for EOI:

1. EOI must indicate the research or development area of interest the Partner seeks to work in and contribute towards discovering potential solutions to the Problem and Challenge Statements, by increasing knowledge and understanding of potential

solutions; exploiting scientific discoveries ; developing improvements in technology, materials, processes, methods, devices, or techniques that advance the state of the art; or using scientific and technical knowledge in the design, development, testing, or evaluation of a potential new product or service (or of an improved product or service).

Any awards issued under this solicitation will be for Applied Research or Development, as these terms are defined in 48 C.F.R.35.001, and as indicated below:

“Applied research” means the effort that: (a) normally follows basic research, but may not be severable from the related basic research; (b) attempts to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques; and (c) attempts to advance the state of the art. When being used by contractors in cost principle applications, this term does not include efforts whose principal aim is the design, development, or testing of specific items or services to be considered for sale; these efforts are within the definition of “development,” given below.

“Development” means the systematic use of scientific and technical knowledge in the design, development, testing, or evaluation of a potential new product or service (or of an improvement in an existing product or service) to meet specific performance requirements or objectives. It includes the functions of design engineering, prototyping, and engineering testing; it excludes subcontracted technical effort that is for the sole purpose of developing an additional source for an existing product.

2. EOI must demonstrate the potential to have a significant impact, and ultimately achieve even greater impact at scale
3. EOI must indicate the background and expertise of the organization, and the managerial and technical staff or team to be engaged.
4. EOI must indicate what co-investment resources are available to contribute to the solution, including those from the submitting organization and those from other third party businesses, donors, foundations, or other organizations. Such resources include cash and other resources, both tangible and intangible, such as in-kind contributions, expertise, intellectual property, brand value, high-value coordination, and access to key people, places, and information.
5. EOI must demonstrate an approach that works with County Governments and local partners and has the potential to effectively build local capacity. Applicants are allowed and encouraged to submit EOIs in partnership/consortium.
6. USAID will also consider the reputation of an interested party and its past performance

in assessing the ability of the organization to contribute to the co-creation of development solutions addressing the issues laid out in the Problem and Challenge Statements.

7. USAID will send a notification to those EOI Offerors that are not selected to move forward. ***Due to the large number of EOIs generally received in response to BAA Addenda, USAID is unable to provide details on why individual EOIs are not selected.***

STAGE 2 - Co-Creation and Co Development of the Concept Paper

During Stage 2, key stakeholders will co-create potential solutions to the Problem/Challenge by brainstorming and innovating solutions and resources, potentially leading to concept papers that USAID or other resource partners will consider for funding.

Stage 2: Part 1: Co-Creation

USAID will review the EOI and will select the organization(s) that USAID determines have addressed the criteria/eligibility stated within the BAA to an extent that the organization will make a significant contribution to the Co-Creation. The Co-Creation will also include USAID and other co-investment organizations that may be able to contribute cash and other resources, both tangible and intangible, such as in-kind contributions, expertise, intellectual property, brand value, high-value coordination, and/or access to key people, places, and information.

Co-Creations will take the form of a virtual multi-day workshop. Co-Creation may bring together multiple potential partners, or take the form of one-on-one Co-Creation, at the discretion of USAID. Depending on the results of the co-creation, additional meetings, or calls may be planned at the discretion of USAID. The exact timing and format of the virtual workshop will be communicated to Offerors who are selected for Co-Creation at the time they are informed that they were selected to move forward. For more information on co-creation and its design approaches, see <https://usaidlearninglab.org/library/co-creation-discussion-note-ads-201>.

Unless provided otherwise, organizations are responsible for all costs incurred by the organization to participate in Co-Creation.

Specific details on the method, location, date and time of co-creation for this BAA will be communicated directly to those interested parties invited to participate at a later date. An invitation to co-create is not a guarantee of funding nor is it a guarantee of moving forward to Stage 3.

Stage 2: Part 2: Co-Development of Concept Papers

For EOIs that are deemed to have merit by USAID and pass criteria/eligibility stated within this BAA, USAID will issue to the EOI Offeror an invitation to collaborate.

Working together, USAID and the potential partner(s) will collaborate on Concept Paper(s), taking a holistic approach to addressing the Problem/Challenge based on learnings from the Co-Creation, and identifying creative approaches to resourcing projects. Such Concept Papers will consider and include additional implementing and co-investment partners to complement the project, including reasonable cost sharing, leverage, or other exchange of resource arrangements.

Not all organizations that participate in the Co-Creation may be invited to submit a Concept Paper for review by the Peer and Scientific Review Board (Stage 3). The Concept Paper, generally 10-15 pages, will further detail and explain the activity.

Additional Partners/Resources. During the Concept Paper co-creation and co-design, both the EOI Offeror(s) and USAID will identify additional potential partners and resources, and whether additional instruments are necessary to successfully implement the project.

For Offerors that develop Concept Papers in Stage 2 which are not selected to move forward to Stage 3, USAID will send a notification indicating such. ***Depending on the volume of Concept Papers developed, USAID may or may not provide detailed explanations to Offerors as to why their submission was not selected to move forward.***

STAGE 3 - Review by the Peer and Scientific Review Board (PSRB)

USAID and the organizations connected with each Concept Papers will present the Concept Paper to the Peer and Scientific Review Board, composed of experts from USAID, Government of Kenya/Council of Governors, Universities, the private sector and other outside parties. The Peer and Scientific Review Board will review Concept Papers and recommend which Partners should be considered Apparently Successful Partners. Using its technical expertise, the PSRB will recommend whether to move forward with the activity including revisions/additions to the activity, and potential partners and resources.

Evaluation Criteria: Concept Papers will be evaluated based on, at least, the following criteria:

1. Idea/Approach: Novelty, creativity and soundness of the idea/approach and its relevance to the Problem and Challenge Statements.
2. Partnership Contributions and Value: Strengths of the organization or consortium as a partner, including ability to make a unique contribution to the challenge issued, and opportunities to leverage additional resources.
3. Impact: The likelihood of generating substantial, scalable and sustainable impact on the issues discussed in the Problem and Challenge Statements that can be implemented through a USAID-funded award.

4. Institutional Capacity: USAID also will consider the organization's past experience in assessing the ability of the organization to contribute to the co-creation of innovative solutions.

Not all Offerors that have Concept Papers reviewed by the PSRB will necessarily move forward to Stage 4, and they will be notified by USAID accordingly. ***USAID may or may not provide detailed explanation to Offerors as to why their submission was not selected to move forward.***

STAGE 4: Award Determination and Information

Contracting/Agreement Officer (CO/AO) Determination. The CO/AO will review the Peer and Scientific Review Board's recommendations and consider other information, such as resource availability and Agency priorities, and will make a determination whether to move forward with the Concept Paper. For Concept Papers that demonstrate a valid innovation to address the Problem/Challenge Statement, the Contracting/Agreement Officer will assess the partner's responsibility and identify the anticipated instrument type to facilitate project design.

Request for Additional Information. USAID will work with partners identified by the Peer and Scientific Review Board, and co-design the project and assist the partner to provide additional information with respect to the proposer's technical approach, capacity, management and organization, past performance, and budget, as well as representations and certifications, as needed.

Final Review and Negotiation. The USAID Contract/ Agreement Officer will engage in final review, negotiation, responsibility, cost reasonableness, etc., and will craft an award instrument with the Apparently Successful Partner. If the Apparently Successful Partner and USAID cannot arrive at a mutually agreeable arrangement, the CO/AO will cancel the project at no cost to the Government.

Award. Awards under this BAA will be made to the Apparently Successful Partners on the basis of their ability to achieve solutions to the Problems/Challenges, as provided herein. The standard clauses or provisions for awards are generally prescribed by law and regulation and will vary considerably by award type. Information regarding clauses and provisions will be offered to the Apparently Successful Partner when the award type is identified. Where USAID determines that the award of an instrument is appropriate, the USAID CO/AO will award the instrument to authorize funding and implementation of the project.

Award Information

1. Number of awards could vary and may not mirror the number of EOIs received or invitees to co-creation.
2. Only submissions that are responsive to the BAA will be considered. Any EOI or concept paper that is not in response to this BAA will not be considered.

3. USAID is seeking new applications of science, technology, innovation and partnerships that provide the best value to the USG and have the potential to substantially contribute to solving WASH challenges within Western Kenya.
4. Proposals identified for negotiation may result in a: contract, grant, cooperative agreement, Global Development Alliance (GDA) agreement, Inter-Agency Agreement (IAA), Government to Government Agreement, Donor to Donor Agreement, Memorandum of Understanding, or alternative agreement type, depending upon the nature of the work proposed, the required degree of USG involvement, and other factors. The USAID CO/AO will determine award instrument type and negotiate instrument terms and conditions with selectees. USAID may select the award instruments it deems appropriate.
5. Eligibility Information. USAID is looking to engage a wide-range of potential Offerors in this BAA process – including additional donors, resource partners, and funded partners. These different roles may be filled by any organization that brings something of value to bear on the process, including public, private, for-profit, and nonprofit organizations, as well as institutions of higher education, public international organizations, non-governmental organizations, multilateral, and international donor organizations. All organizations must be determined to be responsive to this BAA and sufficiently responsible to perform or participate in the final award type.
6. Standard Clauses and Provisions of Award. The standard clauses or provisions for awards are generally prescribed by law and regulation and will vary considerably by award type. Information regarding clauses and provisions will be offered to the proposer when the award type is identified.
7. Organizations are encouraged to consider providing reasonable cost sharing, leverage, or other exchange of resource arrangements, and are encouraged to suggest creative approaches to resourcing projects.

VII. INFORMATION PROTECTION

USAID's goal is to facilitate research and development that will lead to innovative, and potentially commercially viable, solutions. Understanding the sensitive nature of submitters' information, USAID will work with organizations to protect intellectual property.

EOI should be free of any intellectual property that the submitter wishes to protect, as the EOI will be shared with USAID partners as part of the selection process. However, once submitters have been invited to advance beyond co-creation, submitters can work with USAID to identify proprietary information that requires protection.

Therefore, organizations making submissions under this BAA grant to USAID a royalty-free, nonexclusive, and irrevocable right to use, disclose, reproduce, and prepare derivative works, and to have or permit others to do so to any information contained in the EOI submitted under the BAA. If USAID further engages with the organization regarding its submission, the parties can negotiate further intellectual property protection for the organization's intellectual property.

Organizations must ensure that any submissions under this BAA are free of any third party proprietary data rights that would impact the license granted to USAID herein.

VIII. EXPRESSION OF INTEREST INFORMATION FORMATTING

This BAA can be downloaded from <http://www.grants.gov> and <https://beta.sam.gov/>. Issuance of this BAA does not constitute an award commitment on the part of USAID, nor does it commit USAID or any of its funding Partners to pay for costs incurred in the preparation and submission of EOIs and Concept Papers. Further, USAID reserves the right to reject any or all EOIs and Concept Papers received.

Questions regarding this BAA must:

- A. Be submitted electronically by **November 16, 2020, 10.00 a.m., Nairobi local time** to the following email address: westernwash@usaid.gov and
- B. Be in Microsoft Word or Adobe Acrobat formats only
- C. Clearly labeled “**Questions - Western Kenya Water, Sanitation, and Hygiene (WASH) BAA-OAA-OEGI-WASH-2020**”. USAID’s responses to questions will be provided in an amendment to the BAA by November 20, 2020, 10.00 a.m. Nairobi, local time.

Expression of Interest must:

- A. Be in English, no more than 5 pages in length, and no smaller than 12-point font.
- B. Be submitted electronically by **December 09, 2020, 4.00 p.m., Nairobi local time** to the following email address: westernwash@usaid.gov.
- C. Be in either Microsoft Word or Adobe Acrobat formats only.
- D. Be clearly marked on all pages with the name of the organization responding and must be clearly labeled “**EOI - Western Kenya Water, Sanitation, and Hygiene (WASH) BAA-OAA-OEGI-WASH-2020**”
- E. Contain a cover page with the following information (included in the page count):
 - i) Respondent Name/Group and Contact Information;
 - ii) Response Title;
 - iii) BAA Name/Number;
 - iv) Optional graphic that fits on an 8.5”x11” or A4 piece of paper (included in the page limit);
 - v) Be in either Microsoft Word or Adobe Acrobat format.

SPECIFIC REQUIREMENTS APPLICABLE TO A PARTICULAR INTERESTED PARTY

Expression of Interest (EOI) must sufficiently address each of the criteria listed on page 10-11 and will be evaluated accordingly.

--[END OF BAA-OAA-OEGI-WASH-2020]--