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Subject: **Request for Applications (RFA) No.: RFA-176-11-000006
Judicial Strengthening Program**

Ladies and Gentlemen:

The United States Government, as represented by the United States Agency for International Development (USAID) Mission to the Central Asian Republics, is seeking applications from all qualified organizations (US NGOs, PVOs, and local NGOs, etc) to implement a five-year program to increase the effectiveness and integrity of the judicial system in Kyrgyzstan, subject to the availability of funds as described in the following Request for Applications (RFA).

The Recipient will be responsible for ensuring achievement of the program objectives. Please refer to Section I, the "Funding Opportunity Description" for a complete statement of goals and expected results.

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to the grant program and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A-122 for non-profit organization, OMB Circular A-21 for universities, and the Federal Acquisition Regulation (FAR) Part 31 for-profit organizations), may be paid under the agreement when awarded. For U.S. organizations, 22 CFR 226, OMB Circulars, and the Standard Provisions for U.S., Nongovernmental Recipients will be applicable. For non-U.S. organizations, the Standard Provisions for Non-U.S., Nongovernmental Recipients will apply. Copies of these documents can be accessed via the USAID website: <http://www.usaid.gov>.

USAID intends to award one Cooperative Agreement as a result of this RFA. ***Subject to the availability of funds,*** USAID intends to provide up to \$5,000,000 in total USAID funding over a five-year period. USAID reserves the right to fund any or none of the applications submitted.

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

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If you decide to submit an application, it must be received by the closing date and time indicated at the top of this cover letter at the place designated below for receipt of applications. Applications and modifications thereof shall be submitted electronically with the name and address of the applicant and RFA-176-11-000006 inscribed thereon, to: AlmatyAASolicitations@usaid.gov

Any questions concerning this RFA must be submitted in writing to Mr. Albert Carrera, Negotiator, via email at acarrera@usaid.gov.

If it is determined that the answer to any question(s) is of sufficient importance to warrant notification to all prospective recipients, a Questions and Answer document, and/or if needed, an amendment to the RFA, will be issued. Therefore, *questions should be submitted no later than April 25, 2011, 10 AM (Almaty Time).*

Applicants are requested to submit both technical and cost portions of their applications in separate volumes. Award, if any, will be made to the applicant whose application offers the best value.

Issuance of this RFA does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of an application. In addition, final award of any resultant grant cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, potential applicants are hereby notified of these requirements and conditions for award. Applications are submitted at the risk of the applicant; should circumstances prevent award of a cooperative agreement, all preparation and submission costs are at the applicant's expense.

The preferred method of distribution of USAID RFAs and submission/receipt of applications is electronically via Grants.gov, which provided a single source for Federal government-wide competitive grant opportunities. This RFA and any future amendments can be downloaded from www.grants.gov. In order to use this method, an applicant must first register on-line with Grants.gov. If you have difficulty registering or accessing the RFA, please contact the Grants.gov Helpdesk at 1-800-518-472 or via e-mail at support@grants.gov for technical assistance. Receipt of this RFA through Grants.gov must be confirmed by written notification to Mr. Albert Carrera, Negotiator. It is the responsibility of the recipient of the application document to ensure that it has been received from Grants.gov in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion processes.

Sincerely,



Geoffrey A. Lohsl
Regional Agreement Officer

SECTION I – FUNDING OPPORTUNITY DESCRIPTION

JUDICIAL STRENGTHENING PROGRAM

A. Summary

The purpose of this program description is to solicit applications for a five year program in support of a Judicial Strengthening Program. This program seeks to increase the independence, effectiveness, and integrity of the judicial system by encouraging a fairer and more open system of trials and court processes. The program will focus on the human and institutional capacity of the Kyrgyz Judiciary by partnering with various judicial institutions to develop skills and improve processes. The over-arching, cross-cutting objective of the program is to increase the transparency of key judicial systems and strengthen accountability mechanisms that will lead to reduced corruption. This program will also seek to build on the successes achieved under the 2008-2010 Millennium Challenge Account Threshold Program's *Judicial Reform Assistance Project* (JRAP) and support the Judiciary to develop its independence as outlined in the Kyrgyz Republic's Constitution.

Subject to the availability of funds, USAID intends to provide up to \$5,000,000 in total USAID funding over a five-year period.

B. Background

Kyrgyzstan is a low-income, landlocked mountainous country of less than five million people bordering China, Kazakhstan, Tajikistan and Uzbekistan. Kyrgyzstan has been independent since 1991 and has struggled in its democratic and economic development. In less than 20 years it has experienced two regime changes as a result of mass protests. Expectations for political reform and economic development have been high but have resulted in disappointments.

Rule of Law in Kyrgyzstan is viewed by the public as a sphere influenced by corruption, favoritism, and inefficiency. Efforts to reform the justice sector began immediately following the collapse of the Soviet Union and resulted in some limited successes, but much remains to be done, especially regarding the lack of independence of the Judiciary that is subject to continuous pressure and influence from the central government and the business elite.

Additional relevant background information regarding the Kyrgyz judiciary is detailed in Section F. Other Considerations, a. Additional Background Information

Previous USG Assistance

The Millennium Challenge Account Threshold Program's Judicial Reform Assistance Project (JRAP) began in April 2008 and ended June 30, 2010. The agreement provided for a two-year, \$16 million program of assistance to strengthen the rule of law and decrease corruption. This program had three elements: 1) judicial reform; 2) law enforcement reform, and 3) criminal justice reform.

The law enforcement and criminal justice reform components, under JRAP, faced many challenges and were far less successful than the judicial reform component. Judicial reform activities have resulted in increased alignment of judicial processes with international standards; however, the legal structures for judicial appointments and trainings were altered by the new 2010 Constitution.

International Donors

The donor community is actively engaged in Kyrgyzstan generally and donors are interested in promoting rule of law reform. Current efforts are hampered by the uncertain political situation, and many donors are taking a wait-and-see attitude with respect to specific projects. However, significant levels of planning are underway. For a listing of the main areas of current or future interest (related to rule of law) among other donors see Section F. Other Considerations, b. Donor Involvement in Rule of Law.

The recipient will coordinate assistance to the Judiciary and activities with local and international partners to ensure activities are well articulated and that there is no duplication of donor funded activities.

C. Strategic Framework for Foreign Assistance

The activities outlined in this document will support the U. S. Government Program Objective: Governing Justly and Democratically and its Program Areas of:

2.1 Rule of Law and Human Rights Specifically, the proposed activity will address:

Program Element 2.1.1 Constitutions, Laws and Legal Systems

Sub-element 2.1.1.1 Constitutions, Laws and Legal Frameworks

Program Element 2.1.3 Justice System

Sub-Element 2.1.3.1 Justice System Actors

Sub-Element 2.1.3.2 Operations of Institutions and Actors

Sub-Element 2.1.3.3 Fairness and Equity

This program supports the U.S. Foreign Policy Objectives for the Central Asia Region, specifically Objective 3: *Encourage Political Liberalization*. This program is also in line with Central Asia Assistance Review draft Strategy for Kyrgyzstan and its Objective 1: *Strengthen Democratic Processes*.

D. Program objectives and illustrative activities

Underlying, Cross-Cutting Objective of the Program:

The underlying objective of this program is to increase judicial transparency and accountability with a view to promote ethical behavior, reduce corruption, and support access to justice.

Objective 1: Support Reforms Towards Judicial Independence

Activities under this objective will focus on the laws, rules and processes relating to the Judiciary's mandate to serve the public in a timely and effective manner. Because judicial independence is a fundamental requirement for this to take place, it is expected that efforts are made to ensure that the Judiciary is able to function in full accordance to the country's established laws, rules and regulations. This includes, for example, all aspects of court decision making, judicial appointments, and judicial discipline.

While some reforms have been implemented during the past five years, adequate positive results have not followed. According to the country's Constitution, the Judiciary is independent but in reality this is not the case. Kyrgyzstan's "*Judicial framework and independence*" was given a score of 6.0 by Freedom House in 2010, 1 being the best score and 7 the worst. Undue interference in judicial processes by senior officials or business people is common.

Following the elimination of the National Center for Judicial Affairs, the Judicial Council has become the main agency responsible for all aspects of the management of the career of a judge, including nomination, promotion, and discipline. The transfer of all such responsibilities previously held by the National Center for Judicial Affairs

and the new legal requirements from the 2010 Constitution have added pressure on the Judicial Council and it anticipated that it will need support to deliver on its mandate, especially regarding career advancement and discipline. Being a key agency ensuring judicial independence and self-governance, a more capable Judicial Council will definitely have a positive impact on the overall justice system.

One of the greatest needs of the Judiciary is the maintenance and upgrade of its crumbling infrastructures. Few facilities have been properly maintained since the country's independence so the majority of court buildings are now beyond repair, some even lacking protection from the weather. The Judicial Council is responsible for preparing and advocating for its budgets but lacks the technical skills to do so. The Judicial Council and the Supreme Court need to become more capable to prepare relatively complex sectoral budgets that can take into account not only personnel, but also operations and maintenance. In a country facing an important national budget shortfall, these bodies will have to be able defend and advocate for adequate budgets. It is therefore anticipated that tasks under this objective will support capacity building in the areas of advocacy and budget-making.

The Judiciary is strongly in favor of increased independence and reforms, a position shared with the country's vibrant NGO community. Civil society leaders represent some of the most active advocates for increased democracy and good governance in Kyrgyzstan. It is expected that the primary counterparts for implementing activities under this objective will be the Judicial Council, judges, and civil society organizations with an interest in judicial reforms. In addition, policy makers and parliamentarians supportive of judicial independence and reforms could prove valuable allies.

Judicial independence has proven elusive in a system where the lack of security and decorum in the courts has allowed for mobs to show up in force during hearings and improperly influence judicial processes. For example, during the highly charged cases following the ethnic clashes in the south of the country in the summer of 2010, large groups of people entered courts to threaten, and in some cases assault, advocates and judges. Unfortunately, many such cases have been decided in favor of the party aggressively favored by the mobs. This raises the concern that such violent and intimidating practices, proving to be rather successful, could spread and become common. In the context where the government intends to crack down on organized crime, the scenario of individuals paid to disrupt court proceedings and use violence to influence judicial outcomes is a real possibility. Activities under this objective should therefore look into increasing judicial independence not only from political influence, but also from all external actors.

The integrity of the Kyrgyzstani judicial system has eroded over time through a combination of political interference, systemic inefficiency, sluggish reforms, and perceived and actual corruption. This has resulted in a loss of citizen respect for judicial institutions as well as in the overall principles of the rule of law, allowing for an increased popular interest in seeking justice privately and outside of the fragile system. While public frustrations with the Judiciary are high, it should be noted that there are people in the sector, including judges, who are strongly committed to professionalism, successful reforms and combating corruption. These people's vision for a reformed Judiciary should be supported and publicized through public outreach initiatives. This would broaden political support for reforms but also have a positive effect on public perceptions of the Judiciary, resulting in reduced misconceptions about the sector, improved court-room behavior, and increased public trust in the system to effectively resolve conflicts or disputes.

Illustrative Activities

- Provide expert advice on legislative development, amendment or implementation for preventing undue interference in judicial processes, including judicial appointments and discipline;
- Assist in the revision, refinement or modification of laws, regulations and procedures, including their implementation, for increased judicial independence, including budget formation and implementation of judicial training;

- Develop the capacity of the Judicial Council to formulate, present and advocate for sufficient budget allocation for the Judiciary and its own operations;
- Assist with drafting, refining, updating and implementing procedures related to judicial selection, advancement and discipline;
- Support the finalization and adoption of rules of procedure for the Judicial Council;
- In consultation with the Judicial Council, develop a 5-year Medium Term Strategy Plan for the Judicial Sector (2012-2017) that will include a judicial infrastructure development plan;
- Support public outreach activities of the Judiciary to increase public understanding of the importance and value of a truly independent Judiciary.

Objective 2: Development of the Human Resource Capacity in the Judiciary

The Judiciary in Kyrgyzstan enjoys a vaulted position, but unfortunately, its credibility has been eroded in part by the lack of judicial qualifications of some judges, such as the inability to duly try cases, articulate judgments, and show understanding in human rights issues. Under this objective activities are anticipated to re-build the human capital within the Judiciary with a focus on the skills and knowledge of judicial candidates, judges, and judicial / court assistants.

At the moment, applicants for judicial appointments are not required to have a formal legal education to successfully obtain a position. Former police and security officers have for example been awarded judicial positions without prior judicial experience or education. The people selected as judicial candidates (pre-selected individuals for judicial appointments) are however required to successfully complete a formal training course through the Judicial Training Center (JTC). The JTC plays an important role in the selection, testing and training of new judges in Kyrgyzstan but lacks many of the resources necessary to provide such services without significantly relying on international donors. With support from USAID, the JTC has developed and installed a computerized testing system for judicial candidates that will allow for increased transparency in the nomination process of judges. In fact, the first ever entrance examination for judicial candidates is scheduled for early in 2011. It is anticipated that support to the JTC will play an important role in developing the human capital across the sector. It is also expected that innovative methods will be developed to provide sustainable capacity building measures with the hope that the JTC will in the future be less reliant on international support.

The pool of Judges in Kyrgyzstan is characterized by having a very uneven range of experience and education. While all judges in the country should receive Continuing Legal Education (CLE), a number of them need to acquire basic skills such as court process management and judicial decision writing. These gaps in judicial skills and knowledge are critical weaknesses for the Judiciary. The JTC is the organization in Kyrgyzstan responsible for providing all the required preparatory trainings and internships for judicial candidates and newly appointed judges, including Continuing Legal Education (CLE). It is anticipated that activities under this objective will be designed in a way that will improve / update CLE quality and also develop custom made trainings and courses specifically for the needs of the Kyrgyz Judicial sector. Because judges tend to have a high status in Kyrgyz society, it is expected that innovative approaches to working with the JTC and sitting judges will be developed. It is expected that the development of the human capital in the sector will facilitate the achievement of other related objectives regarding judicial integrity and performance.

Over the past few years the position of Judicial Assistant has been introduced across the Judiciary to reduce the workload of judges by assisting them with decision drafting, legal research, scheduling of hearings and other administrative and management tasks. Judicial Assistants form an under-appreciated, under-utilized resource since their actual capacity and potential is little known. Supporting Judicial Assistants through addressing their needs and furthering their institutionalization across the sector would likely improve the efficiency of the courts. Assessing and integrating their needs into the JTC is also likely to be relevant to this objective.

The JTC has a three year strategic plan (2010-2012) that outlines the types of trainings and thematic priorities for judicial trainings. A chronic lack of funding has resulted in the inability of the JTC to fully implement its strategic plan: 30% of its key components have not been implemented (mostly relating to criminal justice, something donors have traditionally avoided). Further to this, the JTC's training capacity is largely determined by the ability of its trainers to provide quality and up-to-date courses to judicial candidates and newly appointed or sitting judges. The JTC's pool of trainers has not been trained adequately over the past few years and curricula are now outdated. These concerns should be relevant to the program and lead to the design of activities with the close cooperation of the JTC, the Judicial Council, and the Supreme Court.

Recent high profile cases following the ethnic clashes in the south of the country have brought into question the Judiciary's sense of objectivity and impartiality. Further to this, a recent study of the Kyrgyz judicial system notes persistent insensitivities to gender issues, resulting in the perception that judges lack understanding and empathy towards victims of ethnic violence, sex trafficking, physical or sexual abuse, prostitution, bride-kidnapping, and other problems relevant to vulnerable populations. It is anticipated that activities under this objective would address these issues.

Illustrative Activities:

- Assist the efforts of the JTC and the Supreme Court to jointly develop and implement a pre-service training course and curriculum for newly appointed judges;
- Support the efforts of the Supreme Court and the JTC to collaboratively develop and institutionalize continuing legal education for sitting judges and court administrators, including courses on gender equity, judicial ethics and anti-corruption;
- Develop, produce, distribute, and provide training courses on a new procedural bench-book for judges;
- Work with the JTC to develop a methodology for sustaining training programs and training of trainers program;
- Provide pedagogical training for professors and lecturers with focus on modernizing curricula, teaching methods, education manuals production and evaluation procedures;
- Develop, produce and provide training courses on standardized guidelines on judicial decision rendering and writing;
- Support legal internships or clerkships to reduce the workload of the Judiciary and improve legal education opportunities for aspiring judicial candidates or jurists;
- Promote the mentorship of moot court programs by judges;
- Support the efforts of the JTC to develop and carry-out a compulsory ethics and corruption awareness course for judges;
- Support the efforts of the JTC to develop and conduct gender sensitivity training for judges that would address issues such as sex abuse, bride-kidnapping and bride abandonment;
- Support the efforts of the JTC to introduce sensitivity training on vulnerable populations, particularly ethnic minorities and their needs.

Objective 3: Restoring Judicial Integrity

Corruption in the justice sector is believed to be widespread and deep-rooted. A recent international survey of court users indicates that judges are rated less honest than prosecutors, police and advocates. This can result in a situation where citizens avoid settling disputes in the courts. Pervasive corruption has resulted in a number of important consequences for Kyrgyzstan: guilty parties may be set free, victims denied compensation, citizens are functioning outside of the rule of law, the investment climate is extremely poor and transparent business methods are being abandoned. This objective seeks to reduce opportunities for corruption across the Judiciary by implementing innovative approaches that will increase the transparency of judicial processes.

The success of this objective will require a strong buy-in from the Judiciary who will need to be convinced of the benefits of a system that is corrupt-free and more dignified. As a starting point, there is a need to carry out a holistic assessment of courthouse corruption jointly and confidentially with the Judiciary. This type of assessment would provide a clear picture of the most common corrupt practices across the system, including the mapping out its entry points, and provide concrete recommendations for eliminating corrupt practices.

Judicial independence and integrity is regularly breached in Kyrgyzstan. Common practices include people close to the political elite contacting judges for specific “instructions” or wealthy individuals bribing their way to a favorable outcome. The Judicial Council is the organization responsible in the justice sector for investigating allegations of corruption in courts, receiving public complaints, and judicial discipline. Unfortunately, the Judicial Council has so far not been able to carry out these responsibilities. It would be important that avenues are explored for increasing the Judiciary Council’s capacity to duly investigate allegation of corruption or incompetence amongst judges and duly oversee judicial discipline processes in a transparent manner.

USAID, through JRAP, implemented a number of activities designed to reduce corruption, primarily in the area of court case management. One such key activity was the installation of a Computerized Information Management System (CIMS) in all 28 Courts of Bishkek City, Chui Oblast and Osh Oblast. The CIMS was the result of a pilot project financed by the World Bank between 2002 and 2004 with the objective of increasing the system’s performance and transparency by automating and computerizing random case assignments, court case decision entry into a database, court flow management and other key judicial process management duties of the courts. The installation of the CIMS involved an important procurement of IT equipment and the training of 330 judges and court staffs on basic computer skills and the CMIS program.

While the Judiciary has incorporated the CIMS into its annual budget, the system is not used to its full potential. Former Chief Justice Alieva instructed judges to duly use the CIMS for all its intended purposes but there are no binding regulations requiring that this is done. It is believed that some judges may avoid using the system as it inhibits their ability to select cases that could be a source of bribes. Another reason mentioned by judicial professionals is that the CIMS software and interface is cumbersome, incomplete and outdated. The implementation of the CIMS through 2008-2010 was an important investment and bears a strong potential for increased judicial effectiveness. With the equipment in place and users trained, a relatively simple and non-expensive set of activities could increase the usage of the CIMS to its full potential. It is anticipated that this program would build upon prior anti-corruption activities by JRAP to further the institutionalization of these methods.

The lack of transparency in judicial processes has proven to be an important factor explaining the spread of corruption in the sector. For example, the fact that court decisions are not available to the public, create an opportunity for decisions to be rendered in favor of a corrupt party without the possibility to verify whether they are based on a correct interpretation of the law. Further to this, a lack of public awareness of civic rights and legal/judicial procedures has inhibited the ability of citizens or CSOs to exercise oversight and hold the system to account. Increasing the transparency of judicial decision rendering methods, court procedures and resources, and all other aspects of judicial proceedings, will likely assist in the overall effort to reduce judicial corruption.

Reducing corruption in the Judiciary is an ambitious and challenging objective. It should be undertaken with a clear understanding of the problem’s sensitivity, dynamics and main beneficiaries. Corruption is a profitable source of income for underpaid judges. It is a primary source of enrichment for some and a powerful political tool for others. It is expected that strong resistance could come from various directions to avoid this objective to be successful. Activities will therefore need to be designed in a manner that will reflect a high level of awareness and understanding of the issue in order to be effective.

Illustrative Activities

- Joint assessment / mapping out of the corruption practices in the judicial sector, including its overall extent, entry points, value, benefits/consequences, and recommendations for combating it;
- Include ethics and training and awareness raising activities in all capacity building initiatives;
- Improve / harmonize case management processes within the Judiciary;
- Support a judicial or NGO public campaign against using financial or political influence in the courts;
- Expand the use of the CIMS automation and technology (training and/or updating the software) for further transparency and accountability;
- Support the development of a Supreme Court website that would include information on the work of the Supreme Court, judicial procedures, and judicial decisions.
- Assist the Supreme Court to compile and publish judicial decisions;
- Support the Supreme Court to publish and make more transparent information on court fees, procedures and how information on court cases may be obtained;
- Assist the Supreme Court in developing and distributing information to the public on court room decorum, rules and procedures.

E. Expected Results/Outputs

- Improved independence of the Judiciary in Kyrgyzstan pursuant to the 2010 Constitution;
- Judicial Council understands, manages and effectively advocates for its budget needs;
- Increased public understanding of and demand for an independent Judiciary;
- Judicial selection and training is improved and includes a plan for institutional sustainability beyond donor support;
- Standardized court procedures and processes are in place and used in all courts;
- Enhanced capacity of judges to fulfill their roles and responsibilities;
- An assessment of corrupt activities provides concrete understanding of, and consequences of corruption within the sector;
- Efficient and transparent case management procedures are implemented;
- Increased public access to and transparency of court case adjudication and judicial decisions.

F. Other Considerations

Additional Background Information

2010 was an eventful year for Kyrgyzstan. From April to December, a succession of dramatic events unfolded, including: a violent uprising in April leading to the fall of the regime in place, the formation of a Provisional Government, violent ethnic clashes in the south in June, a referendum approving a new Constitution in July, democratic parliamentary elections in October and the formation of a new government in December.

The regime change and subsequent constitutional reforms following the April uprising was not just a shift in power from one dominant group to another. Its goal was a fundamental change in the nature of political power and governance. Previously a highly centralized presidential republic, Kyrgyzstan has become a parliamentary republic with significant checks and balances systems outlined by the new Constitution.

The regime and constitutional changes had an important impact on the judicial sector. Shortly after the April uprising, the Provisional Government dismissed the Constitutional Court and forty-four judges were quickly dismissed. The National Council on Justice Affairs, the organization mostly responsible for judicial appointments and dismissals, was suspended and its responsibilities transferred to the Judicial Council under the newly

created Council for Judicial Selection. The constitution also made clear requirements for a fully independent Judiciary.

Rule of Law

Justice sector institutions are not held in esteem by citizens due to uneven performance and perceived and actual corruption. Key institutions, such as the Procuracy and the Police, are widely criticized, considered ineffective and, in some quarters, dangerous. Many citizens of Kyrgyzstan do not understand, or even know about their rights and responsibilities under the law. While there are numerous civil society organizations in all parts of the country, of which many are focusing on legal rights, there is a poor relationship between the justice sector and citizens. Corruption is endemic across Kyrgyz society, but it is especially problematic in the justice sector. Where court decisions are rendered, effective procedures and resources to enforce judgments are lacking or ignored.

The Judiciary lacks basic physical infrastructures to work effectively and is handicapped by substantial technical gaps in the widest range of subjects, including computer literacy, courtroom decorum, procedures, or substantive knowledge of the law. Poor working conditions are having a negative impact on staff effectiveness, morale and public access. Security is lacking or nonexistent in the courts of the Kyrgyz Republic, as confirmed by the findings of the Judicial Reform Assistance Project's (JRAP) 2010 security assessment. Judges are routinely threatened by litigants who occasionally bring large groups of supporters to the courts, sometimes even armed with firearms or with cans of fuel. The security of judges, court staff, the public, witnesses, and prisoners is jeopardized daily in all courts.

While the country has never achieved an independent Judiciary, it should be noted that some modest progress was achieved since independence, notably:

- The independent formation of the Judiciary's budget, eventually formalized through the adoption of the "Law on Principles of Forming the Budget of the Judiciary";
- Life tenure (until legislatively mandated retirement age) for judges of the local courts, Constitutional Court (now disbanded) and the Supreme Court;
- The Establishment in 2008 of the Judicial Council (JC) and the National Council on Justice Affairs (NCJA) with the responsibility to oversee Judicial administration, including and judicial selection and advancement;
- An increase in the number of judges and the introduction of judicial assistants in order to decrease case workloads;
- The Introduction of fee payment schedules for losing parties in order to promote greater access to justice;
- The Creation of a web portal for the Judiciary (www.sudsistem.kg), which has promoted a measure of transparency; and
- With donor assistance, the introduction of a new law on jury trials was adopted and is scheduled to be implemented in criminal cases on a pilot basis in 2011.

The Government of Kyrgyzstan's *Country Development Strategy 2007-2010* (CDS), updated in 2008 for the 2009-2011 period, describes the judicial system as "one of the weakest constituents of public administration" and aims to reform the system in order to improve its effectiveness and independence. The CDS also attaches a prominent role to improving the judicial system in order to combat corruption.

Some improvements in court management and automation have also been achieved over the recent years, notably through the recently concluded JRAP (see below). However, effective court management has not been achieved. Only about a third of the courts in the country have been equipped with basic technological systems and where they are to be found, they are not being used effectively. The Judiciary requires the full deployment

of an effective information management system, which would foster greater transparency and effectiveness as well as provide an infrastructure to support the roll-out of important processes such as random case assignment, court reporting and monitoring.

The Ministry of Justice (MOJ) with support from the UNDP has taken a lead role in refining and harmonizing the more than 50 laws required by the 2010 Constitution. This work has been broken down into four working groups: 1) constitutional fundamentals; 2) human rights; 3) the Judiciary; and 4) local self-governance. Out of the 50 laws, five directly concern the Judiciary:

- The constitutional chamber (Конституционный Закон «О конституционном судопроизводстве»)
- The law on the Supreme Court and local courts (Закон «О Верховном суде Кыргызской Республики и местных судах»),
- Judicial selection (Закон «О совете по отбору судей»)
- The status of judges (Конституционный Закон «О статусе судей Кыргызской Республики»)
- Judicial independence (Закон «Об органах судейского самоуправления»).

The enactment of these laws, if approved by the parliament, will represent major step towards judicial independence. Other legislative developments are also expected to take place for that matter, including on the introduction of jury trials and the reform of criminal law and criminal procedures.

The aforementioned constitutional and institutional developments suggest that the government is serious about attempting to reform the sector. According to a senior judge of the Supreme Court, the Kyrgyzstani political landscape is currently very much favorable of judicial reform: local media outlets are vibrant and independent, the parliament is composed of competing opposition parties exercising great scrutiny and oversight, recent civil society-judicial work has resulted in legislative developments capable of significantly increasing judicial independence, and President Otunbayeva is proving to be a strong advocate and supporter for reform. This presents an important and rare window of opportunities that should be exploited.

The Judiciary

The Judiciary in Kyrgyzstan is defined by the constitution and consists of the Supreme Court (Верховный суд), which has appellate jurisdiction over the local courts. Decisions of the Supreme Court are final. The previously separate constitutional court is now a chamber within the Supreme Court and although secondary legislation has not yet been drafted it is presumed that it will hear matters relating to constitutional issues. Decisions of the constitutional chamber are final. Specialized courts, such as commercial courts, may also be established. The Supreme Court sets judicial policy and hears appeals of lower court rulings. The Judicial Council is an elected body of judges that is responsible for self-regulation, budget formulation and execution, judicial orientation, professional development, and discipline.

The Judicial Training Center (JTC), which has been in existence for about 10 years and previously was under the authority of the Ministry of Justice, is included in the central government budget and receives a small allocation to cover core administrative expenditures. The JTC's work, which focuses on training for judges and administrators, is funded primarily by international donors and does not adequately meet the needs for professional development the public justice sector. The JTC has a director and a small core staff that handles administrative matters and organizes specific—largely donor funded—training activities. Professional staff, including instructors and trainers, is recruited on an as-needed basis from the Judiciary, governmental institutions, law schools and the defense bar associations. Training at the JTC appears to be opportunistic in the sense that the curriculum flows from primarily the ability of donors to provide support. The JTC has a three-year curriculum that is designed to be updated annually; however, budget constraints appear to be limiting its fulfillment.

The Judicial Council's mandate is prescribed in the new constitution. As an elected body, its responsibilities revolve around the principle of judicial self-regulation. The Judicial Council is responsible for protecting the rights and legal interests of judges, the formulation and execution of court budgets; initial training and professional development of judges, and judicial discipline. Through JRAP, USAID provided significant assistance to the Judicial Council in the area of budget planning and implementation, disciplinary procedures, citizen complaint process, publication of disciplinary actions, and judicial training.

Donor Involvement in Rule of Law

Access to Justice: The Soros Foundation is providing support to civil society, the Ministry of Justice (MoJ) and the Procuracy in promoting legal representation for indigent citizens. Soros and the Swiss Cooperation Organization support local NGO's and legal clinics that provide legal aid and education.

Civil Service Reform: The UNDP, Swiss Development Cooperation, DFID, and European Commission are broadly engaged in promoting the reform of the civil service and improving the capacity of government officials to perform their functions effectively. This assistance may include justice sector personnel.

CSO Support: A wide range of donors are active in supporting Civil Society Organizations (CSO) that work on law-related issues, including advocacy, Non-Governmental Organization (NGO) law, court transparency and monitoring, human rights, access to justice, and gender equity. They include most donor organizations with the following playing a leading role: the OSCE, UNDP and United States Government, especially USAID.

Human Rights & Trafficking: Freedom House (under USAID agreement) and Soros are training legal advocates on human rights law and Kyrgyz international obligations to protect human rights. The OSCE/ODHIR has provided trainings to the prosecutors on anti-trafficking.

Infrastructure: The World Bank is undertaking an assessment of court infrastructures, including court buildings, communication and security.

Jury Trials: The OSCE, Soros and the US Government (USG) (INL) have provided—and are poised to continue--support to the courts for implementation of the new law on jury trials.

Legal Framework and Legislative Reform: The OSCE is providing technical assistance on legislative development related to the Supreme Court, local government, the Procuracy, the status of judges and access to information. The Soros Foundation is providing international study tours for legislators in order to improve their ability to undertake the many legislative initiatives contemplated by the adoption of the 2010 Constitution. Freedom House is providing support for harmonizing legislation related to freedom of information, religious freedom, freedom of assembly, criminal and civil law and procedure, family law and juvenile law. UNDP is providing considerable support for harmonizing secondary legislation with the new constitution, which includes the status of judicial institutions.

Procuracy and Police: The OSCE has worked with the Procuracy since 2005 and helped to develop the Procuracy's training center, largely through providing some material support. The OSCE plans to provide support for improving the Procuracy's investigative capacity. The USG (RLA) has provided equipment and training for the prosecutor's training center and other support through the now-completed JRAP, as noted above.

Support for Advocate and Judicial Training: UNICEF and GIZ are collaborating to provide funding to the Advocates Training Center (ATC) to train advocates in juvenile justice. With funding from the EBRD, IDLO initiated an 18-month training program for approximately 20 judicial candidates (representing approximately 10

percent of all candidates) that will be conducted by the Judicial Training Center (JTC). GIZ has supported legislative reform through the ATC in administrative and commercial law.

Gender Issues

Gender is a social construct that refers to relations between and among the sexes, based on their relative roles. USAID's Automated Directive System (ADS) states: "Gender issues are central to the achievement of strategic plans and Assistance Objectives (AO), and USAID strives to promote gender equality, in which both men and women have equal opportunity to benefit from and contribute to economic, social, cultural and political development; enjoy socially valued resources and rewards; and realize their human rights." (ADS 201.3.9.3)

Further, USAID requires that gender integration is incorporated into new program designs. Specifically, gender integration entails the identification and subsequent treatment of gender differences and inequalities during program/project design, implementation, monitoring, and evaluation. As part of the design of any proposed activity, the applicant should assess and identify gender issues which impact the participation of men and women equally in the participation of this program. The applicant is expected to examine cultural perceptions, economic barriers, and other factors which impact women and men in terms of access and use of the judicial and legal systems.

Since independence, women in Kyrgyzstan have suffered from transitional upheaval, from decreasing economic opportunities to increasing violence against women (including a resurgence of bride kidnapping). The crumbling social safety net, the small numbers of women in top political positions, and the pervasive gender stereotypes have contributed to women's sense of disempowerment since independence. For men, unemployment meant the loss of status and the push to leave school or home to find a job. Men in Kyrgyzstan have responded in different ways to the frustration of economic hardship: some have turned to "traditional values" or religious institutions to redefine their roles; others have turned to violence and unhealthy habits such as alcohol and drugs; still others have simply adapted as best they can.

Increasing gender equity in Kyrgyzstan is a primary cross-cutting objective of the Kyrgyzstan Judicial Strengthening Program. For rule of law to be effective, social and cultural attitudes must be consistent with international human rights norms. In this context, civil society organizations are essential to rule of law, as such organizations are well placed to actively pursue an enabling environment conducive to gender equity gradually becoming the legal norm within Kyrgyzstan. Numerous Kyrgyz NGOs are qualified to implement relevant public awareness and outreach campaigns related to the ethical and equity issues of gender.

Kyrgyzstan needs support for protecting the interests of men and women through policy and legislative reform. Women and girls have significant legal challenges with such issues as inheritance, the ability to transfer assets, equal ownership of assets (which exists on paper, but in reality assets are maintained by the husband and his family), rights to legal documentation that is responsive to gender identity as expressed, human trafficking of men/women/children, non-enforcement of domestic violence laws including spousal and child abuse in all forms, and access to health and other services. Many of these challenges to gender equality for at-risk populations have their roots in cultural, societal, and religious values, and the widespread Kyrgyz belief that claims of gender-based violence or discrimination are instrumental - conjured up as a form of retaliation for something else (e.g. falsely accusing a male head of household). All drafting and policy-making activities should be viewed through the lens of protecting at-risk populations and, thereby, achieving greater gender equity in Kyrgyzstan.

Gender and rule of law is also a concern with respect to men. The disruptions caused by independence from the Soviet Union, including unemployment and diminished earning potential has frequently resulted in unhealthy lifestyles, including excessive drinking, drug use and violent behavior. Men's travel away from family and home

to seek employment opportunities also has caused family dysfunction and economic hardship, and a decline in the larger Kyrgyz society in the number of men getting married.

The Kyrgyzstan Judicial Strengthening Program is expected to place cross-cutting emphasis in all assistance activities on: 1) fostering and sustaining an enabling environment conducive to gender equity, and 2) institutionalizing gender equity considerations within rule of law institutions and legislation.

Gender and Performance Indicators: The ADS 203.3.4.3 “Reflecting Gender Issues in Performance Indicators” sets forth USAID’s requirements for performance indicators in projects/activities regarding gender. In order to ensure that USAID assistance makes the optimal contribution to gender equality, performance management systems and evaluations at the activity levels must include gender-sensitive indicators and sex-disaggregated data, where relevant.

Environmental Compliance

The Foreign Assistance Act of 1961, as amended, Section 117 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. This mandate is codified in Federal Regulations (22 CFR 216) and in USAID’s Automated Directives System (ADS) Parts 201.5.10g and 204 (<http://www.usaid.gov/policy/ADS/200/>), 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 recipient’s environmental compliance obligations under these regulations and procedures are specified in the following paragraphs of this Program Description. In addition, the implementing partner 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.

No activity funded under this award will 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).

USAID has determined that project activities including technical assistance, training, analyses, studies and information transfers qualify for a Categorical Exclusion under 22 CFR Part 216.2(c)(2) (no effect on the natural or physical environment) and, therefore, these activities are excluded from an environmental review.

USAID has determined that a Negative Determination with Conditions qualifies for activities, when following normal good practices, engineering methods, and standard instructions will help to avoid potential environmental problems. This includes possible limited procurement of equipment, including electric and electronic equipment (computers, printers, etc.). The proposed action is that the Implementer should provide evidence that equipment is procured from certified retailers; environmental safety and quality certificates conforming with national and/or international standards are available; it’s used in an environmentally sound and safe manner, and properly disposed of, when applicable, at the end of its useful life in a manner consistent with best management practices according to USG, European Union or equivalent standards acceptable to USAID.

The initial environmental evaluation (IEE) for this program was approved as part of Amendment No.5 for the Democracy and Conflict Mitigation Office’s IEE and is listed as activity number 9. This Amendment was signed on June 29, 2010. For activities related to technical assistance, research, information, study tours and training courses a categorical exclusion was provided. For all activities related to the provision of equipment, a negative determination was provided. Recipients therefore must ensure that equipment is procured from certified

retailers; environmental safety and quality certificates conforming with national and/or international standards are available; equipment and materials are used in an environmentally sound and safe manner, properly disposed of when applicable at the end of their useful life in a manner consistent with best management practices according to USG, European Union or equivalent standards.

All project activities shall be developed, implemented, and reported by the Implementing partner in a manner consistent with: 1) terms of the Initial Environmental Examination, approved by Asia BEO prior to funds obligation; and 2) country-specific environmental legislation and standards. The Implementing partner shall report to the AOTR and the Regional Environmental Officer in accordance with requirements outlined in the IEE.

Marking and Branding

All USAID-funded foreign assistance (including programs, projects, activities, public communications, or commodities) must be communicated, promoted, and marked as coming from the American people through USAID. Specific communications and promotion measures shall be described in the “Branding Strategy” and “Branding Implementation Plan,” and specific marking will be described in the “Marking Plan” for the this award. Branding and marking under this award shall comply with the USAID Automated Directive System Chapter 320 Branding and Marking (ADS320).

A Branding Implementation Plan and a Marking Plan are to be submitted by the applicants as part of the response to this RFA. The selected applicant’s Branding Implementation Plan and Marking Plan will be finalized in coordination with USAID and included in the cooperative agreement. In preparation of the branding implementation plan and the marking plan, the offeror will use templates for these documents available at <http://centralasia.usaid.gov/page.php?page=article-20>. Additional guidance is available at <http://www.usaid.gov/branding>. The cost application must incorporate the estimated cost of the proposed Branding Implementation and Marking Plan.

[END OF SECTION I]

SECTION II – AWARD INFORMATION

A. ESTIMATE OF FUNDS AVAILABLE

Subject to the availability of funds, USAID intends to provide approximately \$ 5,000,000 in total USAID funding for the life of the activity. USAID reserves the right to fund any or none of the applications submitted.

B. NUMBER OF AWARDS CONTEMPLATED

USAID expects to award one award under this solicitation. USAID reserve the right to fund any or none of the applications submitted.

C. PERIOD OF PERFORMANCE

The estimated period of performance is estimated as September 2011 to September 2016.

D. TYPE OF AWARD

USAID intends to award a cooperative agreement, wherein an Assistance Officer Technical Representative (AOTR) will substantially be involved in the administration of the agreement to help the receipt achieve the agreement objectives. Below is the list of areas which will require the AOTR's involvement:

1. Substantial Involvement

Approval of the Recipient's Work Plans: Within (45) forty-five days of the award of the Cooperative Agreement, the Recipient shall develop and submit the work plan to the AOTR. The work plan should include a description of the activities to be completed during the period and the expected results. The work plan shall include a list of any commodities to be purchased. Subsequent year work plans will be submitted no later than August 30th so as negotiations may be concluded prior to the start of the new fiscal year on October 1. Regardless of the start date of this award, work plans will be adjusted to the fiscal calendar of October 1-September 30.

Approval of Specified Key Personnel: For this program the following three positions are considered key personnel and must receive USAID approval:

- Country Director/Representative
- Judicial Reform Specialist
- Judicial Training Specialist

Approval of Performance Monitoring and Evaluation Plan: The Work Plan must set forth a comprehensive Performance Monitoring and Evaluation Plan that measures impact and progress toward achieving results over the life of the award. The Performance Monitoring and Evaluation Plan must include indicators, targets, data sources and collection methods, baseline information, benchmarks and periodic evaluations, and data quality assessment reports. Data collected under the Performance Monitoring and Evaluation Plan shall be submitted with the final report. Regardless of the start date of this award, the performance monitoring and evaluation plan will be adjusted to the fiscal calendar of October 1-September 30. As necessary, the performance monitoring and evaluation plan may be updated each year of this award as part of the work plan approval process.

USAID/CAR is committed to ensuring that programs are properly monitored. The Recipient is expected to adhere to the relevant ADS provisions with respect to monitoring and evaluation activities for the design and final program. The designed activity is expected include indicators against which results will be measured. These

indicators are expected to include USG standard indicators and additional indicators as identified by the recipient in their application.

The enclosed standard indicators may be selected by the mission to monitor the project's results:

- Number of judges trained with USG assistance;
- Number of USG assisted campaigns and programs to enhance public understanding, NGO support and media coverage of judicial independence and accountability;
- Number of regulations or procedures that improve judicial transparency adopted with USG assistance;
- Number of USG assisted courts with improved case management;
- Number of justice sector personnel that received USG training;
- Number of new legal courses or curricula developed with USG assistance;
- Number of strategic plans for justice sector reform adopted with USG assistance.

Agency and Recipient Collaboration as follows: AOTR concurrence in the selection of any sub-award recipients and on the substantive provisions of any sub-awards.

E. FUNDING RESTRICTIONS

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to the grant program and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A-122 for non-profit organization, OMB Circular A-21 for universities, and the Federal Acquisition Regulation (FAR) Part 31 for-profit organizations), may be paid under the grant.

F. AUTHORIZED GEOGRAPHIC CODE

The authorized geographic code for procurement of goods and services under this grant is 000 and 110. Use of Geographic Code 110 for agricultural commodities and related products, motor vehicles and pharmaceuticals is subject to the limitations in 22CFR228.13 and will require a waiver.

USAID Administrator approved a blanket waiver authorizing local procurement from the cooperating country in an amount of up to \$5 million of commodities and services, for details see ANNEX 1

[END OF SECTION II]

SECTION III – ELIGIBILITY INFORMATION

A. APPLICANTS

All qualified applicants are eligible to apply. USAID encourages applicants from potential new partners and from local organizations. USAID is particularly interested in applications which include coalitions or other partnership arrangements among local and/or other organizations that draw on each organization's unique skills. Assistance provided under this program is intended to develop and complement rather than to supplant local initiatives and resources.

Both U.S. and non-US PVOs/NGOs, may submit applications for assistance under this RFA. U.S. organizations submitting applications should explicitly state in their applications any partners in their applications, if those partners are known at the time.

B. COST-SHARE

Cost share is defined by USAID as "contributions, both cash and in-kind, which are necessary and reasonable to achieve program objectives and which are verifiable from the recipient's records." Please take note of regulations such as: ADS 03.5.10; 22 CFR 226.23 and the Acquisition & Assistance Policy Directive (AAPD) 02-10.

Although there is no general legislative requirement that recipients of grants and cooperative agreements must cost share, USAID policy is that cost sharing is an important element of the USAID-recipient relationship. *USAID suggests that applicants demonstrate their commitment to program success by including cost-sharing. USAID/CAR would therefore prefer applicants to provide up to 20% cost share for this RFA.*

[END OF SECTION III]

SECTION IV – APPLICATION AND SUBMISSION INFORMATION

A. POINT OF CONTACT

Any questions concerning this RFA should be submitted in writing to Mr. Albert Carrera, Negotiator, via email at acarrera@usaid.gov not later than April 25, 2011, 10 AM (Almaty Time). If there are problems in downloading the RFA, please contact Mr. Albert Carrera, Negotiator, via email at acarrera@usaid.gov.

B. REQUIRED FORMS

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

- SF-424, Application for Federal Assistance
- SF-424A, Budget Information - Nonconstruction Programs, and
- SF-424B, Assurances - Nonconstruction Programs

Copies of these forms may be found as an attachment to this RFA.

C. PRE-AWARD CERTIFICATIONS, ASSURANCES AND OTHER STATEMENTS OF THE RECIPIENT

In addition to the certifications that are included in the SF 424, both U.S. and non-U.S. organizations (except as specified below) must provide the following certifications, assurances and other statements. Complete copies of these Certifications, Assurances, and Other Statements may be found at <http://www.usaid.gov/policy/ads/300/303.pdf>.

- a. For U.S. organizations, a signed copy of the mandatory reference, *Assurance of Compliance with Laws and Regulations Governing Nondiscrimination in Federally Assisted Programs*.
- b. A signed copy of the certification and disclosure forms for “Restrictions on Lobbying” (see 22 CFR 227);
- c. A signed copy of the “Prohibition on Assistance to Drug Traffickers” for covered assistance in covered countries;
- d. A signed copy of the “Certification Regarding Terrorist Funding”;
- e. A signed copy of “Key Individual Certification Narcotics Offenses and Drug Trafficking”
- f. Survey on Ensuring Equal Opportunity for Applicants;
- g. All applicants must provide a Data Universal Numbering System (DUNS) Number;
- h. A signed copy of Key Individual Certification Narcotics Offenses and Drug Trafficking when applicable;
- i. A signed copy of Participant Certification Narcotics Offenses and Drug Trafficking, when applicable; and

- j. A signed copy of Certification of Compliance with the Standard Provisions entitled Condoms and Prohibition on the Promotion or Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking (AAPD 05-04) when applicable.

D. APPLICATION PREPARATION GUIDELINES

Applications shall be submitted in two separate parts: (a) technical and (b) cost or business application. The application should be prepared according to the structural format set forth below. All applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format.

Applicants should retain for their records one copy of the application and all enclosures which accompany it. Erasures or other changes must be initialed by the person signing the application.

Applications shall be written in English, single spaced, and 12 point font with each page numbered consecutively. The length of the Technical Application shall not exceed the page limitation listed below. Draft annual workplan, performance measurement plan, resumes (including references and letters of commitment), and branding strategy and marketing plan are excluded from any page limitation and may be included as annexes to the technical application. There is no page limitation on the Cost Proposal.

This RFA is being posted through www.grants.gov. This RFA and any future amendments can be downloaded from this website (www.grants.gov). It is the responsibility of the recipient of the application document to ensure that it has been received from www.grants.gov in its entirety. USAID bears no responsibility for data errors resulting from transmission or conversion processes.

E. TECHNICAL APPLICATION FORMAT

The Technical Application shall contain the following sections: (1) Cover page, (2) Executive Summary, (3) Program Strategy and Approach, (4) Management Plan, (5) Key Personnel, and (6) the Annexes (including past performance information, CVs for Key Personnel, Performance Monitoring Plan).

1. Cover Page

A single page with the name of the organization applying for the award. If any partner organizations are included in the application, they should be listed separately and indicated as subordinate to the principal organization. The cover page should also identify a single point of contact, with the authority to negotiate and sign on behalf of the applicant. The individual's name (both typed and his/her signature), title or position in the organization, current email and postal addresses, telephone and fax numbers shall be included.

2. Executive Summary

A two page brief description of applicant's proposed strategy, program methodology and expected results. Describe how the overall program will be managed. State the bottom line funding request from USAID and the bottom line funding secured from other sources (state sources and amounts) for the proposed program.

3. Program Strategy and Approach

In twenty (20) pages or less, the Program Strategy and Approach 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 Technical Approach must include a clear description of the conceptual

approach, including proposed alliances if applicable, and the general strategy (i.e. methodology and techniques) being proposed; a description of the target population (including geographical location and proposed number of beneficiaries) or a detailed description of the process by which the target population will be identified. It should outline specific, focused activities, and make a convincing case about how their mix and balance will achieve the objectives.

Applications should incorporate international “best practices” in legal reforms and human rights programs as well as “lessons learned” from countries similar to the Kyrgyzstani operating environment. It is important for applicants to specifically address how each of the expected results outlined in the RFA will be achieved or progress will be made towards achieving these expected results.

Applications shall discuss how resources will be organized to achieve expected results. The applicant should discuss fully the "what" and the "how" of its plan. The purpose of this approach is to allow the applicant greater creative freedom to develop a plan for resource organization and use. Applicants are encouraged to propose innovative activities designed to reach the desired outcomes/results.

4. Management Plan

In three pages or less, the Management Plan should provide a summary of the history of the respondent's work in legal reform and rule of law programs, including a brief history of the respondent's work in other countries, in Central Asia, and in Kyrgyzstan, if there is such a history. The application also must provide evidence of the organization's technical resources, expertise and capabilities for implementing similar programs. The organization should describe its comparative advantage in implementing the proposed activities.

The application must specify the composition and organizational structure of the program team, including the extent of home office support, and describe the presence of either intermittent or permanent staff that it proposes to place in the project area. A description must be provided on the role of each proposed staff member and the amount of time the staff member will be devoting to the program.

If it applies, the application must describe the role of partner organizations or consortium members and the comparative advantage of the team in implementing the proposed activities. As part of this, the application should articulate the additional resources, if any, that would be brought to the program by the consortium members.

5. Key Personnel

In three pages or less, applicant must specify the composition and organizational context of the entire implementation team (including home office support) and describe each staff member's role, technical expertise and estimated amount of time each will devote to the project. The names of all important managerial and technical personnel to be assigned to this program must be provided. Proposed personnel not yet identified may be shown as "TBD" (to be determined).

The Applicants should propose candidates for the following positions:

- Country Director
- Senior Judicial Reform Specialist
- Judicial Budget Advisor

Proposed key personnel should have prior experience directly related to the proposed work, including technical qualifications, supervisory skills, academic background, work experience which qualifies them for the positions, and demonstrated experience in Kyrgyzstan or a similar operating environment.

It should be noted that: 1) references will be obtained for key personnel including information obtained from other than the sources provided by the applicant; 2) if letters of commitment are not provided for each key personnel candidate, the Technical Evaluation Committee can take this into account in evaluating this factor, including, but not limited to, ignoring the qualifications and experience of the person proposed.

Resumes, references and letters of commitment will not be counted against the page limit allotted for the technical application. Please include all these documents in the Annex.

6. Institutional Capability/Past Performance Information

Institutional Capability

In three pages or less, applicant must offer evidence of their technical resources and expertise in addressing relevant problems and issues. Care shall be taken to establish the relevance of past experience to this program and the basis for reliance upon that experience as an indicator of success on this program. Information in this section should include (but is not limited to) the following (where it applies):

- a) Brief description of organizational history/expertise;
- b) Pertinent work experience and representative accomplishments in developing and implementing programs of the type required under the proposed RFA;
- c) Evidence of a successful record of implementing projects overseas, and in the region;
- d) Relevant experience with proposed approaches;
- e) Institutional strength as represented by breadth and depth of experienced personnel in relevant disciplines/areas;
- f) Sub-recipient capabilities and expertise;
- g) Proposed field management structure and financial controls; and
- h) Home-office backstopping and purposes.

Past Performance Information

In five pages or less, applicant must include a complete list of all U.S. Governmental and/or privately funded contracts, grants, cooperative agreements, etc. received in the last three years involving programs similar to the program proposed in the application. The following for each award listed must be provided:

- a) Name of awarding organization or agency;
- b) Address of awarding organization or agency;
- c) Place of performance of services or program;
- d) Award number;
- e) Amount of award;
- f) Timeframe of award (start and end dates (month/year of services/program));
- g) Name, current telephone number, current fax number and e-mail address (if one is available) of a responsible technical representative of that organization or agency; and
- h) Brief description of the program - USAID may contact references and use the past performance data, along with other information to determine the applicant's responsibility. The Government reserves the right to obtain information for use in the evaluation of past performance from any and all sources inside or outside the Government.

7. Annex

Draft Annual Workplan

The application shall include a draft Annual Work Plan for the first year, including a detailed Implementation Schedule for achieving expected program results. The applicant is encouraged to propose innovative implementation mechanisms to reach the desired results and an aggressive but realistic schedule of performance milestones as steps toward achieving proposed results. The implementation plan should clearly outline the links between the proposed results, conceptual approach, and performance milestones, and should include a realistic timeline for achieving semi-annual, annual, and end-of-program results.

Performance Measurement Plan

As part of the Technical Approach applicants should submit a draft Performance Monitoring Plan (PMP) that must include semi-annual, annual, and end-of-program indicators and targets to measure the progress of the proposed activities and the achievement of results. The plan must also describe the monitoring system that will enable it to track these indicators regularly. Applicants are encouraged to propose ambitious targets and to propose their own indicators.

Resumes, References, and Letters of Commitment

Applicants are to include in this Annex the resumes and letters of commitment for each key personnel who will work on the program. The resumes must be no more than two pages each, references not to exceed one page each, and the letters of commitment must not exceed a single page each.

Branding Strategy And Marking Plan

The Apparently Successful Applicant, upon the request of the Agreement Officer, will submit and negotiate a Branding Strategy and Marking Plan. The Branding Strategy will address the public communications and promotion plan for the project, while the Marking Plan will address the details of the project's public communications, commodities, program materials that will visibly bear the USAID Identity. The Branding Strategy and Marking Plan will be included in and made a part of the resulting grant or cooperative agreement. The applicant must include an estimate of all costs associated with branding and marking USAID programs, such as plaques, labels, banners, press events, promotional materials, and so forth in the budget portion of its application. These costs are subject to revision and negotiation with the Agreement Officer upon submission of the Branding Strategy and Marking Plan and will be incorporated into the Total Estimated Amount of the grant, cooperative agreement or other assistance instrument. If the Apparently Successful Applicant fails to submit or negotiate an acceptable Marking Plan within the time specified by the Agreement Officer, that Applicant becomes ineligible for award.

In preparation of the branding implementation plan and the marking plan the offeror will use templates for these documents available at <http://centralasia.usaid.gov/page.php?page=article-20>. Additional guidance is available in AAPD 05-11, http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd05_11.pdf.

F. COST APPLICATION FORMAT

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

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

1. The Cost/Business application must be completely separate from the applicant's technical application. The application must be submitted using SF-424 and SF-424A "Application for Federal Assistance."
2. The cost application should be for a period of up to 24 months using the budget format shown in the SF-424A. If there are any training costs to be charged to this Agreement, they must be clearly identified.
3. The budget to be presented under Cost Application should relate to results while also showing the inputs (see item 10, below) for each result as well as overall. A matrix format will probably be most suitable.
4. Applicants should assume notification of an award approximately sixty (60) days after the date established as a deadline for receipt of applications.
5. In the case of a group application, the Cost Application must include a copy of the legal relationship between the prime applicant and its partners. The application document should include a full discussion of the relationship between the applicant and its partners, including identification of the applicant with which USAID will treat 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.
6. The required Certifications should be included with the cost proposal.
7. The proposed budget should provide cost estimates for the management of the program (including program monitoring). Applicants should minimize their administrative and support costs for managing the project to maximize the funds available for project activities. Accordingly, those applications with minimal administrative costs may be deemed to offer a "greater value" than those with higher costs for program administration. Additionally, those applications with a greater proportion of cost share may be deemed to offer a "greater value."

Include a chart containing the main activities of the program. List on the vertical axis the activities, and on the horizontal axis the following information: (a) name of implementers; and (b) time frame, noting estimated dates of completion; and (c) the respective cost. Note that this is a similar chart to the one requested under the Technical Application, but also including cost.

8. The cost/business portion of the application should describe headquarters and field procedures for financial reporting. Discuss the management information procedure you will employ to ensure accountability for the use of U.S. Government funds. Describe program budgeting, financial and related program reporting procedures.
9. To support the costs proposed, please provide detailed budget notes/narrative for all costs that explain how the costs were derived. The following section provides guidance on line items.
10. In addition to providing summary cost data in the SF424A format noted above, applicants are required to summarize cost data using development-focused budgeting (DFB) in cost applications submitted in response to this solicitation. DFB is a customer-based, performance-driven, results-oriented budget system underpinned by outcome management. Outcome management is a management approach that focuses on the development results achieved by providing a service.

DFB involves summarizing cost data to corresponding development results/outcomes as set forth in the Mission's approved Operational Plan. Cost data must be summarized in both the SF424A and DFB categories by the corresponding program elements. If an input serves multiple development results and program elements, the applicant must allocate the input across the corresponding results and provide a rationale in the budget narrative for the method used for each allocated input.

Cost applications must also include all supporting input-based budgeting for both summary formats and comply with other instructions for cost applications (e.g., breakout of costs at the country versus headquarters level) contained elsewhere in this solicitation.

11. **Budget Notes:** an accompanying budget narrative by line item which provides in detail the total costs for implementation of the program and achieving results your organization is proposing per year. Please include the breakdown of all input costs according to each partner organization involved in the program and the breakdown of the financial and in-kind contributions of all organizations.

Salary and Wages - Direct salaries and wages should be proposed in accordance with the applicant's personnel policies.

Fringe Benefits - If the applicant has a fringe benefit rate that has been approved by an agency of the Government, such rate should be used and evidence of its approval should be provided. If a fringe benefit rate has not been so approved, the application should propose a rate and explain how the rate was determined. If the latter is used, the narrative should include a detailed breakdown comprised of all items of fringe benefits (e.g., unemployment insurance, workers compensation, health and life insurance, retirement, etc.) and the costs of each, expressed in dollars and as a percentage of salaries.

Travel and Transportation - The application should indicate the number of trips, domestic and international, and the estimated costs. Specify the origin and destination for each proposed trip, duration of travel, and number of individuals traveling. Per diem should be based on the applicant's normal travel policies (applicants may choose to refer to the Federal Standardized Travel Regulations for cost estimates).

Other Direct Costs - This includes communications, report preparation costs, passports and visas fees, medical exams and inoculations, insurance (other than insurance included in the applicant's fringe benefits), equipment (procurement plan for commodities), office rent abroad, etc. The narrative should provide a breakdown and support for all and each other direct costs.

Indirect Costs – The applicant should support the proposed indirect cost rate with a letter from a cognizant U.S. Government audit agency or with sufficient information for USAID to determine the reasonableness of the rates. (For example, a breakdown of labor bases and overhead pools, the method of determining the rate, etc.).

Local Institutions usually do not have a Negotiated Indirect Cost Rate Agreement (NICRA) letter with the US Government. Therefore no indirect costs should be included in the cost/business application submitted by local NGOs. Local institutions submitting applications should treat all indirect costs as direct costs.

Seminars and Conferences - The applicant should indicate the subject, venue and duration of proposed conferences and seminars, and their relationship to the objectives of the program, along with estimates of costs.

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

Source and Origin Requirements - Goods and services provided by the Recipients under this USAID-financed award shall have their source and origin in the United States (000).

12. Please include information on the organization's financial status and management, including:

- (a) Audited financial statements for the past three years,
- (b) Organization chart, by-laws, constitution, and articles of incorporation, if applicable,
- (c) If the applicant has made a certification to USAID that its personnel, procurement and travel policies are compliant with applicable OMB circular and other applicable USAID and Federal regulations, a copy of the certification should be included with the application. If the certification has not been made to USAID/Washington, the applicant should submit a copy of its personnel (especially regarding salary and wage scales, merit increases, promotions, leave, differentials, etc.), travel and procurement policies, and indicate whether personnel and travel policies and procedures have been reviewed and approved by any agency of the Federal Government. If so, provide the name, address, and phone number of the cognizant reviewing official.
- (d) If applicable, approval of the organization's accounting system by a U. S. Government agency including the name, addresses, and telephone number of the cognizant auditor.

13. The application should include information that substantiates that the applicant:

- (a) Have adequate financial resources or the ability to obtain such resources as required during the performance of the Agreement.
- (b) Has the ability to comply with the Agreement conditions, taking into account all existing and currently prospective commitments of the applicant, non-governmental and governmental.
- (c) Has a satisfactory record of performance. In the absence of evidence to the contrary or circumstances properly beyond the control of the applicant, applicants who are or have been deficient in current or recent performance (when the number of grants, contracts, and Cooperative agreements, and the extent of any deficiency of each, are considered) shall be presumed to be unable to meet this requirement. Past unsatisfactory performance will ordinarily be sufficient to justify a determination of non-responsibility, unless there is clear evidence of subsequent satisfactory performance. The Agreement Officer will collect and evaluate data on past performance of applicants using information from sources provided in accordance with Paragraph 10 above.
- (d) Has a satisfactory record of integrity and business ethics.
- (e) Is otherwise qualified and eligible to receive a Cooperative Agreement under applicable laws and regulations (e.g., EEO).

Applicants may submit any additional evidence of responsibility considered necessary in order for the Agreement Officer to make a determination of responsibility. Please note that a positive responsibility determination is a requirement for award, and all organization shall be subject to a pre-award survey to verify the information provided and substantiate the determination.

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

G. APPLICATION SUBMISSION PROCEDURES

Applications must be received by the closing date and time indicated at the top of the cover letter at the place designated below for receipt of applications. Applications and modifications thereof shall be submitted electronically with the name and address of the applicant and RFA-176-11-000006 inscribed thereon, to: AlmatyAASolicitations@usaid.gov

All applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format. Late or incomplete applications will not be considered.

Applicants are expected to review, understand, and comply with all aspects of this RFA. Failure to do so will be at the applicant's risk.

Each applicant shall provide the information required by this RFA. Applicants shall sign the application and print or type their name on the Cover Page of the technical and cost applications. Erasures or other changes must be initialed by the person signing the application. Applications signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

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

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

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

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

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

[END OF SECTION III]

SECTION V – APPLICATION REVIEW INFORMATION

The criteria presented below have been tailored to the requirements of this particular RFA. Applicants should note that these criteria serve to: (a) identify the significant matters which applicants should address in their applications and (b) set the standard against which all applications will be evaluated.

Recognizing that various approaches may have merit, this RFA seeks an implementing partner that, on the basis of its experience, can propose cost-effective ways of implementing this program. For overall evaluation purposes, technical factors when combined are considered significantly more important than cost/price factors. USAID may reject all applications if they are not deemed sufficiently responsive.

A Technical Evaluation committee will review the applications based upon the criteria set forth below. Approximate weighted points indicate the relative importance of each technical criterion, of which 100 points are possible and against which technical applications shall be evaluated.

Indigenous organizations are encouraged to apply either as prime applicant, sub-grantee or subcontractor, if they feel they have the experience and expertise to undertake the program. As a condition for approval for an award, a review of an organization will be undertaken to confirm that it has the systems, internal controls, staffing and financing to be determined as responsible in terms of its ability to implement the award.

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

A. PROGRAM STRATEGY AND APPROACH (40 points)

- a) Degree of innovativeness, flexibility, pragmatism, creativity, and soundness of the overall strategy in regards to its potential to achieve the program's results within the timeframe of the project. For example:
 - How does the applicant propose to work and coordinate with the various Kyrgyz judicial entities to increase performance and transparency?
 - What innovative approaches and strategies would the applicant employ to gaining buy-in from the judiciary to reduce judicial corruption?
 - How does the applicant plans to use available resources to achieve the greatest and most lasting results and how does it fit in with other comparable activities of the government and/or other donors?
- b) Demonstrated in-depth country and sector knowledge and understanding, taking into consideration the realities of Kyrgyzstan, the needs/functioning of the judicial sector institutions, including an analysis of potential obstacles, risks and problems that could be encountered and the feasibility of the proposed solutions for addressing them.
- c) Demonstrate expert level knowledge and understanding of judicial reform program and institutional development, including best practices, lessons learned, proven successful approaches, original piloting successes, and international trends and debates.
- d) Merit of the applicant's approach to ensure the sustainability of the program results.
- e) The extent to which gender and ethnic tolerism issues are identified and addressed in the application.

B. MANAGEMENT PLAN (30 points)

- a) Extent to which the implementation plan clearly and concisely describes logistical arrangements, activities, including mobilization and implementation, taking into consideration other entities, government and otherwise, with an interest in the project activity.
- b) Extent of clarity, appropriateness, soundness, and feasibility of the proposed Performance Monitoring Plan as it relates to quantifiable measurement of progress and results, including the identification of ambitious yearly targets and indicators.

- c) Extent to which the overall staffing plan and proposed personnel (including key personnel - see below) complement each other, are appropriate for the proposed activities, and for providing assistance in the project area. In describing staffing, the proposal should address the technical qualifications, professional competence, relevant academic background, language capability, and demonstrated experience that will be brought in the implementation of the proposed activities.

C. KEY PERSONNEL (30 points)

The application will be evaluated based on the presentation of resumes of the three Key Personnel described below. The evaluation will assess the appropriateness of academic backgrounds of the proposed key personnel, their work experience related to the program components, management qualifications, and experience in the Former Soviet Union, Central Asia and / or Kyrgyzstan, and language skills.

The following Key Positions will be evaluated based upon the following credentials and skills:

1. Country Director

- An advanced degree (Masters, J.D. or L.L.M.) in a relevant field such as International Relations, Law, Public Administration, International Development, or Social/Political Science;
- A minimum of 3 years managing a donor funded rule of law, public administration, anti-corruption, or legislative strengthening program outside of Kyrgyzstan in a comparable setting of a less developed and transitional country.
- A minimum of 8 years of international development experience in a progressively more responsible position, including management experience, in the field of judicial reform programs or governance related program;
- Program management experience for similar types of USAID or other donor funded programs, especially in the area of budgeting, planning, reporting, monitoring and evaluation;
- Proven ability to successfully engage and work with senior government officials in support of a similar type of donor funded program;
- Experience in successfully advising government agencies on change management, professional development, administrative strengthening, and institutional reforms leading to increased systemic performance results;
- Excellent and in-depth understanding of the current development and reform landscape in Central Asia and Kyrgyzstan;
- Strong technical leadership, innovative thinking and strategic planning skills, including the ability to identify creative and practical approaches to overcome challenges and work in a fast changing environment;
- Strong interpersonal and communication skills;
- Fluent written and spoken English and fluency in either Kyrgyz or Russian.

2. Senior Judicial Reform Specialist

- Juris Doctorate, LL.M., or equivalent, from an accredited Law School;
- Minimum of 5 years' experience in a leading role in judicial reform programs in an international development context;
- Demonstrates a expert level knowledge of international judicial reform best practices, as they can be applied to the Kyrgyz context;
- Experience in the design and implementation of activities and programs related to legal / judicial education;
- Proven track record of building and sustaining effective partnerships, advocate and communicate to various constituencies;

- Experience in successfully advising government agencies on change management, professional development, administrative strengthening, and institutional reforms leading to increased systemic performance results;
- Excellent analytical skills of substantive as well as organizational issues;
- Ability to identify creative and practical approaches to overcome challenges;
- Fluency in English - written and spoken. Knowledge of Russian and / or Kyrgyz will be considered a strong asset.
- Experience in working in a rule of law, public administration, anti-corruption, or legislative strengthening program outside of Kyrgyzstan in a comparable setting of a less developed and transitional country will be considered an advantage.

3. Judicial Budget Advisor

- Master's degree in Judicial Administration, Public Administration, Economics, or Accounting;
- Certification in Accounting, preferably in government accounting procedures;
- Minimum of 5 years of experience in budgeting, fiscal analysis, auditing, or other related areas, of which at least 3 years with a Judicial body;
- At least two years of international development professional experience;
- Proven successful experiences in developing course / training materials and facilitate workshops for government professionals;
- Proven track record of building and sustaining effective partnerships, advocate and communicate to various constituencies;
- Excellent analytical skills of substantive as well as organizational issues;
- Knowledge of English will be considered a strong asset.

D. INSTITUTIONAL CAPABILITIES / PAST PERFORMANCE INFORMATION (10 points)

Institutional Capabilities

- a) Demonstrated organizational knowledge and capability of the Applicant and proposed partners to effectively implement the proposed technical approach and their organizational experience in managing similar legal programs.
- b) Prior experience in implementing related activities and prior success in managing similar legal programs, particularly in similarly situated countries, generally and in the former Soviet Union specifically.
- c) Demonstrated organizational experience and knowledge of the Applicant - linked specifically to the proposed technical approach to establish and use partnerships with specialized organizations that have skills and experience directly related to the technical requirements of the program.
- d) Demonstrated ability in carrying out participatory development activities and maintaining positive and effective relationships with partners.

Past Performance Information

Applicants and any proposed partners will be evaluated in accordance with ADS 303.3.6.3. The Technical Evaluation Committee will validate an applicant's past performance reference information by relying on existing evaluations to the maximum extent possible; and making a reasonable, good faith effort to contact all references to obtain verification or corroboration on the below evaluation criteria:

- How well an applicant performed,
- The relevancy of that the program work,
- Instances of good performance,
- Instances of poor performance,
- Significant achievements,
- Significant problems, and

- Any indications of excellent or exceptional performance in the most critical areas.

In cases where (1) an applicant lacks relevant performance history, (2) information on performance is not available, or (3) an applicant is a member of a class of applicants where there is provision not to rate the class against a sub factor, then the applicant will not be evaluated favorably or unfavorably on performance. The "neutral" rating assigned to any applicant lacking relevant performance history. An exception to this neutral rating provision: the non-small businesses prime with no history of subcontracting with small business concerns. Prior to assigning a "neutral" past performance rating, the agreement officer may take into account a broad range of information related to an applicant's performance.

5. COST APPLICATION

USAID is looking for innovative applications that clearly articulate how limited USAID funds can be best applied for maximum impact and results. Cost/Price is not a weighted evaluation factor. However, the applicant's proposed cost/price for the cooperative agreement will be evaluated. Evaluation of cost will include verification of rates and cost realism, allowability and allocability. The rate of return per administrative dollar will be considered. Any lack of cost realism, unreasonableness, or imbalance in price may be considered in the determination of best value.

Although there is no general legislative requirement that recipients of cooperative agreements and cooperative agreements must cost share, USAID policy is that cost sharing is an important element of the USAID-recipient relationship. USAID desires that applicants demonstrate their commitment to program success by including cost-sharing. Cost-sharing contributions may include volunteer services provided by professional and technical personnel, and un-recovered indirect costs. *USAID suggests that applicants demonstrate their commitment to program success by including cost-sharing. USAID/CAR would therefore prefer applicants to provide up to 20% cost share for this RFA.*

[END OF SECTION V]

SECTION VI – AWARD AND ADMINISTRATION INFORMATION

Notice of Award signed by the Agreement Officer is the authorizing document, which shall be transmitted to the Recipient for countersignature to the authorized agent of the successful organization electronically, to be followed by original copies for execution.

The Agreement Officer is the only individual who may legally commit the Government to the expenditure of public funds. Applicants are advised that costs incurred prior to receipt of either a fully executed Agreement (in electronic or print form) or a specific, written authorization from the Agreement Officer are not allowable and therefore are ineligible for reimbursement under the Agreement.

A. REPORTING REQUIREMENTS

The Recipient shall provide the following reports to the Agreement Officer's Technical Representative (AOTR) and the Agreement Officer, as specified below, in accordance with 22 CFR 226.51 and 226.52 and the Substantial Involvement provisions.

Quarterly/Annual Performance Reports

Pursuant to 22 CFR 226.51 the Recipient shall submit quarterly performance reports within 30 calendar days after the end of each standard USG fiscal quarter (i.e. October 30, January 30, April 30, July 30) to the AOTR. The fourth quarterly report (October 30) shall serve as an annual report summarizing the fiscal year achievements including participant training and indicator data for the fiscal year. Reports may be submitted electronically. Regardless of the start date of the cooperative agreement all reporting will be adjusted to the USG fiscal year calendar.

- a) An analytical description of overall program progress towards results that reflects and synthesizes achievements. This should not be a description of activities but rather a broader analysis that examines the progress in the context of program objectives and expected results.
- b) A summary of activities conducted. This section should highlight conducted activities, and include a description of progress towards results relevant trends and clippings of press articles that mention the project.
- c) Data on all indicators established in the monitoring and evaluation plan for this cooperative agreement. Data should be disaggregated by gender and other historically disenfranchised populations, where relevant. See monitoring and evaluation plan for further guidance on reporting on indicators.
- d) A comparison of accomplishments to the goals and objectives established for the period.
- e) Problems encountered, reasons why established goals were not met, if appropriate, and how challenges or problems will be overcome during the next reporting period.
- f) A comparison of actual expenditures with budget estimates, including analysis and explanation of cost overruns or high unit costs, and any other pertinent information, as relevant.
- g) Priorities for programming during the next reporting period including a quarterly list of public events to be organized by the project during the coming three months, including approximate date, location, and audience. Note: The project will coordinate with USAID about all planned events with press participation, press activities, press releases, as well as inclusion of USAID promotional materials for the participants, participation of USAID/USG representatives.
- h) The fourth quarter annual report shall also include a CD with a collection of minimum 20 photographs a year for each country where the project is implemented that are illustrative of project's achievements in jpeg format. The photographs will comply with a guidance provided in the USAID Graphic Standards Manual, and be at least 500kb in size each. Each photograph will have a brief explanation about its subject, and identify: the author and his/her organization, person(s) featured in the photograph, and the location where the photograph was taken.

- i) Reports shall also contain, as an attachment, a summary list of sub-grants (if any) issued during the quarter.
- j) Reports shall also contain, as an attachment, an indicator data table outlining quarterly indicator achievements. A sample table is below.

Indicator	Year 1: 1 st Quarter Results	Year 1: 2 nd Quarter Results	Year 1: 3 rd Quarter Results	Year 1: 4 th Quarter Results	Year 2: 1 st Quarter Results	Year 2: 2 nd Quarter Results	Year 2: 3 rd Quarter Results	Year 2: 4th Quarter Results	Year 3: 1 st Quarter Results	Year 3: 2 nd Quarter Results	Year 3: 3 rd Quarter Results	Year 3: 4th Quarter Results

Financial Reports

Pursuant to 22 CFR 226.52, the Recipient shall submit Financial Status Reports within 30 calendar days after the end of each USG fiscal quarter (i.e. October 30, January 30, April 30, July 30).

Final Report

The Recipient shall submit the original copy to the Cognizant Technical Officer, one copy to the Agreement Officer, and one copy to USAID Development Experience Clearinghouse. The final report shall be submitted no later than 90 calendar days after the expiration of the award. Reference 22 CFR 226.51. The final report shall also consolidate activities and analyses of all partners into one document and their activities and progress towards results. The final performance report should contain the below information, as relevant. An executive summary of the accomplishments and results achieved;

- a) An in-depth analysis of progress and results that synthesizes achievements that contributed towards program objectives. This section should clearly describe activities, major accomplishments and results achieved, including results for all of the activities under the cooperative agreement;
- b) Final data, compared to baseline data, for all indicators included in the monitoring and evaluation plan. This section should include disaggregated data by gender, historically disenfranchised groups and other relevant groups identified;
- c) A summary of problems/obstacles encountered during the implementation, and how those obstacles were addressed and overcome if appropriate;
- d) Lessons learned, best practices, and other findings, along with recommendations for future programming in this sector;
- e) A comparison of actual expenditures with budget estimates, including analysis and explanation of cost overruns or high unit costs, and any other pertinent information, as relevant.

4. Participant Training Reports. As relevant to the proposed program, the recipient will collect training data on technical trainings (conferences, workshops) provided for beneficiaries that were held in the United States, third countries, or in-country under this cooperative. The Recipient will be responsible for entering participant training data into TrainNET as well as submitting this information to the AOTR quarterly no later than 30 days following the end each fiscal quarter measured from October 1, as relevant. The recipient will follow ADS 252 policy, which provides detailed information regarding visa compliance guidelines, and ADS 253, which provides guidance on how to implement USAID funded training programs.

5. Success Stories. The recipient shall submit one success story with an accompanying photograph per fiscal year. Success stories shall be in word format and follow USAID “Telling Our Story” guidelines and formatting (e.g. success story, case study, first person, before & after, photo & caption, best practice and video & story). These guidelines may be found at <http://www.usaid.gov/stories/guidelines.html>. If no success story is available for a country (ies), the Recipient should provide a brief justification for this in the quarterly report.

6. Marking and Branding Reports. As per USAID/CAR’s Mission Order on Marking and Branding, the recipient will be request to provide the following information:

- a) An updated quarterly list of public events to be organized by the project during the coming three months, including approximate date, location, and audience. The project will coordinate with USAID about all planned events with press participation, press activities, press releases, as well as inclusion of USAID promotional materials for the participants, participation of USAID/USG representatives.
- b) Two success stories a year for each country where the project is implemented with an accompanying photograph (see item c). for specifications). The success stories will be provided in a Word Document format, using a standard USAID success story template (available at www.usaid.gov/templates.html).
- c) A CD with a collection of minimum 20 photographs a year for each country where the project is implemented that are illustrative of project's achievements in jpeg format. The photographs will comply with a guidance provided in the USAID Graphic Standards Manual, and be at least 500kb in size each. Each photograph will have a brief explanation about its subject, and identify: the author and his/her organization, person(s) featured in the photograph, and the location where the photograph was taken.
- d) Clippings of press articles that mention the project.
- e) At least 2 copies of all public communications materials produced by the project. In addition, the recipient shall submit one electronic and/or one hard copy of all final documents to USAID's Development Experience Clearinghouse

6. Commodities. The applicant is requested to provide USAID with a list of commodities that will be procured as a part of this program.

[END OF SECTION VI]

SECTION VII – AGENCY CONTACTS

Any questions concerning this RFA should be submitted in writing to Mr. Albert Carrera, Negotiator, via email at acarrera@usaid.gov *no later than April 25, 2011, 10 AM (Almaty Time)*. If there are problems in downloading the RFA please contact Mr. Albert Carrera, Negotiator, via email at acarrera@usaid.gov. Applicants should retain for their records one copy of all enclosures which accompany their application.

[END OF SECTION VII]

ANNEX 1 – Letter on Local Procurement Blanket Waiver

(See enclosed as a separate file)

[END OF RFA-176-11-000006]