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United States Agency for International Development (USAID) El Salvador and Central America Regional Mission (ECAM) Annual Program Statement (APS) No. 72051921APS00001 - Addendum 8

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Deadline for Questions: October 18, 2022, at 12:00 noon (El Salvador time)
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Concept Paper Submission Closing Dates:
First Round: November 8, 2022, at 12:00 noon (El Salvador time)
Second Round: To be determined

Subject: United States Agency for International Development (USAID) El Salvador and Central America Regional Mission (ECAM) Annual Program Statement (APS)
No. 72051921APS00001

Program Title: Independent and Effective Justice System Activity - Addendum 8

Catalog of Federal Domestic Assistance: 98.001, Foreign Assistance for Programs Overseas

Pursuant to the Foreign Assistance Act of 1961, as amended, the United States Government, as represented by the [U.S. Agency for International Development \(USAID\)](#), USAID El Salvador, is announcing the Independent and Effective Justice System Activity Addendum to the USAID El Salvador Annual Program Statement (APS), hereafter known as the USAID El Salvador APS.

Through this Independent and Effective Justice System Addendum, USAID El Salvador aims to expand and amplify the Agency's work in DO.1 Security Increased for Likely Migrants. This Addendum disseminates information to prospective Applicants so they may develop and submit Concept Papers in response and ultimately to be considered for USAID El Salvador funding. This Addendum describes and provides:

- The type of activities for which Concept Papers will be considered;
- Available funding, process and requirements for submitting Concept Papers and Full Applications;
- The Criteria for evaluating Concept Papers; and
- Refers prospective Applicants to relevant documentation and resources.

Issuance of this Addendum does not constitute an award or commitment on the part of the U.S. Government to make an award, nor does it commit the U.S. Government to pay for costs incurred in the preparation and submission of a Concept Paper or Application(s). The actual number of assistance awards, if any, is subject to the availability of funds, as well as the viability of eventual full Applications received.

Based on the submitted Concept Paper(s), USAID El Salvador will determine whether to request a Full Application from an eligible organization. To be competitive under this Addendum to the USAID El Salvador APS, Concept Papers and Full Applications must be fully responsive to all directions under the APS except when specifically noted otherwise in this Addendum.

It is the responsibility of the Applicant to ensure that the entire USAID El Salvador APS and Addendum opportunity has been downloaded from www.grants.gov and USAID El Salvador bears no responsibility for data errors resulting from transmission or conversion process. If you have difficulty accessing the APS, please contact the grants.gov Helpdesk at 1-800-518-4726 or via email at support@grants.gov for technical assistance.

Thank you for your interest in USAID El Salvador programs.

Sincerely,

Nathan Cutler
Agreement Officer
Regional Office of Acquisition and Assistance
USAID El Salvador

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

ANNOUNCEMENT

CALL FOR CONCEPT PAPERS

**Independent and Effective Justice System Activity
Addendum 8**

UNDER EXISTING

**USAID El Salvador and Central America Regional Mission (ECAM)
Annual Program Statement (APS)**

No.: 72051921APS00001

PLEASE NOTE: This is an Addendum to an existing announcement. All interested organizations should carefully review both this Independent and Effective Justice System Activity Addendum AND the full announcement, which can be found here: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=332969>. Important information contained in the full worldwide announcement is not repeated in the Independent and Effective Justice System Activity Addendum.

This activity is authorized in accordance with Part 1 of the Foreign Assistance Act of 1961, as amended.

Through the Independent and Effective Justice System Addendum to the USAID El Salvador APS No.72051921APS00001, USAID El Salvador seeks to improve the independence, integrity, capacity, and oversight of the criminal justice system, as a necessary foundation to solve crimes that gravely affect citizens and to avoid criminalization of political opposition and dissent.

Subject to the availability of funds, USAID El Salvador anticipates investing approximately \$35,000,000 in this area and supporting one or multiple awards. USAID El Salvador is not obligated to make any awards.

Unless otherwise stated herein, all terms and conditions of the USAID El Salvador APS* apply (<https://www.grants.gov/web/grants/view-opportunity.html?oppId=332969>).

* Please ensure that you review the original APS plus its amendments, as Amendment No. 4 includes several revisions to the original content.

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LIST OF ACRONYMS

ADS: Automated Directives Systems
AO: Agreement Officer
AOR: Agreement Officer's Representative
APS: Annual Program Statement
CDCS: Country Development Cooperation Strategy
CFR: Code of Federal Regulations
CLA: Collaborating, learning and adapting
CNJ: Judicial Council
COR: Contracting Officer's Representative
CSO: Civil Society Organization
DO: Development Objective
DOC: Development Outreach and Communications
FAA: Foreign Assistance Act
GBV: Gender-Based Violence
GOES: Government of El Salvador
INL: International Narcotics and Law Enforcement Affairs
LEP: Locally Established Partner
NPI: New Partnerships Initiative
PGR: Public Defender's Office
PNC: National Civil Police
RCS: Root Causes Strategy
RFA: Request for Application(s)
TEG: Government Ethics Tribunal
USG: United States Government
IR: Intermediary Result

SECTION A: PROGRAM DESCRIPTION

USAID El Salvador is issuing this Addendum to the USAID El Salvador and Central America Regional Mission (ECAM) Annual Program Statement (APS) pursuant to the Foreign Assistance Act (FAA) of 1961, as amended. Any potential resulting award(s) will be subject to 2 CFR 700 and 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and USAID's Standard Provisions for U.S. and Non-U.S. Based organizations per ADS 303.

1. Background

El Salvador's justice system has confronted a series of challenges that threaten the country's stability, demoralize its citizens, and jeopardize their lives and well-being. These challenges include: 1) high levels of violent crime which at times subside but remain at epidemic levels; 2) high levels of impunity, caused in part by criminal investigative agencies struggling to process a huge workload with limited resources; 3) lack of formal coordination mechanisms to address bottlenecks in the investigation and adjudication of cases; 4) lack of a formal system and

mechanisms to engage citizens in monitoring the criminal justice system; 5) distrust of the criminal justice agencies among victims, which leads them to extreme solutions such as fleeing their homes to other parts of the country or migrating irregularly, due to fear of further victimization or reprisals for reporting a crime.

The justice system plays a critical role in addressing these challenges. In recent decades it has been better able to investigate, prosecute, and adjudicate serious crimes and provide critical services where needed. For example, the justice system now provides specialized services to victims of gender-based violence. With State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) assistance, the National Civil Police (PNC) acquired a new forensic lab to support investigations with scientific evidence. The Public Defender's Office has taken responsibility for assisting victims of forced displacement and referring them to support services. Furthermore, the Attorney General has a by-law that provides a career track for prosecutors, though this has yet to be implemented. Ongoing efforts to address these challenges and build upon improvements, however, are now jeopardized by the prospect of a sudden and dramatic politicization of the justice system that threatens to undermine fundamental notions of the rule of law.

The Legislative Assembly plays a critical role in the election of the Attorney General, Supreme Court Magistrates, the Public Defender, and other judicial actors. In the most recent elections, the governing party and its coalition obtained 61 seats in the Legislative Assembly, enabling them to pass legislation with a simple majority and to appoint heads of key justice sector agencies without the consensus of any other party. Historically, no single party or coalition controlled the legislative majority necessary to name officials without the consent of other parties. This helped promote a de facto system of checks-and-balances, which in turn helped ensure the independence of these key officials which hold an oversight role over the executive branch. The current political composition of the Legislative Assembly, dominated by the President's party, is unprecedented since El Salvador signed its Peace Accords in 1992.

An example of the consequences of losing these de facto checks and balances happened on May 1, 2021, the day the new Assembly took office. The Assembly unconstitutionally removed the entire Constitutional Chamber as well as the Attorney General, whose terms had not expired. As a result of these actions, USAID announced a suspension of funding to the affected justice sector institutions: the Supreme Court, the Attorney General, and the PNC.

2. Objectives/Purpose/Development Results

Major issues to address:

Due to the serious challenges posed by this context, the new Independent and Effective Justice activity will focus on addressing impunity and politicization by promoting the independence, integrity, capacity, and oversight of the criminal justice system. Specifically, additional checks and balances will be put in place to avoid further backsliding in the rule of law. In addition, the activity will focus on improving the performance of the criminal justice system in solving serious crimes through a new emphasis centered around victims, and on the justice and security needs of individuals and communities. Finally, the capacity of the public to monitor and hold the criminal justice sector accountable will be strengthened. The independence of the system and a people-centered approach will be the basis for improvements in the prosecution and adjudication of grave crimes.

Development Hypothesis

If civil society formally engages in monitoring the criminal justice system and agencies that are part of this system adopt new strategies centered around the victim, the independence of the justice system will be protected from further backsliding and rates of resolution of crimes will improve.

CDCS Alignment and Results to be Achieved

Results Framework Link	North Star(s)	Activity Outcomes/Outputs*
DO1 Security Increased for Likely Migrants	World Justice Project: Rule of Law Index (Criminal Justice Factor ¹) -- Improve El Salvador's score	Expected results ● Reduce impunity rates by 20 percent for grave crimes in selected localities via improvements in the performance of the criminal justice system. ● Systems established in selected Justice Agencies to transit to a people-centered approach in crimes such as extortions, rape, robbery and forced disappearances. ● Formal engagement of civil society in effectively monitoring the performance of the criminal justice system. ● Safeguards in place to ensure the impartiality and integrity of the justice system. Illustrative Indicators: ● DR 1.3-1 Number of judicial personnel trained with USG assistance (Standard Indicator).
IR 1.3: Impunity reduced through improved justice sector capacity	El Salvador's sub-rankings:	
Sub-IR 1.3.1 Access and deliverable of justice services improved	Factor 8.1: Criminal Investigation is effective Measures whether perpetrators of crimes are effectively apprehended and charged.	
Sub-IR 1.3.2 Civil society capacity enhanced to monitor and advocated for improved justice outcomes	Rule of Law Index Ranking 127/128 8.2 Criminal Adjudication System is timely and effective Measures whether perpetrators of crimes are effectively prosecuted and punished. It also measures whether criminal judges and other judicial officers are competent and produce speedy decisions.	
Sub-IR 1.3.3 Victim's assistance services enhanced	Rule of Law Index Ranking 116/118	

¹ "The Criminal Justice factor evaluates a country's criminal justice system. An effective criminal justice system is a key aspect of the rule of law, as it constitutes the conventional mechanism to redress grievances and bring action against individuals for offenses against society." 0-1, higher is stronger rule of law (Source: World Justice Project)."

	8.4 Criminal System is impartial Measures whether the police and criminal judges are impartial and whether they discriminate in practice based on socio-economic status, gender, ethnicity, religion, national origin, sexual orientation, or gender identity Rule of Law Index Ranking 109/128 Factor 8.6- Criminal System is free of improper Government Influence. Measures whether the Criminal Justice System is independent from Government or political influence. Rule of Law Index Ranking 65/128 Factor 8.7 Due process of Law and Rights of the accused Ranking Measures whether the basic rights of criminal suspects are respected, including the presumption of innocence and the freedom from arbitrary arrest and unreasonable pre-trial detention Rule of Law Index Ranking 106/128	● DR 4.2-2 Number of civil society organizations (CSOs) receiving USG assistance engaged in advocacy interventions (Standard Indicator). ● Percentage change in the rate of homicide case resolution in USG supported justice institutions ● Number of Joint protocols for victim's assistance services created and implemented. ● Number of locations providing victims assistance services established with USG assistance.
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*Illustrative performance indicators at the activity level, proposed activities will establish their own performance indicators.

Expected results:

The primary goal of this activity will be to improve the independence, integrity, capacity, and oversight of the criminal justice system, as a necessary foundation to solve crimes that gravely affect citizens and to avoid criminalization of political opposition and dissent. The main expected results are:

1. Reducing impunity rates for grave violent crimes in selected geographic focus localities (as outlined below) via improvements in performance of the criminal justice system.
2. Safeguards in place to ensure the impartiality and integrity of the justice system.

3. Systems established in selected justice agencies to transit to a people-centered approach in crimes such as common-type extortions, rape, injuries, robbery, forced disappearances, and forced displacement.
4. Establish mechanisms to formalize civil society engagement in effectively monitoring the performance of the criminal justice system.

In addition, at a higher level this activity will contribute to the following outcome:

- Increase the Rule of Law/Criminal Justice Index in selected sub-factors for El Salvador.

Key Stakeholder(s) and Counterparts

1. Government agencies: Judicial Council (CNJ), Public Defender's Office (PGR), Criminal Courts, Government Ethics Tribunal (TEG), Technical Unit of the Justice Sector, and other GOES agencies with oversight functions.
2. Independent Judges and Judges Associations.
3. Civil society organizations that work in rule of law, as well as CSOs that represent vulnerable groups, specifically those affected by problems with due process or discrimination by the criminal justice system, universities and think tanks.

3. Programmatic/Demographic/Geographic Focus

Demographic Focus - Beneficiaries

Beneficiaries: Selected justice sector agencies, municipalities, victims of crimes, vulnerable and marginalized groups such as women and youth that are victims of gang violence or victims of forced displacement.

Geographic Focus

This activity will be implemented in USAID's identified urban hubs: San Salvador, Santa Ana, and San Miguel. Universities, think tanks, and selected justice sector agencies in these three areas will be involved in this activity. The activity may work in additional locations outside the urban hubs if opportunities are identified to engage with selected independent judges.

Interventions

a) Independence and impartiality of Justice Institutions and Actors strengthened.

This component will seek to promote independence and impartiality in the criminal justice system, to protect it from politicization. Special attention will be given to promoting the role of the Public Defender's Office and the "Juez de Instruccion" in defending due process in criminal cases. Efforts will be made to establish criteria by which criminal evidence is evaluated in the courts. This will promote fairness and equal treatment to defendants accused of similar crimes. It will also promote impartiality amongst judges when they decide cases.

Primary objectives will include:

- Strengthen disciplinary units to improve accountability of judges and attorneys who intervene in cases and to avoid bias, undue influences, and corruption in the investigation and adjudication of cases;

- Establish units at the Ombudsman's Offices and Government Ethics Tribunal to detect and investigate politically motivated crimes;
- Strengthen the quality and accessibility of public defense for victims of crime, including the ability to present well-documented evidence to defend persons wrongly accused of crimes and to uphold the principle of due process of law;
- Create and train teams of specialized investigators at the Public Defender's Office that can collect evidence to support their legal defense strategies and present petitions to the international human rights system, as well as constitutional petitions such as habeas corpus; and
- Support the establishment of standardized or approved criteria to evaluate criminal evidence for judges who work on this area.

b) Prosecution and Adjudication of Serious Crimes Strengthened in Major Urban Areas.

El Salvador is a country ridden with high levels of crime and violence. Periods of relative tranquility are followed by others with high rates of violence and serious crime that affect the most vulnerable citizens. This component will ensure that the criminal justice system responds to the needs of citizens by devoting its human and material resources to addressing those serious crimes that particularly impact the Salvadoran population such as common extortions, robbery, rape, injuries, homicides, forced disappearances, forced displacement and crimes related to trafficking in persons included in the criminal code such as: "Limitations to Personal Freedom" and "Inducing Persons to Prostitution". In doing so, the activity will help incorporate a people-centered approach that reforms justice institutions, actors, and processes to be more data-driven, user-friendly, and problem-focused in responding to and preventing crime and ensuring the security of individual citizens and their communities, and promote access to justice, trust in the institutions, and positive perception of services. The people-centered approach will seek to address the specific needs of victims, particularly vulnerable and marginalized groups such as women, girls, children, and LGBTQI+ persons in cases of rape, forced disappearance, trafficking in persons, or in cases of forced displacement. Improvements in the quality of attention to victims will be measured through surveys of users' experience. This component will be developed with government institutions such as the Judicial Council and its training school; judges from different localities, the Public Defender's Office, the Technical Unit of the Justice System, and CSOs that work closely with and support the criminal justice system, such as academic institutions. Interventions will also strive to promote efficiency and improved performance in the investigative phase of crimes, which is the weakest link in the procedural chain, given that just 30 percent of serious crimes, such as homicides, reach the judicial phase, according to studies done by the UNDP. Under this component, the activity will pursue the following objectives:

- Establish mechanisms at the local level to promote better coordination between justice sector agencies to solve bottlenecks in the investigation and adjudication of cases;
- Promote impartiality and efficiency in the investigation of a criminal case by enforcing measures such as requiring reports of types of cases received by the Prosecutor's Office and percentage sent to the judiciary;

- Establish victim's assistance services for victims of serious crimes and their families. Special attention will be provided to the needs of victims from vulnerable groups such as women and girls, persons with disabilities, LGBTQI+ individuals, indigenous peoples, and illiterate persons. These services will provide them with legal and psychosocial support to ensure their collaboration with the process, to obtain redress, and to reduce impunity levels;
 - Strengthen awareness, understanding, and implementation of due process, procedural justice norms, and practices for all actors in the criminal justice area; and
 - Strengthen the role of the "Juez de Instrucción" to comply with their mandate of overseeing the investigation phase of a case and ensure that due process guarantees are met.
- c) **Public/citizen engagement and oversight of criminal justice institutions strengthened.**

Civil society can play an important role in strengthening the justice system. In the past, lacking systemic mechanisms for providing oversight, civil society sporadically engaged the international human rights system to examine issues related to judicial independence. There continue to be limited mechanisms for civil society to provide citizen oversight of the justice system and the institutions, actors, and processes that comprise it. One important opportunity is the election of members of the Judicial Council, in which universities propose candidates to the Legislative Assembly for a position on the Council, which trains and evaluates judges. Through this component, in close collaboration with complementary USAID activities, the activity will support formal engagement of civil society by strengthening CSOs, bar associations, and academic institutions to establish safeguards in the criminal justice system and advocate for greater openness and accountability to advance the following objectives:

- Promote and protect judicial independence by establishing NGO coalitions, including university consortiums, to advocate and act on behalf of the interests of the judiciary and in support of effective separation of powers and checks and balances;
- Establish CSO watchdog committees in major metropolitan areas that analyze trends in investigations by police and prosecutors with information provided by the Observatories and Ombudsman's offices, and that provide recommendations to the relevant institutions;
- Facilitate court user committees and other mechanisms for citizen oversight and social accountability of justice institutions and actors;
- Involve academia, bar associations, and free press associations to provide legal advice and representation to citizens who are wrongly accused of crimes or accused for political reasons. Special attention will be provided to victims from vulnerable and marginalized groups; and
- Support open justice and public engagement efforts such as public, transparent televised nomination processes and hearing.

4. Guiding Principles

The following guidance is meant to help applicants prepare their concept papers, as it is expected that they consider these three areas. These specific examples are not strict requirements but can be useful during the drafting phase.

Local Champions

Local champions for this activity may include independent justice institutions such as the Judicial Council, which trains and evaluates judges and proposes professionals to the Supreme Court for career judgeships. A second champion institution may be the Public Defender's office, which is responsible for defending the rights of persons accused of crimes (defendants) and can be strengthened to protect due process of law. The Public Defender's Office has ongoing activities that coincide with the activity objectives, such as victims' assistance services for displaced persons and services to provide private attorneys advice on how to defend due process of law.

The "Juez de Instrucción" can play a key role in guaranteeing due process during the investigation of a case. This is especially necessary in light of emerging trends on criminalizing dissent. Other important allies may include independent judges from different judicial agencies that are willing to support the activity objectives and to collaborate in strengthening the independence of the criminal justice system.

Finally, an important local champion from civil society can be the *Consortio de Instituciones de Educación Superior para el Crecimiento Económico* (CIESCE). This Consortium of private universities was created with the support of a previous USAID activity and continues to work to pursue common academic goals. They have demonstrated an interest in participating in oversight of the criminal justice system and in providing legal services to victims of crimes or of persons wrongly accused of a crime, through their existing legal clinics.

Private Sector

Organizations representing the private sector can play a role in defending the rights of their members when wrongly accused of crimes. In the past, ANEP has collaborated with justice sector actors by paying fees for lawyers who represented victims in kidnapping cases. The *Asociación de Periodistas de El Salvador* (APES), which represents the press, has already expressed its interest in collaborating with the activity to establish a legal clinic to protect journalists harassed by the government.

Self-Reliance

Self-Reliance will be increased by preparing civil society to take an active role in defending weak justice sector institutions. By incorporating academia (including existing university consortia), CSOs and even the private sector in efforts for defending rights and monitoring the criminal justice system, the justice system will perform better, and judges will have adequate evidence and backing to resolve cases according to laws and principles of due process.

Likewise, the activity may include a subgrant component to encourage civil society to play a stronger role in defending the independence of the justice system. Such an approach would promote local capacities to carry out this role in the future.

5. USAID/USG Alignment

A government that respects the rights of citizens, that tolerates dissent, and that has an impartial and effective criminal justice system is less likely to be a source of irregular migration. The greatest waves of migration from El Salvador and neighboring countries have been produced by authoritarian governments who persecute and harass all opposition.

This activity will contribute to the achievement of IR 1.3 of the Mission's CDCS: "Impunity reduced through improved justice sector capacity," by improving the independence and integrity, capacity, and oversight of the criminal justice system, as a necessary foundation for solving crimes that gravely affect citizens, as well as to avoid the politicization and criminalization of political opposition and dissent. When the law is enforced and criminals are held accountable, real and perceived security increases, changing an important factor in a citizen's decision to migrate.

Likewise, the activity will contribute to the [Root Causes Strategy](#) (RCS), which has an end goal of a democratic, prosperous, and secure Central America, where people advance economically, live, work, and learn in safety and dignity, contribute to and benefit from the democratic process, have confidence in public institutions, and enjoy opportunities to create futures for themselves and their families at home. More specifically, this activity falls under Pillar II "Combating corruption, strengthening democratic governance, and advancing the rule of law."

6. Complementarity with USAID Rule of Law Policies

The program description follows the guidelines of two important Rule of Law (ROL) Policies. USAID expects potential recipients to use them in developing their concepts and any future applications:

- [\(Draft\) Rule of Law Policy](#). This activity is in line with USAID's new draft ROL Policy. Its main purpose is to promote a fair and independent justice system, so that the law is applied effectively, especially for violent crimes, while improving services to victims. It also seeks to promote accountable institutions and checks and balances through the incorporation of civil society as a watchdog and strengthen the existing mechanisms for judicial independence. As stated in the draft Policy, USAID prioritizes "[p]romoting justice by ensuring the independent, open, and efficient administration of justice; guaranteeing the impartial and effective application of the law; improving justice seeker experiences and outcomes; strengthening effective checks and balances; and deterring crime, corruption, and abuse of fundamental rights by prioritizing accountability within and among government institutions and private actors." (p. 6) The new draft Policy shifts its overall strategy from an emphasis on institutions to the rights of individuals through a people-centered approach. USAID expects this activity to be implemented according to a people-centered approach, especially in interventions implemented under component 2 of the program description.
- [USAID ROL Practitioner's Guide](#). As recommended by this guide, the program description is focused on a systems approach as opposed to providing support to a particular institution, stating that "ROL programs involve multiple systems, institutions, actors, and processes connected across significant policy and regulatory issues central to governance." (p. 14) USAID expects that any changes made to incorporate a people-

centered approach in judicial systems must also incorporate a systemic approach to be able to effectively institutionalize new procedures. Another important tool described in the guide is political economy analysis (PEA). (pp. 18-21) Given the highly politicized environment in which this activity will be implemented, USAID will suggest that successful applicants conduct a PEA of the specific sector or problem they plan to address at the onset of implementation; as well as the “[Hiil Justice Needs and Satisfaction Survey](#)” or a similar tool to measure justice from the perspective of citizens.

7. Coordination and Complementarity

This activity will work with the criminal justice system and will concentrate on judicial independence and on solving several types of violent crimes contained in the criminal code not subject to any specialized jurisdiction, with the exception of the simple type of extortion which is regulated by a special law but subject to common courts. In that sense, it will complement the efforts of the Gender-Based Violence (GBV) activity, which will work on aspects of prevention and protection of GBV victims and with specialized courts and crimes established by the Specialized Law for a Life Free of Violence (LEIV). With regards to the investigation and adjudication of criminal cases the Justice activity will work with common GBV crimes, such as rape, which are not included in this specialized law. The two activities will reduce impunity in GBV by covering complementary aspects of GBV. The A/CORs of these activities will collaborate to ensure complementarity in the crimes addressed and to avoid overlap in jurisdictions in which the activities work.

With regards to the Crime and Violence Prevention activity, which is currently under procurement, there will be a clear distinction since the activities will concentrate efforts on different aspects or phases of a criminal process. The Crime and Violence Prevention activity will work on preventing violence before a crime has occurred, and on rehabilitating aggressors after they have completed a court sentence. The Justice activity will concentrate its interventions on the period between the commission of a crime and the issuance of a final resolution by a judge. Thus, the activities will complement each other by covering the full range of interventions: prevention, investigation/prosecution, adjudication, and rehabilitation.

Finally, with regards to the new Citizens Empowered activity, both activities will target civil society to deter further backsliding in democracy. However, the Justice activity will target civil society for the specific purpose of improving the performance of the criminal justice sector, to defend its independence and to prevent it from being used as a tool to repress dissent. Citizens Empowered will work on a different set of problems, such as freedom of speech and press, as well as opening spaces for civil society to work on the accountability of government and public officials.

USAID expects the recipient to coordinate with the activities mentioned above, and with other USAID activities as appropriate, to complement and maximize efforts in the areas of justice and security, civil society engagement, and reducing impunity in specific crimes such as rape, injuries, and other violent types of GBV.

8. Special Considerations

This activity will concentrate on three important and interrelated aspects of criminal justice: 1) the independence of the judicial system and protection from undue interference from the Executive Branch; 2) strengthening due process of law and avoiding politicization of the criminal justice system that results in persecution of dissenters; and 3) improved efficiency of the criminal justice system in processing violent crimes that affect the population the most.

Making significant progress on institutionalizing due process of law, adequate investigation and resolution of crimes, and adaptations to systems and practices to better serve victims requires the participation of justice sector institutions. However, USAID is currently restricted from working with several relevant government agencies, namely the PNC, the Supreme Court, and the Attorney General's Office.

Nevertheless, the Mission has determined that the activity can still reach its identified results by working with other government agencies in the justice sector and with civil society organizations. For example, the Judicial Council, including its training school, is an independent government institution that can train judges and other justice sector officials on the new people-centered approach. The activity can also work with criminal justice judges, and with Courts of “Instrucción” and Sentence, to incorporate this approach into their practices. Through adequate training and tools like the “Juez de Instrucción” (widely considered an impartial actor in the judicial process) can improve the investigation phase of a criminal case, and its compliance with the due process of law principles. USAID believes that training judges in the identified urban hubs on a people-centered approach to criminal court proceedings can incentivize greater use of this approach throughout the judicial system by establishing best practices and greater satisfaction with court proceedings and verdicts.

The Public Defender’s Office is also positioned to play a key role in promoting principles of due process, judicial independence, and presumption of innocence. A strong defense is key to establishing the facts in any criminal case. In cases where a person is wrongly accused of a crime, a strong defense can help identify the actual perpetrator, or even whether or not a criminal violation has actually been committed. A strong public defense system can help redirect judicial resources away from conducting proceedings against defendants who have been wrongly or falsely accused, saving those resources to investigate the crimes which most affect the Salvadoran population.

9. Adaptive and Flexible Approach in a likely evolving Country Context

Applicant’s proposed technical approach should be flexible to provide support for unanticipated needs and initiate support in new contexts or with new local partners as needs arise. Applicants should consider structured ‘Pause and Reflect’ discussions with USAID to revisit assumptions, review progress, and make course corrections, if necessary, to strengthen programmatic response and promote sustainability. This includes engaging periodic check-ins, between relevant stakeholders including USAID, prior to submitting work plans to discuss progress as well as changes in context that may impact implementation. Therefore, work plans under the resulting award(s) will be viewed as living documents that will be revised as necessary in consultation with USAID.

USAID recognizes the importance of thinking critically and when required, shifting strategic decisions to respond to emerging development challenges. Applicants are expected to incorporate and maintain flexibility and adaptability in their proposed activities to ensure responsiveness to evolving local and contextual dynamics, including responding to a change in interactions with Government contacts, to take advantage of opportunities and to mitigate challenges for successful activity implementation. Interventions may require an adaptive technical approach that regularly reassesses and re-evaluates the operating environment where the activity works and adjusts program planning, and implementation as necessary.

Applicants are expected to provide ideas for program modifier categories as deemed appropriate for their proposed activity. It entails the ability to adapt the technical approach to better achieve the results of the activity. Applicants should employ a management approach that is proactive in identifying and taking advantage of programmatic opportunities. This requires a high degree of flexibility and willingness to adjust the activity's technical approach to incorporate new, innovative interventions. Unforeseen opportunities or exigencies may entail implementing interventions in other programmatic spheres under the broad mantle of the Independent and Effective Justice System Activity. Program modifiers will be reviewed and approved by USAID as part of work plan discussions.

10. Cross-cutting principles

Proposed interventions under this Activity should incorporate the following guiding principles and U.S. policies.

New Partnerships Initiative (NPI) and Localization

USAID strongly encourages local and locally-established organizations to submit concept papers. International applicants that form alliances with local partners to the greatest extent possible, including management plans that identify a local partner responsible for an objective(s) of the activity will also be favorably evaluated. Capacity assessments and the strengthening of local organizations should be a component when necessary. If a local organization is unable to technically respond to the entire activity, they are encouraged to submit a concept paper to achieve an objective of the activity or pursue an alliance with an international organization.

The overarching goal of the NPI is to empower new and underutilized partners, many of which are local and locally established organizations, to solve problems not adequately addressed by other USAID investments and that directly respond to the development objectives of the USAID Mission. NPI will increase USAID's programmatic impact, based on more collaborative and adaptive partnerships, and improve measurable outcomes at the country level through the following:

1. Leveraging private development assistance to respond to the Administration's priorities and strengthen the long-term, sustainable development of partners;
2. Equipping and empowering new and underutilized development partners to maximize the impact of American tax dollars;
3. Supporting solutions to near- and long-term U.S. government priorities that will advance the strategic USG objectives and foreign assistance aims;
4. Identifying development solutions that will be country- and partner-driven for maximum long-term impact; and

5. Creating incentives for expanding and diversifying USAID's partner base so that we help to equip and fund more local and locally established partners to support country-level progress.

In terms of Localization, USAID is committed to shifting more leadership, ownership, decision making, and implementation to the local people and institutions because it is their capability, connectedness, and credibility that drives change in their own countries and communities to face local challenges. It is their understanding of the unique consequences, power dynamics, impacts, and complexities that will offer better potential solutions for their communities. This means that equitable, inclusive and sustainable responses to these challenges must be built upon the priorities, knowledge, experiences, aspirations, and expertise of the people who live them every day. As such, the applicants must take into consideration this important element when proposing development solutions and ideas where local partners are leading and implementing solutions to address the challenges in the countries where they reside. Furthermore, in the event that local partners are not the prime applicants, the applicant must ensure that Localization efforts are at the forefront of the activities and approaches for the developmental solutions proposed.

Please refer to Section A.4 and Section C.2 of the USAID El Salvador APS and Section C of this Addendum for further information on NPI.

Private Sector Engagement

USAID is undertaking a major cultural and operational transformation to expand its engagement with the private sector to achieve outcomes of shared interest and shared value. The Private Sector Engagement Policy is an Agency-wide call to action and a mandate to work hand-in-hand with the private sector to design and deliver our development and humanitarian programs across all sectors. It also seeks to harness the resources of the private sector in conjunction with USAID funding. This policy signals an intentional shift to pursue market-based approaches and investment as a means to accelerate countries' progress of sustainable development.

Effective development work requires vibrant private sector actors in both donor and host countries. Private sector engagement and enterprise-driven development are fundamental to the goal of ending the need for foreign assistance and empowering partner countries and communities in becoming more self-sufficient and are at the core of how the United States approaches development. Many of the Mission's long-standing partners have played an important role in connecting development activities with private sector actors. To expand and diversify partners, this addendum will view favorably a concept paper that identifies opportunities to collaborate with the private sector to obtain greater benefits from the private sector's creative thinking and market-based and enterprise-driven solutions.

USAID El Salvador will actively seek to strengthen and expand alliances with the private sector to achieve the development objectives outlined in the CDCS and align with the strategic objectives of the RCS.

To encourage private sector engagement, USAID El Salvador will engage and explore partners and possibilities broadly. The private sector, USAID, and other organizations may engage one another to understand their respective interests and objectives, identify and define issues and opportunities that might warrant collaboration, explore how their respective expertise, resources and capabilities might provide opportunities to effectively address those issues and opportunities through market-based approaches, and begin formulating potential activities and approaches. Based on these collaborative discussions, prospective partners may decide whether or not to

continue in the development and submission of a concept paper. Should a private sector organization or other prospective partner choose to submit a concept paper, the application process detailed in Section D (Application and Submission Information) must be followed.

Sustainable Development

Sustainable development entails a capacity to plan, finance, and implement solutions to local development challenges and a commitment to see these through effectively, inclusively, with accountability, and ensuring that the use of resources by one generation does not curtail the availability of such resources to the following generations. These solutions take many forms, from expanding access to finance for small businesses to ensuring more transparency from public officials, etc. Therefore, the focus of program interventions will be on providing opportunities to and developing the capacities of Salvadoran or regional local NGOs, Civil Society, businesses, foundations, faith-based organizations, experts, etc. to the greatest extent possible.

To address the long-term sustainability of programming, USAID El Salvador will look for applicants that will propose activities that advance sustainable development, especially financing sustainable development, promoting private enterprise-driven development with private sector engagement, redefining partnerships that lead to autonomy rather than dependency, and strengthening partners' resiliency as their capacity to weather and recover from natural and manmade events. USAID El Salvador will focus on building sustainable development, particularly in areas that have the greatest impact on reducing irregular migration. This includes building the capacity of key institutions so that they can better serve the people of El Salvador, and deepening partnerships with the private sector and civil society entities in ways that enhance their sustainable development so that they champion and carry out future development efforts with reduced, and ultimately, no USAID assistance. In order to accomplish this objective, USAID El Salvador will seek out innovative approaches in partnership with the government, local institutions, and NGOs, and enable local capacity to replicate and scale up.

Collaborating, learning and adapting (CLA)

Applicants are expected to contribute to USAID El Salvador's commitment to a multifaceted collaborating, learning and adapting (CLA) approach to development. The CLA approach is based on the understanding that development efforts yield more effective results if they are coordinated and collaborative; test promising, new approaches in a continuous yet also rapid targeted search for generating improvements and efficiencies; and build on what works and eliminate what does not. It is also understood that CLA takes into account programmatic learning and shifts generated by the activity (outward-generating) as well as those adopted by the activity from external learning sources. USAID also anticipates that a strong focus on adaptive management techniques, as expressed through behavioral science approaches, staffing skills, structure and culture, business processes, and stakeholder engagement, will be particularly important in the implementation of the proposed activity in order to track and adjust to the opportunities to operationally integrate with other activities working in related efforts. Thus, USAID anticipates a CLA approach that tailors CLA to the needs and opportunities of the proposed activities, while leaving open options for future evolution in its interpretation and application.

- **Collaborating:** Recipient(s) will be required to engage in active collaboration with other key in-country partners, including other USG partners and other donors, etc. to avoid duplication of

efforts, find synergies, share knowledge around assessments, emerging research, best practices, lessons learned, and evaluations, and jointly develop action plans for integrating learning resulting from these activities into improved program implementation. By collaborating with other stakeholders, the assistance provided in the migration hubs is expected to have a greater impact and achieve more results thus benefiting more people and communities in El Salvador. Applicants are required to propose approaches to collaboration that demonstrate efficient and strategic coordination of activities. Further, the Recipient(s) will be expected to anticipate inter-activity management challenges and opportunities and advise AORs and CORs and the Mission's Regional Office of Acquisition and Assistance (ROAA) on leveraging potential synergies, taking advantage of opportunities, and resolving challenges.

- **Learning:** Recipient(s) will be required to hold annual learning summits to identify promising practices, including behavioral science approaches, work collaboratively to overcome implementation obstacles, and address changing conditions. Results should be used to inform upcoming year work plans and activity design across multiple stakeholders, and captured and shared broadly. Specifically define how innovative and dynamic learning agendas will be developed and implemented with the teams and the Mission as a whole. Identify learning questions to guide the gathering of information to better understand or challenge key programmatic assumptions.

- **Adapting:** Recipient(s) will be required to engage in periodic reflection activities using approaches such as after-action reviews to identify, capture, and act upon lessons learned in technical, cross-cutting, and management activities. The applicant will demonstrate adaptability that is informed by knowledge gained through learning, and recognize behaviors and incentives necessary to create change. Knowledge gained through learning will influence decision making, resource allocation, and adaptation to contextual shifts. Application of new knowledge to implementation decisions will be reflected in the semi-annual work plan, and the Activity Monitoring, Evaluation, and Learning Plan (Activity MEL Plan). Decisions to adapt may be based on, but not limited to the following:

- Sudden or unexpected changes in the operating environment (i.e. emergency or natural disaster, policy changes);
- Financial and human resource constraints; and
- Emerging evidence that interventions are not working or could work better if adapted.

Communication Strategy

Communications and public perception are critical to the achievement of USAID El Salvador's development objectives to improve security, increase prosperity and strengthen democratic governance. Together with its partners, local stakeholders, and the communities in which it works, USAID promotes an increased level of hope for Salvadorans living a good life at home, measured by improvements in educational and economic opportunities, security and government. This activity will contribute to this shared objective. This activity will provide a communications strategy demonstrating how the partner and activity will utilize communications to achieve results and how the activity contributes to higher level objectives of increased hope and improved public perceptions. USAID El Salvador Development Outreach Coordinator office will coordinate with communications leads of all partners regularly to align efforts, refine local hub messaging and national campaigns, and encourage partners' continued understanding and development of communications products that prioritize CDCS communication goals.

Gender and Inclusive Development Considerations

Per ADS 205, USAID strives to deliberately promote Gender Equality and Women's Empowerment, in which women, girls, men, and boys have equal opportunity to benefit from and contribute to economic, social, cultural, and political development; and are equally empowered to secure better lives for themselves, their households, their communities, and their countries.

Therefore, this activity must integrate the Gender topic to contribute to the achievement of any of the five overarching outcomes of the USAID Gender Equality and Women's Empowerment Policy:

- Reduce disparities between women and men in access to, control over, and benefit from economic, social, political, educational, and cultural resources, as well as wealth, opportunities, and services;
- Strive to eliminate gender-based violence (GBV), which affects women's abilities to thrive and succeed, and mitigate its harmful effects on individuals and communities, so all people can live healthy and productive lives;
- Increase the capability of women and girls to exercise their basic and legal rights fully, determine their life outcomes, assume leadership roles, and influence decision-making in households, communities, and societies;
- Support strategies and activities that secure private-property rights and land tenure for women; and
- Improve the access of women and girls to education, including opportunities for higher education and workforce development.

In El Salvador, analyzing the current situation and the needs presented by vulnerable populations such as women, youth, people with disabilities, indigenous peoples, and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community, USAID research and studies have found that these vulnerable groups have continued to experience discrimination in all areas, but mainly in the fulfillment of social, economic, and employment rights. As a result, it is very important to become aware of the needs and priorities of these vulnerable populations in Salvadoran society. Therefore, the USAID's social inclusion policies need to be taken into account from the design and implementation of USAID programming to advocate for, and outreach to, people from vulnerable populations, and the Activity should integrate these guidelines throughout, including in its implementation, monitoring, and evaluation.

More information can be found at [USAID Gender Equality and Women's Empowerment Policy](#).

Do No Harm

USAID abides by a foundational principle of "do no harm". "Do no harm" means that the Mission takes measures to ensure that the development assistance efforts do not put vulnerable groups such as women, LGBTQI+ individuals, people with disabilities (PWD), indigenous persons, among others, at increased risk of harm or raise their public profiles in such a way that could lead to a backlash. Therefore, concepts should ensure that proposed interventions do not produce physical, financial, or other harm to women, men, or the vulnerable groups mentioned above as a result of the interventions.

Innovation in Development

Innovation refers to novel business or organizational models, operational or production processes, or products or services that lead to substantial improvements (not incremental "next

steps”) in addressing development challenges. Innovation may incorporate science, research, evidence-based, and technology but is often broader, to include new processes or business models.

Legal and Environmental Considerations

The selected Recipient(s) must comply with all required laws and regulations pertaining to labor and environment in El Salvador.

Please refer to Section A.4 and A.5 of the CDCS APS for further information on cross-cutting policies and Agency Initiatives.

END OF SECTION A

SECTION B: FEDERAL AWARD INFORMATION

Issuance of this Independent and Effective Justice System Activity Addendum does not constitute an award commitment on the part of the U.S. Government, nor do those commit the U.S. Government to pay for any costs incurred in the preparation or submission of questions, comments, suggestions, Concept Papers, and/or Full Application. Applicants submit Concept Papers/Applications at their own risk, and all preparation and submission costs are at their expense.

1. Estimate of Funds Available and Number of Awards Contemplated

USAID El Salvador anticipates awarding one or multiple award(s) under this Independent and Effective Justice System Activity Addendum to the USAID El Salvador APS. The actual number of assistance awards, if any, under this Addendum is subject to the availability of funds and the interests and requirements of USAID El Salvador, as well as the viability of eventual Applications received. Subject to funding availability, USAID El Salvador intends to provide approximately \$35 million in total USAID funding to support activities focused on improving the independence and effectiveness of the Justice System in El Salvador. Actual funding amounts and length of awards are subject to availability of funds, award type, and activity proposed (including the extent to which the proposed activity responds to the Programmatic Focus identified in Section A).

Awards pursuant to this addendum may result in a variety of assistance instruments outlined in ADS 303.3.24 and ADS 303.3.25 such as:

- a) Grants and Cooperative Agreements, including renewal awards which allow to adapt within the five year maximum period of performance to changing contexts, lessons learned during implementation and allowing scalability of pilot activities;
- b) Simplified grants for small awards on a cost reimbursement basis may be appropriate for new local organizations that propose innovative solutions;
- c) Fixed Amount Awards which allow payments upon the successful completion of milestones and may represent a less administrative burden to new partners.

2. Nature of the Relationship between USAID and the Successful Recipient

The principal purpose of the relationship with the Recipient is to transfer funds to accomplish a public purpose of support or stimulation of the activity which is authorized by Federal statute. The successful Recipient will be responsible for ensuring the achievement of the program objectives and the efficient and effective administration of the award through the application of sound management practices. The Recipient will assume responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

3. Start Date and Period of Performance for Federal Award

The period of performance of individual awards may vary. The performance period may be between one year up to five years.

RENEWALS: Awards made under this addendum may be eligible for annual renewals providing a possibility of a subsequent award to receive additional support for the project for succeeding periods, activities, or milestones if so determined by USAID. The overall period of the cooperative agreement, including all renewals, will not exceed the five (5) year period of performance of the award under this addendum. USAID will inform the awardee no later than 4 months before the end of the period of performance of the initial award if the said awardee is eligible to apply for a renewal award. The recipient will submit a renewal request no less than 3 months prior to the end date.

Funding of any renewal period or expansion of activities is contingent on the following:

- Availability of funds;
- Satisfactory progress towards meeting the award objectives;
- Submittal of required reports; and
- Compliance with the terms and conditions of the award, including the conditions for renewal.

If informed by USAID, an Awardee will submit a detailed annual work plan for the renewal period along with a detailed budget to be considered for the renewal opportunity.

Any renewals are at the sole discretion of USAID.

4. Type of Instrument

USAID has a number of assistance award types to choose when providing funds to successful Applicants. The type of award and terms and conditions included therein is based upon recipient organization type, programmatic factors, and other due-diligence matters (including responsibility determinations). The types of awards are defined in Section F of the USAID El Salvador APS.

USAID reserves the right to make or not to make awards through this Addendum. The actual number of assistance awards, if any, under this USAID El Salvador APS Addendum is subject to the availability of funds, the interests and requirements of USAID, and the viability of applications received. There is no predefined minimum or maximum number of partners or partnerships USAID will support through this Addendum. However, USAID will not provide funds under this Addendum for products and services that it would otherwise purchase through a contract. If USAID identifies opportunities to strengthen or fund a Concept Paper or application by connecting it with other USAID mechanisms, other potential funders, and/or external partners, USAID may make that Concept Paper or application available internally or externally for appropriate consideration.

5. Applicable Facts & Rationale for Instrument Selection

The principal purpose of the resulting Assistance instrument and the grantor-grantee relationship it could create between the Agency and the recipient is to transfer Federal financial assistance to the recipient to carry out, in the Rule of Law program area, a public purpose of supporting improvements in the independence and efficiency of the Salvadoran criminal justice system, as authorized by the Foreign Assistance Act of 1961, as amended, and other applicable authorities as provided in annual appropriations legislation.

The objective of this activity is not to acquire from the recipient - by purchase, lease, or barter - property or services for the direct benefit or use of the Agency. Instead, USAID will support a suitable partner working in the areas described in Section A, to enhance the capacity of the host country government's criminal justice system to improve its efficiency in solving violent crimes and safeguarding its independence. USAID has carefully designed a program description that seeks to defend judicial independence for the Salvadoran people. Likewise, the program description proposes to engage independent justice sector agencies and actors, as well as civil society, to promote accountability, integrity, and due process in the criminal justice system. This will benefit the Salvadoran people, who have the right to be heard by an impartial judge when accused of a crime, and who deserve a criminal justice system that is accountable and that respects due process, among other democratic guarantees.

END OF SECTION B

SECTION C: ELIGIBILITY INFORMATION

1. Eligible Applicants

Eligibility is unrestricted. This Addendum is open to all entities that meet the eligibility criteria set forth in Section C of the USAID El Salvador APS.

USAID El Salvador highly supports NPI and welcomes partners that would comply with this Initiative. NPI defines “Implementing Partners” as U.S. and non-U.S. non-governmental organizations that can design and implement assistance activities outside the United States. [New Partnerships Initiative Key Definitions | U.S. Agency for International Development \(usaid.gov\)](#).

USAID El Salvador strongly encourages a partnership approach that leverages the required technical expertise of a variety of diverse partners needed to achieve the activity objectives. If any qualified organization is unable to technically respond to the entire activity, then we encourage these organizations to submit a concept paper to achieve an objective of the activity or pursue an alliance with another organization.

What is a “New” Partnership?

A “new” or “underutilized” partner is an organization that has received less than \$25 million cumulatively in direct or indirect awards from USAID over the past five (5) years.

What are the basic requirements of an NPI partnership?

In addition to aligning with the specific development objectives and requirements in this Addendum, NPI partnership proposals must reflect one (1) of the following four (4) forms:

- a. Direct awards to new and underutilized organizations that are local entities in El Salvador or countries for which the Applicant is applying (if and when regional activities are solicited);
- b. Direct awards to new and underutilized organizations that are LEPs in El Salvador or countries (if regional activities are authorized) for which the Applicant is applying;
- c. Sub-awards to new or underutilized partners via prime awardees that serve in a limited mentorship role; OR
- d. Direct awards to partners underutilized with respect to opportunities to leverage private/ non-U.S. Government funding.

Please refer to Section C.2 of the USAID El Salvador APS for further information on NPI’s forms of engagement and Transition Awards. Definitions for local entities and locally established partners can be found in the “Key Definitions” table of the APS.

All Implementing Partners must be legally registered entities under applicable law and eligible under the relevant laws to receive funding from a foreign source. Individuals, unregistered, or informal organizations are not eligible to be Implementing Partners.

All eligible interested organizations are restricted to submitting **only one Concept Paper as the Prime Applicant**. If more than one Concept Paper is received with the same Prime Applicant, USAID will seek written clarification from the relevant entity regarding which Concept Paper should be considered for review. If clarification is not resolved *within five (5) business days*, all Concept Papers submitted by the Applicant will be deemed ineligible.

Note: Please note that Applicants can serve as sub-awardees or supporting partners on multiple Concept Papers.

Prime Applicants must not require exclusivity agreements with proposed alliance members, sub-partners, or key individuals.

USAID may not make an award to an Applicant until the Applicant has complied with all applicable Unique Entity Identifier (UEI) and SAM registrations as detailed in Section H of the USAID El Salvador APS and, if an Applicant has not fully complied with the requirements by the time USAID is ready to make an award, USAID may determine that the Applicant is not qualified to receive an award and may use that determination as a basis for making an award to another Applicant. USAID reserves the right to make no award under this Addendum at any stage of the process. The registration process may take many weeks to complete. **Therefore, applicants are encouraged to begin registration early in the process.**

Applicants must comply with applicable local laws, including on taxation. USAID advises prospective Applicants to consult local counsel on these issues in the Concept Paper phase.

Responsibility Determination:

The successful applicant(s) will be subject to a responsibility determination assessment and potentially a Pre-award Survey. The Recipient must be a responsible entity. The AO may determine a pre-award survey is required to conduct an examination that will determine whether the prospective recipient has the necessary organization, experience, accounting and operational controls, and technical skills – or ability to obtain them – in order to achieve the objectives of the program and comply with the terms and conditions of the award. Depending on the result of the risk assessment, the AO will decide to execute the award, not execute the award, or award with “specific conditions” (2 CFR 200.208).

Please refer to Section C of the USAID El Salvador APS for additional information on eligibility requirements that apply to this Addendum, which includes guidance on Concept Notes/Applications with Proprietary Data.

2. Cost Sharing or Matching

USAID El Salvador has established a suggested recipient cost share of at least five percent (5%) of projected award amount for each award. Such funds may be provided directly by the recipient; other multilateral, bilateral, and foundation donors; host governments; and local organizations, communities and private businesses that contribute financially and in-kind to the implementation of activities at the country level. This may include contribution of staff level of effort, office space or other facilities or equipment which may be used for the program, provided by the recipient. For guidance on cost sharing in grants and cooperative agreements see 2 CFR 200.306.

Proposed cost share, if provided, will be reviewed for compliance with the standards set forth in 2 CFR 200.306, 2 CFR 700.10, and the Standard Provision "Cost Sharing (Matching)" for U.S. entities, or the Standard Provision "Cost Share" for non-U.S. entities.

3. How to Work with USAID

More information on how to work with USAID may be found at <https://www.usaid.gov/work-usaid> and <https://www.usaid.gov/work-usaid/get-grant-or-contract/trainings-how-work-usaid>. Information is also available in Spanish.

END OF SECTION C

SECTION D: APPLICATION AND SUBMISSION INFORMATION

1. Agency Point of Contact

Any questions regarding this Independent and Effective Justice Activity Addendum must be submitted to Mr. Nathan Cutler, at sansajjusticeadd8@usaid.gov, no later than the closing date for questions specified in the cover page of this Addendum.

If an award is made, the AO will appoint an AOR at that time to provide technical and administrative oversight of the specific award during implementation.

2. Concept Paper Instructions

Applicants are required to follow the Application and Submission Information instructions set forth in Section D.3 of this Addendum and submit Concept Papers using the Concept Paper Template in Attachment 1 of this Addendum. The Eligibility Certification Form in Attachment 2 must also be completed and submitted if applicable.

3. Content and Format of Concept Paper Submission

Applicants should submit only the information and materials requested, and in the format specified in Attachment 1 of this Addendum. Concept Papers MUST be written in the English language and submitted electronically via e-mail in a Microsoft Word document (*.docx) and in PDF format (to include any required signatures).

- Concept Papers shall not exceed six (6) pages, using 1 inch page margins with 12-point font.
- Clarity and specificity are important, as is ensuring that the narrative in the Concept Paper addresses the points outlined in this Addendum used to review the Concept Paper. During the merit-review process, USAID may reject funding for those Concept Papers that are vague or merely restate language found in this Addendum.

USAID will not accept Concept Papers that are more than six (6) pages in length.

The Concept Paper (including any Supporting Information) must be submitted to: sansajjusticeadd8@usaid.gov. Concept Papers must be submitted by the deadline in order to be considered. Please indicate in the e-mail subject line “Independent and Effective Justice System Activity Addendum” when submitting the Concept Paper.

Certification Language for Submissions in Concept Papers:

Applicants must include the following certification: “I understand that USAID may share this concept paper for appropriate consideration internally as part of the due diligence process, or if USAID identifies opportunities to strengthen or fund an application by connecting with other USAID mechanisms.”

[Applicant’s signature]

IMPORTANT NOTE: Any concept papers that do not follow the instructions may be disqualified and not be reviewed.

4. Application Process

Section D.2 of the USAID El Salvador APS outlines two examples of the phased-processes that may be considered to review concept papers received under this Addendum. USAID El Salvador will determine the review process to follow depending on the activity proposed and the needs of the Mission.

USAID El Salvador will notify potential Applicants of changes to the requirements or in the review-process timeline, etc. through a written amendment to this Addendum via grants.gov.

Please refer to Section D of the USAID El Salvador APS for further instructions on Critical Requirements Prior to Award, Funding Restrictions and Conflict of Interest that apply to this Addendum.

END OF SECTION D

SECTION E: APPLICATION REVIEW INFORMATION

1. Evaluation of Concept Papers

Once a Concept Paper has been submitted in response to this Addendum, USAID El Salvador will conduct a review of the Concept Paper as stated in Section E of the USAID El Salvador APS and as follows:

- A. Mandatory Compliance with the four critical requirements specified in Section C.1 of the USAID El Salvador APS.** USAID will review compliance with these four critical elements for a “yes” or “no” compliance. If a Concept Paper does not comply with all four critical requirements, the Concept Paper will be rejected and excluded from the process.
- B. Merit Review Criteria:** If Applicants meet the four mandatory requirements listed in Section C.1 of the USAID El Salvador APS, the concept paper will be evaluated in accordance with the merit review criteria specified in Section E.2 below.

If a Concept Paper does not meet the objectives of this Addendum and receives inadequate ratings against the merit-review criteria specified in Section E.2 below, then USAID will reject the Concept Paper and the process ends for that Applicant(s).

Conversely, USAID El Salvador may invite a subset of concept paper applicants that provide greater impact to engage in co-creation or oral presentations, to work through areas of weakness and to respond to USAID El Salvador’s questions and clarify aspects of the concept paper that are not clear. If an applicant does not succeed at the co-creation or oral presentation phase, the process will end at this stage and the applicant will be notified accordingly.

- C. Request for full Application:** USAID El Salvador will only request full applications from applicants invited to continue in the application process. If USAID El Salvador decides to continue with the proposed activities and if Applicants successfully comply with the requirements to reach this stage of the process, USAID El Salvador will request a full application from the apparent successful applicant(s). Applications will be evaluated in accordance with the merit review criteria incorporated in the RFA.

2. Merit Review Criteria and Considerations

USAID El Salvador will use the following criteria to evaluate Concept Papers in response to this Independent and Effective Justice activity Addendum. Any Concept Paper submitted in response to this Addendum should propose an approach that satisfies these criteria and exhibits the characteristics set forth below.

Concept Paper Review

The four criteria below reflect the components of the Program Description. All criteria are weighted equally.

No.	CRITERIA	
1.	Does the Concept Paper propose a feasible plan to strengthen the independence of the criminal justice system?	Yes ☐ No ☐
2.	Does the Concept Paper describe a flexible approach that can adapt to a likely evolving country context?	Yes ☐ No ☐
3.	Does the Concept Paper clearly incorporate civil society actors, and alliances between them, to oversee the performance of the criminal justice sector in a sustainable manner?	Yes ☐ No ☐
4.	Does the Concept Paper include a feasible approach to strengthen the capacity of the criminal justice sector to solve serious violent crimes?	Yes ☐ No ☐

The review of concept papers against the above merit review criteria will result in one of the following outcomes:

- 1) The concept does not meet the concept review criteria and will no longer be considered.
- 2) The concept meets the concept review criteria but will be considered for “evergreening”* purposes.
- 3) The concept meets the concept review criteria, and the applicant is requested to submit a full technical application.
- 4) The concept meets the concept review criteria, and the applicant is invited to engage in in-depth and specific co-creation discussions or oral presentations, aimed at building a high impact partnership. After successfully completing co-creation discussions or oral presentations, applicant(s) will be invited to submit a full application

USAID El Salvador will only request full applications from applicants invited to continue in the application process. Applications will be evaluated in accordance with the merit review criteria incorporated in the RFA.

*** Evergreening**

If USAID identifies opportunities to strengthen or fund a concept note or application by connecting it with other USAID mechanisms, other potential funders, and/or partners, USAID

may make that concept note or application available internally for appropriate consideration. Concept notes or applications that are evergreened will remain available for potential consideration for a period of up to one year after the close date of the specific addendum. Therefore, applicants should be willing to:

- a. Co-create the activity by sharing their proposed approach with other organizations;
- b. Consider sub-award arrangements; and
- c. Combine the technical and administrative contributions of another organization, as may be necessary.

Evergreening can result in an award in any of the following scenarios:

- The evergreened concept is further developed for potential award at a later date under the initial funding opportunity.
- The applicant is encouraged to resubmit the concept under a separate funding opportunity.
- Evergreened concepts are made available to other Missions or USAID Operating Units for potential development and award.

Each of these possible award scenarios is likely to include a process of co-creation to further develop the concept. It is important to note that co-creation may or may not lead to an award. USAID may remove any co-creation participant from award consideration should the parties fail to reach agreement on activity concept, design, award terms, conditions, cost/price, or time frame; or if the participant fails to provide requested additional information in a timely manner; or if the U.S. Government believes that removal is in its best interest.

Any subsequent USAID award must comply with USG and Agency competition requirements for the resulting mechanism type, potentially including the ADS 303 requirements for restricted eligibility for programmatic rationale.

END OF SECTION E

SECTION F: FEDERAL AWARD AND ADMINISTRATION INFORMATION

1. Federal Award Notices

The USAID AO is the only individual who may legally commit the U.S. Government to the expenditure of public funds. Applicants are prohibited from charging or incurring costs to the proposed award prior to receipt of either a fully executed award or a specific, written authorization from the AO. USAID will administer awards in accordance with Parts 700 and 200 of Title 2 of the CFR, and Standard Provisions for U.S./non-U.S. organizations.

2. Type Of Award

USAID has a number of assistance award types to choose when providing funds under this Independent and Effective Justice System Activity Addendum to successful Applicants. The type of award and terms and conditions included therein depends upon the type of recipient organization, programmatic factors, and other due-diligence matters (including responsibility determinations). The types of awards are defined in Section F of the USAID El Salvador APS.

3. Substantial Involvement

If a Cooperative Agreement is awarded, the intended substantial involvement will be determined based on the programmatic requirements of the award, as further outlined in ADS 303.3.11. Some examples of potential areas of substantial involvement during performance of the award are outlined in Section B.5 of the USAID El Salvador APS.

The level of substantial involvement between the Mission and recipient in implementing the activity will be defined based on the programmatic requirements of the proposed activities and will be negotiated prior to award.

4. Reporting Requirements

Resulting awards under this Addendum will incorporate specific reporting requirements, including Financial and Performance Reporting, and the frequency required.

5. Additional Information

- ADS Chapter 205 - Integrating Gender Equality and Female Empowerment in USAID's Program Cycle:
<https://www.usaid.gov/sites/default/files/documents/205.pdf>
- ADS Chapter 303 Standard Provisions for Non-U.S. Non-governmental Organizations:
<https://www.usaid.gov/sites/default/files/documents/303mab.pdf>
- ADS Chapter 303 Standard Provisions for U.S. organizations:
<https://www.usaid.gov/sites/default/files/documents/303maa.pdf>
- ADS Chapter 318 Intellectual Property Rights:
<https://www.usaid.gov/sites/default/files/documents/318.pdf>
- Grant and Contract Process: <https://www.usaid.gov/work-usaid/get-grant-or->

[contract/grant-and-contract-process](#)

- El Salvador CDCS public version in English:
https://www.usaid.gov/sites/default/files/documents/CDCS-El_Salvador-external_version-April30.pdf
- El Salvador CDCS public version in Spanish:
https://www.usaid.gov/sites/default/files/documents/CDCS-El_Salvador-Espanol-Actualizado_Abril_23_1_1.pdf

END OF SECTION F

SECTION G: FEDERAL AWARDING AGENCY CONTACT(S)

Point of contact (POC) for questions while the funding opportunity is open:

USAID El Salvador
Mr. Nathan Cutler
Agreement Officer
Email: sansajusticeadd8@usaid.gov

END OF SECTION G

SECTION H: OTHER INFORMATION

USAID El Salvador reserves the right to fund any or none of the Concept Papers submitted under this Addendum to the USAID El Salvador APS.

Value Added Tax (VAT). The VAT charged in El Salvador is to be excluded from the price of the Award and is generally not an allowable cost under the Award. The Awardee is responsible for working with the GOES to obtain the VAT exemption. USAID will provide the Awardee with the documentation to initiate this process. Please refer to Section H of the USAID El Salvador APS for further information that applies to this Addendum.

END OF SECTION H

[END OF ADDENDUM No. 8]

Attachment 1 - Mandatory Concept Paper Template

A. General Information (*Information in this section - Items 1-10 - may be included in the Cover Page, which does not count towards the page limit, but must not exceed one page.*)

1. Proposed Activity Name/Title: _____
2. Certification, with Explanation, of Eligibility Under USAID Priority/ Programmatic Focus Area (*Statement certifying that the Concept Paper complies with the 4 critical requirements specified in Section C.1 of the USAID El Salvador APS*):

3. Proposed Period of Performance (*i.e., start date and end date*): _____
4. Total Program Amount (*in USDs*): _____
5. Total Amount of Funding Requested from USAID and total amount of cost-share proposed (if applicable), including from what source(s): _____
6. Applicant Organization Name: _____
7. Applicant Contact Person (*name, phone, e-mail*): _____
8. Full Address for Applicant Organization: _____
9. Type of Organization (*e.g., U.S., non-U.S., multilateral, private, for-profit, non-profit*) date of incorporation, etc.): _____
10. (If Applicable) Name(s) of Partner(s) Organization(s) Applicants that are applying as Mentors/Primes will name local Subpartners here: _____

B. Concept Introduction (*approximately ½ page*): Identify the problem you will address, link it to one or more of the focus areas of the Addendum and briefly describe your work for tackling this problem. Describe why there is a need for your concept, how it differs from alternatives, and any relevant partner-specific considerations for the problem or solution. Explain how the program advances sustainable development for the country.

C. Beneficiaries (*approximately ½ page*): Describe the types of benefits your work will produce and the types and range of people (*i.e types of vulnerable populations*) who will benefit from this work, including beneficiary organizations from the government or civil society. Was the concept designed with input from these beneficiaries? Has it been, or can it be, adapted to reach target beneficiaries, in accordance with the CDCS geographic focus, *i.e urban hubs*?

D. Geographic Location (approximately less than ½ page): *In what location(s) are you proposing to operate? Describe key elements of, and actors in, the geographic location(s) in which you propose to work. What are the biggest challenges and opportunities? Please provide a brief description of previous work experience in the urban hubs, per CDCS geographic focus and the list of municipalities.*

E. Intervention approach (approximately one [1½] page): *Describe how this intervention will produce the desired impact in the focus area(s) identified. Be sure to include information to describe how the behavioral science approach is considered in the design, implementation and monitoring of the proposed Activity, how it is potentially scalable, and evidence to support it as a tested solution or as an intervention likely to have a significant development impact, and how it will be sustained.*

This section should include the Applicant's approach to embed as many of the cross-cutting principles included in Section A, as feasible as possible in accordance with the proposed activity. Given that substantial partnerships are anticipated between implementing organization(s) at every stage of the proposed activities, describe your organization's strategy for equitably engaging with these partners in implementation. Also indicate how you plan to build the capacity of these partners as applicable.

E.1 Adaptive and Flexible Technical Approach (approximately ½ page): *Include discussion of how the proposed activity demonstrates an adaptive and flexible technical approach in a likely evolving country context.*

F. Intervention Results (approximately one [1] page): *Describe the anticipated results, targets, and/or impact of your activity. What are the key, quantifiable metrics related to your project's performance or expected performance? Describe how your proposed approach will result in (or contribute to sustainable outcomes beyond the lifetime of the award, including how your organization's approach will obtain new or existing resources, capacities, and investments.*

G. (If applicable) Roles of Partners (approximately ½ page): *Describe and define the role of other entities in the partnership. A brief synopsis of how each partner will engage within a partnership should be included. This must include a description of the contributions, if necessary, or sub-partners if submitting a mentorship program proposal. If your organization is not proposing any partners, this section can be empty.*

H. Capacity of the Applicant(s)(approximately ½ page).: *Describe your organization's technical, financial, and managerial capacity and expertise to carry out the proposed work and that of any partners. Describe if you have previously done similar work or worked in the same location(s).*

[Signature of individual with authority to legally bind the organization]

END OF ATTACHMENT 1

Attachment 2 - Eligibility Certification Form

(NOT counted towards the page limit for Concept Papers)

(Applicants should identify the NPI modality offered. The list below provides a summary of the potential scenarios, per Section C.2. of the USAID El Salvador APS)

- ☐ We certify that we meet the criteria at Section C. 2.a. **Direct awards to new and underutilized organizations that are local entities in the host country or countries for which the Applicant is applying.** New and underutilized partners may apply for direct funding via specific Addenda issued under this APS. Applicants are eligible if they have received less than \$25 million cumulatively in direct or indirect awards from USAID over the past five (5) years.
- ☐ We certify that we meet the criteria at Section C. 2.b. **Direct awards to new and underutilized organizations that are locally established partners (LEPs) in the host country or countries for which the Applicant is applying.**
LEPs are organizations that generate significant private development assistance and support effective program models through locally-led operations that strengthen partner country capacity and commitment for sustainable development. U.S.-based or international partners are eligible if they have (1) received less than \$25 million cumulatively in USAID funding over the previous five (5) years; and (2) currently have additional, non-U.S. Government funding streams that exceed total funding received worldwide from USAID. (e.g., if an applicant has implemented \$5 million in USAID funding, it must demonstrate at least \$5 million in funds worldwide from sources other than the U.S. Government).
- ☐ We certify that we meet the criteria at Section C. 2.c. **Sub-awards to new or underutilized partners via prime awardees that serve in a limited mentorship role.** NPI recognizes the important role and capacity that “established partners” (defined as those that already have a financial relationship with USAID above the NPI thresholds established in the USAID El Salvador APS) bring to local organizations around the world. NPI acknowledges that many local partners lack the capacity, or desire, to comply with the stringent requirements associated with awards from the U.S. Government. This modality will allow established partners to build the capacity of local partners to meet the requirements to become a USAID direct awardee or provide them the support they need to implement programs on behalf of USAID that have measurable impact. Established partners will play a support role to build the capacity of new and underutilized partners (e.g., through technical oversight, compliance support, and mentoring). The prime will

not directly assist project beneficiaries. NPI envisions two modalities of support under this approach:

- ☐ We certify that we meet the criteria at Section C. 2.○ **Modality 3a: Local Entity Sub-Awardees That Move to Direct Awards:** Prime awardees must pass a minimum of 50 percent of the total funding of their awards to local sub-awardees, with a goal of moving them to qualify for direct awards. In appropriate cases, USAID might pursue prime / mentor awards with a provision for transition awards to some local entities during the life of the award.
- ☐ We certify that we meet the criteria at Section C. 2.○ **Modality 3b: Local and Locally Established Partner Sub-Awardees:** Prime awardees must pass a minimum of 75 percent of the total funding of their awards to sub-awardee local partners or LEPs. An award could also have a structure in which the prime partner receives a declining percentage of the value of the award year-on-year (e.g. from 25 percent in Year 1 to 20 percent in Year 5).
- ☐ We certify that we meet the criteria at Section C. 2.d. **Direct Awards to Partners to Leverage Private/Non-U.S. Government Funding:** NPI also seeks to support partnerships with organizations that can leverage their own private (or non-U.S. Government) funding, in recognition of the important dual-role that many established partners have as both implementers and fundraisers. Organizations of all types (non-profit, private-sector, host governments, *etc.*) can apply. Awardees must propose additional leveraged funds worth a minimum of 50 percent of the total value of the award they seek from USAID; this cannot include in-kind contributions but can include non-Federal grants and external awards.

USAID may consider a leverage ratio lower than 1:2 (“1” represents the applicant’s leverage, “2” represents USAID’s funding) if the applicant proposes a compelling partnership that will appreciably contribute to the CDCS strategy, and the lower ratio is due to Covid-19 and the resulting economy. In this case, the applicant will need to propose how it will attempt to increase its leverage amount throughout implementation and as the economy improves. Lower ratios may be considered, depending on the activity proposed.

END OF ATTACHMENT 2