

**Questions and Answers to Notice of Funding Opportunity
No. SOL-523-15-000005 Human Rights Public Policy Activity**

#	Question	Answer
1	We respectfully request an extension of the due date of proposals from July 9 until July 23rd (10 business days)	Deadline is hereby extended to 2:00 pm Thursday, July 23, 2015 Mexico City time
2	Page 12, section B.6.1 – how does a Transition Award differ from a sub-grant, with respect to this project? That is, if we provide sub-grants to a local organization and in some way assists them to build their capacity, is this considered a Transition Award? Also, is the phrase (1st paragraph of this section)“...authorize USAID to award without competition to a local organization that has been a sub-recipient under a USAID prime award” meant to suggest that USAID can directly approve sub-grantees without the prime recipient’s consent? If this is the case, will such subsequent awards be made via funds from this resultant award or from a separate funding source?	The transition award language is from the ADS 303.3.6.5b(3), pg. 38 of ADS 303 (dated 12-26-14), and it is for making an award to a local partner after the prime award has ended, after the sub-awardee has their capacity built from this award, without further competition. If your organization sub-grants a local partner to build its capacity, it may be possible to generate a transition award, with no competition, conditioned upon the existence of the appropriate Justification for Restriction to Eligibility. The AO would make such determination at an appropriate upon determination that the sub-grantee's capacities are viable to administer a direct grant.
3	Page 15, section B. 9 USAID refers to the need to ‘prepare an provide an environmental mitigation plan and report (EMPR). Can USAID confirm whether or not this will be required for the proposal? We believe that this project is not one that will have environmental impact.	Yes, it will be required, as the original Initial Environmental Evaluation resulted in Negative Determination with Conditions. This means that it will be required after award, but not when submitting applications.
4	Page 15, section B.8: We respectfully requests a clarification of the definition of sub-grant versus contract to better understand the \$1.65 million ceiling for this category. Specifically, are contracts understood as only for individuals, or is it possible to contract with an organization to carry out certain aspects of programmatic activities within the project? Page 31, Section D.5, number 3 refers to Consultants as “persons who are members of a particular profession or possess a special skill...” Should this be interpreted to mean that consultants can only be individuals?	You can make a sub-award with a contractor, but they can't always earn a profit. A Sub-grantee: Per ADS 303 Additional Help Document No. 303sai (dated 12-24-14), sub-grants may not charge profit to the award. Also, a sub-grantee has its performance measured against whether the objectives of the Federal program are met; has responsibility for programmatic decision making; has responsibility for adherence to applicable Federal program compliance requirements; and uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity. A



Contractor: Per ADS 303 Additional Help Document No. 303sai (dated 12-24-14), a contractor: Provides the goods and services within normal business operations; Provides similar goods or services to many different purchasers; Operates in a competitive environment; Provides goods or services that are ancillary to the operation of the Federal program; and Is not subject to compliance requirements of the Federal program. NOTE: The prohibition against profit does not apply to procurement contracts (acquisition) made under the assistance instrument (I.e.: Cooperative Agreement) when the recipient observes applicable Procurement Standards found in 2 CFR 200.317 to 326 (I.e.: Competition, methods of procurement, etc.). The prime grantee may pay a fair and reasonable profit to contractors providing it with goods or services (see 2 CFR 200.323(b)).

To further clarify, it is expected that the implementation of the activity relies mainly in the prime recipient and its alliance partners or consortium members, who all have to demonstrate existing technical and operational capacity to address the core expected goals, while sub-grants should be used to provide specific technical support and enhance sustainability.

Finally, please consider the following revised definition for "Consultant", also substituted in the updated NFO version: Organizations or persons, members of a particular profession who possess a special skill, proposed by the Applicant for expert services rendered for a predetermined period of time, and who are not officers or employees of the Applicant. Consultants' costs should be broken down by person, months, days or hours.

5 Page 31, Section D.5, number 7, can USAID please clarify the statement that funding for Sub-grants should not exceed \$20,000,000 over the life of the grant? Same question for number 8, Rapid Response Fund, which states that the applicant is required to include \$5,000,000 in its cost application for this activity?

Please observe that Sub-grants should not exceed \$1,650,000, and that this correction is included in the updated version of the NFO. Also, please disregard any mention to a Rapid Response Fund, which has been deleted from the updated version of the NFO.

6 Page 18, section B.11 – how does USAID define alliances versus partnerships? Does either arrangement include the transfer of funds from a prime awardee to a sub-awardee? Specifically, can a PIO (specifically the office of the United Nations High Commissioner for Human Rights in Mexico) be a sub-awardee to applicants within this project?

For the purposes of this NFO, the terms alliance and partnership have the same definition. Yes, per ADS 303 version December 26, 2014, section 303.3.21b, a prime may sub-grant a PIO given that the resulting sub-grant uses the Standard Provisions for Cost-Type Awards to PIOs in ADS 308, Awards to Public International Organizations.



7	Pages 19-20, section B.13.1: are the gender integration plan and the consultation of a gender expert and gender-focused CSO part of the Application Package, or part of project implementation?	Per NFO, applicants should incorporate in their application meaningful approaches to address identified gender issues in the sector. Once the agreement is signed , the recipient should submit a gender integration plan that responds to the recommendations included in the gender analysis in Annex 3 (as applicable). At least one gender expert and one CSO focused on gender issues should be included during consultations through the life of the project.
8	Page 22, section C.1, can USAID confirm that public international organizations, as defined on page 18, footnote 10, are eligible to apply for this award?	Yes, PIOs can compete along with other organizations
9	Page 26, section D.4, V.ii states that a draft work plan must be submitted with the application package. We would like to know how detailed this work plan is expected to be.	The work plan is expected to be as detailed as the applicant deems necessary to provide evidence of its capacity for the implementation of the activity.
10	What is the definition of public figure?	For the purposes of this NFO, a public figure refers to a personage of great public interest or familiarity such as a social leader or a well recognized human rights expert.
11	Do I need an organization to support me to request funds for my program that I've been running independently for the past 3 years?	Unless an individual can financially support a \$7 million grant, then yes, an organization would be necessary.