USAID | DOMINICAN REPUBLIC
FROM THE AMERICAN PEOPLE

July 21, 2008

Issuance Date: July 25, 2008

Closing Date: August 22, 2008, 12:00 hours, Dominican Republic local time

Subject: Request for Application Number 517-08-011 (RFA 517-08-011)
Environmental Protection Program

The United States Agency for International Development Mission in The Dominican Republic (USAID/DR) is hereby issuing a request for Applications entitled "Environmental Protection Program". In that regard, we're requesting applications from interested institutions based on the attached Program Description. The authority for the RFA is found in the Foreign Assistance Act of 1961, as amended.

The Recipient will be responsible for ensuring achievement of the program objectives.

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to the grant program and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A- 122 for non-profit organizations, OMB Circular A-2 1 for universities, and the Federal Acquisition Regulation (FAR) Part 3 1 for-profit organizations), may be paid under the grant.

Subject to the availability of funds, USAID intends to award an incrementally-funded five years Cooperative Agreement, not to exceed $10.0 million over the five-year period. At least 20 percent of the amount spent per year (i.e., $400,000) should be used to purchase and install equipment and facilities to assist SEMARENA and municipal environmental management units (UGAMs) implement effectively this program. USAID reserves the right to reduce, revise, or increase application budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements and substantial involvement by USAID. Final authority for assistance awards resides with the USAID/DR Regional Agreement Officer.

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

1. Section A – Application Format,
2. Section B – Program Description,
3. Section C – Selection Criteria,
4. Section D – Certifications, Assurances, and Other Statements of Recipient,

For the purposes of this RFA, the term "Grant" is synonymous with "Cooperative Agreement"; "Grantee" is synonymous with "Recipient"; and "Grant Officer" is synonymous with "Agreement

Officer"

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

If you have any questions regarding this request for applications, please direct them to Claudia Molina via e-mail to (cmolina@usaid.gov) no later than August 1, 2008 at Noon Dominican local time.

We look forward to reviewing applications and ask that you please submit the application to USAID, through Claudia Molina no later than August 22, 2008, 2008 at 12:00 hrs DLt.

Sincerely,
/s/

Sharon Wayne
Agreements Officer
USAI D/Dominican Republic

SECTION A - APPLICATION FORMAT

I. PREPARATION AND SUBMISSION GUIDELINES

The Application will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format. Section B addresses the technical evaluation procedures for the applications. Late applications will not be considered for award unless the Agreement Officer determines it is in the Government's interest.

The application should be prepared according to the structural format set forth below.

Technical application should be specific, complete and presented concisely. The application should demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. The applications should take into account the technical evaluation criteria found in Section B.

In addition to the aforementioned guidelines, the applicant is requested to take note of the following:

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

B. Acknowledgement of Amendments to the RFA - Applicant shall acknowledge receipt of any amendment to this RFA by signing and returning the amendment preferably with the application package. The Government must receive the acknowledgement by the time specified for receipt of application.

C. Receipt of Applications - Applications must be received by the date and time specified in the cover letter of this RFA.

D. Submission of Applications:

Applications may be submitted using any **one** of the following methods (electronic methods preferred):

1. **Submission through www.grants.gov:** Complete Application packages shall be submitted electronically through grants.gov. Applications shall be submitted in two separate parts: (a) technical and (b) cost or business application. Both the technical and cost portions of the application shall have a cover page which includes the point of contact for the organization, including name, title, address, phone and fax numbers and e-mail address. An electronic copy must be in **MS Word** format in Font size 11 with 1" margins on top, bottom, left and right. Budget spreadsheets **must** be in **Excel** format, signed pages in Word or PDF format.

2. By Email Submission: Applicant e-mailing submissions shall forward them to the following e-mail address: drrco@usaid.gov. If submitting electronic applications you are responsible for ensuring that complete applications are received by the deadline. The time of receipt for electronic submissions will be based on the automatic electronic delivery time stamp from the usaid.gov e-mail server. **Please do not send files in ZIP format.** Following are the procedures for **submission of applications by e-mail:**

a. Before sending your documents to USAID as e-mail attachments, convert them into Microsoft Word (for narrative text), Excel (for budgets and other tables), or PDF format (for documents requiring signature). Please limit attachments to 2 MB per e-mail.

b. Once sent, check your own e-mails to confirm that your attachments were indeed sent. If you discover an error in your transmission, re-send the material again and **note in the subject line of the email that it is a "corrected" Submission.** Do not send the same e-mail more than once unless there has been a change, and if so, note that it is a corrected e-mail. Do not wait for USAID to advise you that certain documents intended to be sent were not sent, or that certain documents contained errors in formatting, missing sections, etc. Each Applicant is responsible for its submissions.

c. To avoid confusion, duplication, and congestion problems with our e-mail system, only one authorized person from your organization should send the e-mail submissions.

d. If you send your application by multiple e-mails, indicate **in the subject line of the e-mail,** "**RFA 517-08-011**" whether the e-mail relates to the technical or cost application, the desired sequence of multiple e-mails (if more than one is sent) and sequence of attachments (e.g. RFA#, Organization X, Cost Application, Part 1 of 4, etc.). However, you are requested to consolidate, as much as possible, the various parts of your technical application into one technical application document and the various parts of your cost application into one cost application document.

3.**Hard Copy Submissions:** are not acceptable.

4. **Faxed applications** are not acceptable.

E. Preparation of Applications:

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

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

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

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

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

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

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

F. Explanation to Prospective Applicants - an explanation or interpretation of this RFA must be requested in writing no later than August 1, 2008, to cmolina@usaid.gov. Oral explanations or instructions given before award of a Cooperative Agreement will not be binding.

II. TECHNICAL APPLICATION FORMAT

The technical application will be the most important item of consideration in selection for award of the proposed activity. It should demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. Therefore it should be specific, complete and presented concisely. It should take into account and be arranged in the order of the technical evaluation criteria specified in Section B.

Application Contents: The technical application shall contain the following sections, as more fully explained below:

1) Table of Contents listing all page numbers and attachments;
2) Executive Summary not to exceed a one page description;
3) Technical Approach describing the programs' strategic fit, technical approach and the organization's qualifications and past experience;
4) Proposed outcomes and impact indicators; not to exceed two pages;
5) Monitoring and Evaluation Plan; not to exceed two pages;
6) Detailed budget; not to exceed three pages;
7) Attachments (annexes) should be lettered e.g. Attachment A, and can include the resumes of key personnel, letters of support, letters from public entities, and other supporting documents.
8) The technical application may not exceed 25 pages in length, exclusive of the annexes (curriculum vitae/résumés, past performance references, and letters of commitment from any implementing partners).

Cover Page: a single page with the program title and RFA number, the names of the organizations/institutions involved, and the lead or primary Applicant clearly identified. Any proposed sub-grantees (or implementing partners) should be listed separately. In addition, the Cover Page should provide a contact person for the prime Applicant, including this individual's name (both typed and his/her signature), title or position with the organization/institution, address, telephone and fax numbers and e-mail address. State whether the contact person is the person with authority to contract for the Applicant, and if not, that person should also be listed with contact information.

Executive Summary (not to exceed 1 page): Briefly describe the proposed activities, goals, purposes, and anticipated results. Briefly describe technical and managerial resources of the Applicant. Describe how the overall program will be managed.

Proposed Program Approach: Applicants should focus on describing how they propose to achieve the program objective(s). The application should describe the Applicant's innovative ideas, approaches and capacity to achieve the results of the program. Applicants are requested not to merely repeat what is already described in this RFA. The applications should take into account the technical evaluation criteria found in Section B. and contain both a Technical Approach section and a Management section. The Technical Approach section should provide the applicant's proposed strategy, plan for sustainability, proposed collaboration plan and gender considerations. The Management section should provide information regarding the applicant's institutional capacity and proposed staffing. This section must include a Management and Staffing Plan that specifies the composition and organizational structure of the entire project team, including home office support and implementing partners, if any, for the entire project. It should describe how the various proposed program components will be managed. "Implementing partners" are organizations that will have substantial implementation responsibilities. The plan should identify potential implementing partners and clearly state the responsibilities of each proposed implementing partner in achieving the various program results and the unique capacities/skills they bring to the program. Letters of commitment from all proposed implementing partners should be included (in the Annex). The plan should also describe each staff member's role, technical qualifications and expertise and estimated amount of time each will devote to the program. It is expected that each critical area of program focus will be represented by relevant technical expertise. There should also be discussion on how the proposed Key Personnel and other relevant technical staff will effectively contribute to the implementing team. The plan should also indicate the names, positions, titles and provide full resumes (in the Annex) of important managerial and technical personnel who will be involved in program activity.

Proposed Outcomes and Impact Indicators: The applicant is encouraged to design innovative implementation approaches to reach the desired results and develop an aggressive but realistic schedule of performance milestones as steps towards producing results. The illustrative implementation plan should correlate with the USAID results framework and include information on the critical activities towards achieving the Mission Program Elements, a timeline, partners and resources (including human resources) required for carrying out the activity. The proposed implementation plan should cover the life of project and include a more detailed illustrative one (1) year work plan

Monitoring and Evaluation Plan: The applicant should propose an illustrative monitoring and evaluation plan that would permit tracking, evaluating, and reporting on progress and achievements in respect of the results sought. Two specific types of data will be required: i) those that report on progress toward the milestones and targets proposed by the applicant, and ii) those that contribute to USAID/Dominican Republic (Environment) Performance Management Plan indicators.

Annexes: The technical application should contain the curriculum vitae/résumés of the key personnel letters of support, letters from public entities, and other supporting documents.

(1) Curriculum vitae/résumés: should be provided for each key technical and home office personnel. They should be limited to a maximum of two pages per person.

III. COST APPLICATION FORMAT

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

The following sections describe the documentation that applicants for Assistance award must submit to USAID prior to award.

A. Applicant must submit budgets using Standard Form 424 and 424A which can be downloaded from the USAID web site, http://www.usaid.gov/policy/ads/300/303.pdf (303.4.3 Mandatory Forms). In addition, applicant must submit an accompanying budget narrative which provides in detail the total proposed costs for implementation of the proposed program. The budget shall discuss and support the components of each SF-424 budget element, such as:

a) The breakdown of all costs according to each partner organization (or sub-awardee) involved in the program, in the format described herein.
b) The costs associated with home office, expatriate, and local in-country labor, i.e. identification of positions, daily or hourly compensation, hours/days to be worked, etc.
c) A breakdown of all other direct costs to include cost elements (communications, office supplies, printer, vehicle, office rent, etc), unit of measure (monthly estimate, cost per unit), number of units, basis of the estimate and programmatic need for the expenditure.
d) Details of travel, per diem and other transportation expenses to include number of international trips, expected itineraries, cost of travel, number of per diem days and per diem rates.
e) Copies of your organization's most recent Negotiated Indirect Cost Rate Agreement (NICRA) issued by your organization's cognizant audit agency or information to support any non-direct costs recovered by a percentage method.
f) Cost applications shall clearly specify the costs associated with Health activities.
g) Contributions offered by or expected to be sought from other sources should be noted.

If your organization intends to use subcontractors or sub-grantees, indicate the extent intended, the method of identifying subcontractors and sub-grantees, the extent to which competition will be utilized, and a complete cost breakdown, as well as all of the information required for the applicant. Include the technical resources and expertise of proposed subcontract or sub-grantee organizations and of their professional personnel proposed, to include the role of each worker to be involved in the project, and the amount of time each will devote to the project.
The above explanation of the proposed costs/prices must identify the factors upon which the estimate is based and show the arithmetic in reaching the cost figure. The cost proposal shall also include a description of the relationship between your organization and the proposed personnel including a certification as to whether the individual is a full-time employee, intermittent employee, or a consultant.

B. Required certifications and representations (as attached in Section D of this RFA).

C. Applicant shall submit any additional evidence of responsibility deemed necessary for the Agreement Officer to make a determination of responsibility. The information submitted should substantiate that the Applicant:

1. Has adequate financial, management and personnel resources and systems or the ability to obtain such resources as required during the performance of the award.

2. Has the ability to comply with the award conditions, taking into account all existing and currently prospective commitments of the applicant, non-governmental and governmental.

3. Has a satisfactory record of performance. Past relevant unsatisfactory performance is ordinarily sufficient to justify a finding of non-responsibility, unless there is clear evidence of subsequent satisfactory performance.

4. Has a satisfactory record of integrity and business ethics; and

5. Is otherwise qualified and eligible to receive a grant under applicable laws and regulations (e.g., EEO).

D. Applicants that have never received a grant, cooperative agreement or contract from the U.S. Government are required to submit a copy of their accounting manual, personnel policies, travel policies, and procurement policies, and audits received for the past three years. If this material has already been submitted to the U.S. Government, the applicant should advise which Federal Agency has a copy.

E. Certificate of Compliance: Please submit a copy of your Certificate of Compliance if your organization's systems have been certified by the USAID/Washington's Office of Acquisition and Assistance (M/OAA, formerly known as M/OP).

IV. AUTHORITY TO OBLIGATE THE GOVERNMENT

The Agreement Officer is the only individual who may legally commit the Government to the expenditure of public funds. No costs chargeable to the proposed agreement may be incurred before receipt of either a fully executed Agreement or a specific written authorization from the Agreement Officer.

V. REFERENCES Applicable

Regulations & References

- Mandatory Standard Provisions for U.S., Nongovernmental Recipient http://www.usaid.gov/pubs/ads/300/303maa.pdf

- Mandatory Standard Provisions for Non-U.S. Nongovernmental Recipients: http://www.usaid.gov/policy/ads/300/303mab.pdf

- 22 CFR 226 http://www.access.gpo.gov/nara/cfr/waisidx_02/22cfr226_02.html

- OMB Circular A-122 http://www.whitehouse.gov/omb/circulars/a 122/a122.html

- OMB Circular A-110 http://www.whitehouse.gov/omb/circulars/a 110/a110.html

- ADS Series 300 Acquisition and Assistance http://www.usaid.gov/pubs/ads/

- SF-424 Downloads http://www.grants.gov/agencies/aapproved_standard_forms.jsp

VI. SPECIAL CONSIDERATIONS

The Standard Provisions for U.S. NGOs and Non-U.S. NGOs referenced above under Section V, are required to be used when applicable. The following Standard Provisions are provided below in full text:

- Marking Under Assistance Instruments
- Executive Order on Terrorist Financing
- USAID Disability Policy

MARKING UNDER ASSISTANCE INSTRUMENTS (DEC 2005)

BRANDING STRATEGY - ASSISTANCE (December 2005)

(a) **Definitions**

Branding Strategy means a strategy that is submitted at the specific request of a USAID Agreement Officer by an Apparently Successful Applicant after evaluation of an application for USAID funding, describing how the program, project, or activity is named and positioned, and how it is promoted and communicated to beneficiaries and host country citizens. It identifies all donors and explains how they will be acknowledged.

Apparently Successful Applicant(s) means the applicant(s) for USAID funding recommended for an award after evaluation, but who has not yet been awarded a grant, cooperative agreement or other assistance award by the Agreement Officer. The Agreement Officer will request that the Apparently Successful Applicants submit a Branding Strategy and Marking Plan. Apparently Successful Applicant status confers no right and constitutes no USAID commitment to an award.

USAID Identity (Identity) means the official marking for the Agency, comprised of the USAID logo and new brand mark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and is provided without royalty, license, or other fee to recipients of USAID-funded grants or cooperative agreements or other assistance awards or sub awards.

(b) **Submission.** The Apparently Successful Applicant, upon request of the Agreement Officer, will submit and negotiate a Branding Strategy. The Branding Strategy will be included in and made a part of the resulting grant or cooperative agreement. The Branding Strategy will be negotiated within the time that the Agreement Officer specifies. Failure to submit and negotiate a Branding Strategy will make the applicant ineligible for award of a grant or cooperative agreement. The Apparently Successful Applicant must include all estimated costs associated with branding and marking USAID programs, such as plaques, stickers, banners, press events and materials, and the like.

(c) Submission Requirements

At a minimum, the Apparently Successful Applicant's Branding Strategy will address the following:

<u>(1) Positioning</u>

What is the intended name of this program, project, or activity?

Guidelines: USAID prefers to have the USAID Identity included as part of the program or project name, such as a "title sponsor," if possible and appropriate. It is acceptable to "co-brand" the title with USAID's and the Apparently Successful Applicant's identities. For example: "The USAID and [Apparently Successful Applicant] Environmental Center."

If it would be inappropriate or is not possible to "brand" the project this way, such as when rehabilitating a structure that already exists or if there are multiple donors, please explain and indicate how you intend to showcase USAID's involvement in publicizing the program or project. *For example: National Park Outpost #123, rehabilitated by USAID and [Apparently Successful Applicant]/ [other donors].*

Note: the Agency prefers "made possible by (or with) the generous support of the American People" next to the USAID Identity in acknowledging our contribution, instead of the phrase "funded by." USAID prefers local language translations.

Will a program logo be developed and used consistently to identify this program? If yes, please attach a copy of the proposed program logo. Note: USAID prefers to fund projects that do NOT have a separate logo or identity that competes with the USAID Identity.

(2) **Program Communications and Publicity** *Who are the primary and secondary audiences for this project or program?*

Guidelines: Please include direct beneficiaries and any special target segments or influencers. *For Example: Primary audience: Dominican Environmental NGOs, Secondary audience: SEMARENA personnel.*

What communications or program materials will be used to explain or market the program to beneficiaries?

Guidelines: These include training materials, posters, pamphlets, Public Service Announcements, billboards, websites, and so forth.

What is the main program message(s)?

Guidelines: *For example: "Protect the Environment and Natural Resources" or "Demand Clean Water and Air"* Please indicate if you also plan to incorporate USAID's primary message – this aid is "from the American people" – into the narrative of program materials. This is optional; however, marking with the USAID Identity is required.

Will the recipient announce and promote publicly this program or project to host country citizens? If yes, what press and promotional activities are planned?

Guidelines: These may include media releases, press conferences, public events, and so forth. Note: incorporating the message, "USAID from the American People", and the USAID Identity is required.

Please provide any additional ideas about how to increase awareness that the American people support this project or program.

Guidelines: One of our goals is to ensure that both beneficiaries and host-country citizens know that the aid the Agency is providing is "from the American people." Please provide any initial ideas on how to further this goal.

(3) <u>Acknowledgements</u>
(4)
Given that SEMARENA will be co-managing this project, the recipient has to acknowledge SEMARENA as an additional co-sponsor?

Note: it is perfectly acceptable and often encouraged for USAID to "co-brand" programs with government ministries.

Please indicate if there are any other groups whose logo or identity the recipient will use on program materials and related communications

<u>Guidelines:</u> Please indicate if they are also a donor or why they will be visibly acknowledged, and if they will receive the same prominence as USAID.

(d) **Award Criteria.** The Agreement Officer will review the Branding Strategy for adequacy, ensuring that it contains the required information on naming and positioning the USAID-funded program, project, or activity, and promoting and communicating it to cooperating country beneficiaries and citizens. The Agreement Officer also will evaluate this information to ensure that it is consistent with the stated objectives of the award; with the Apparently Successful Applicant's cost data submissions; with the Apparently Successful Applicant's project, activity, or program performance plan; and with the regulatory requirements set out in 22 CFR 226.91. The Agreement Officer may obtain advice and recommendations from technical experts while performing the evaluation.

MARKING PLAN – ASSISTANCE (December 2005)

(a) **Definitions**

Marking Plan means a plan that the Apparently Successful Applicant submits at the specific request of a USAID Agreement Officer after evaluation of an application for USAID funding, detailing the public communications, commodities, and program materials and other items that will visibly bear the USAID Identity. Recipients may request approval of Presumptive Exceptions to marking requirements in the Marking Plan.

Apparently Successful Applicant(s) means the applicant(s) for USAID funding recommended for an award after evaluation, but who has not yet been awarded a grant, cooperative agreement or other assistance award by the Agreement Officer. The Agreement Officer will request that Apparently Successful Applicants submit a Branding Strategy and Marking Plan. Apparently Successful Applicant status confers no right and constitutes no USAID commitment to an award, which the Agreement Officer must still obligate.

USAID Identity (Identity) means the official marking for the Agency, comprised of the USAID logo and new brand mark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and USAID provides it without royalty, license, or other fee to recipients of USAID funded grants, cooperative agreements, or other assistance awards or sub awards.

A ***Presumptive Exception*** exempts the applicant from the general marking requirements for a *particular* USAID-funded public communication, commodity, program material or other deliverable, or a *category*

of USAID-funded public communications, commodities, program materials or other deliverables that would otherwise be required to visibly bear the USAID Identity. The Presumptive Exceptions are:
Presumptive Exception (i). USAID marking requirements may not apply if they would compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials, such as election monitoring or ballots, and voter information literature; political party support or public policy advocacy or reform; independent media, such as television and radio broadcasts, newspaper articles and editorials; and public service announcements or public opinion polls and surveys (22 C.F.R. 226.91 (h)(1)).

Presumptive Exception (ii). USAID marking requirements may not apply if they would diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent (22 C.F.R. 226.91 (h)(2)).

Presumptive Exception (iii). USAID marking requirements may not apply if they would undercut host-country government "ownership" of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as "by" or "from" a cooperating country ministry or government official (22 C.F.R. 226.91 (h)(3)).

Presumptive Exception (iv). USAID marking requirements may not apply if they would impair the functionality of an item, such as sterilized equipment or spare parts (22 C.F.R. 226.91 (h)(4)).

Presumptive Exception (v). USAID marking requirements may not apply if they would incur substantial costs or be impractical, such as items too small or otherwise unsuited for individual marking, such as food in bulk (22 C.F.R. 226.91 (h)(5)).

Presumptive Exception (vi). USAID marking requirements may not apply if they would offend local cultural or social norms, or be considered inappropriate on such items as condoms, toilets, bed pans, or similar commodities (22 C.F.R. 226.91 (h)(6)).

Presumptive Exception (vii). USAID marking requirements may not apply if they would conflict with international law (22 C.F.R. 226.91 (h)(7)).

(b) **Submission.** The Apparently Successful Applicant, upon the request of the Agreement Officer, will submit and negotiate a Marking Plan that addresses the details of the public communications, commodities, program materials that will visibly bear the USAID Identity. The marking plan will be customized for the particular program, project, or activity under the resultant grant or cooperative agreement. The plan will be included in and made a part of the resulting grant or cooperative agreement. USAID and the Apparently Successful Applicant will negotiate the Marking Plan within the time specified by the Agreement Officer. Failure to submit and negotiate a Marking Plan will make the applicant ineligible for award of a grant or cooperative agreement. The applicant must include an estimate of all costs associated with branding and marking USAID programs, such as plaques, labels, banners, press events, promotional materials, and so forth in the budget portion of its application. These costs are subject to revision and negotiation with the Agreement Officer upon submission of the Marking Plan and will be incorporated into the Total Estimated Amount of the grant, cooperative agreement or other assistance instrument.

(c) **Submission Requirements.** The Marking Plan will include the following:

(1) A description of the public communications, commodities, and program materials that the recipient

will be produced as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity. These include:

(i) program, project, or activity sites funded by USAID, including visible infrastructure projects or other programs, projects, or activities that are physical in nature;

(ii) technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID;

(ii) events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences, and other public activities; and

(iii) all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies and other materials funded by USAID, and their export packaging.

(2) A table specifying:

(i) the program deliverables that the recipient will mark with the USAID Identity,

(ii) the type of marking and what materials the applicant will be used to mark the program deliverables with the USAID Identity, and

(iii) when in the performance period the applicant will mark the program deliverables, and where the applicant will place the marking.

(3) A table specifying:

(i) what program deliverables will not be marked with the USAID Identity, and

(ii) the rationale for not marking these program deliverables.

(d) **Presumptive Exceptions.**

(1) The Apparently Successful Applicant may request a Presumptive Exception as part of the overall Marking Plan submission. To request a Presumptive Exception, the Apparently Successful Applicant must identify which Presumptive Exception applies, and state why, in light of the Apparently Successful Applicant's technical proposal and in the context of the program description or program statement in the USAID Request For Application or Annual Program Statement, marking requirements should not be required.
(2) Specific guidelines for addressing each Presumptive Exception are:

(i) For Presumptive Exception (i), identify the USAID Strategic Objective, Interim Result, or program goal furthered by an appearance of neutrality, or state why the program, project, activity, commodity, or communication is 'intrinsically neutral.' Identify, by category or deliverable item, examples of program materials funded under the award for which you are seeking exception 1.

(ii) For Presumptive Exception (ii), state what data, studies, or other deliverables will be produced under the USAID funded award, and explain why the data, studies, or deliverables must be seen as credible.

(iii) For Presumptive Exception (iii), identify the item or media product produced under the USAID funded award, and explain why each item or product, or category of item and product, is better positioned as an item or product produced by the cooperating country government.

(iv) For Presumptive Exception (iv), identify the item or commodity to be marked, or categories of items or commodities, and explain how marking would impair the item's or commodity's functionality.

(v) For Presumptive Exception (v), explain why marking would not be cost-beneficial or practical.

(vi) For Presumptive Exception (vi), identify the relevant cultural or social norm, and explain why marking would violate that norm or otherwise be inappropriate.

(vii) For Presumptive Exception (vii), identify the applicable international law violated by marking.

(3) The Agreement Officer will review the request for adequacy and reasonableness.
In consultation with the Cognizant Technical Officer and other agency personnel as necessary, the Agreement Officer will approve or disapprove the requested Presumptive Exception. Approved exceptions will be made part of the approved Marking Plan, and will apply for the term of the award, unless provided otherwise.

(e) **Award Criteria:** The Agreement Officer will review the Marking Plan for adequacy and reasonableness, ensuring that it contains sufficient detail and information concerning public communications, commodities, and program materials that will visibly bear the USAID Identity. The Agreement Officer will evaluate the plan to ensure that it is consistent with the stated objectives of the award; with the applicant's cost data submissions; with the applicant's actual project, activity, or program performance plan; and with the regulatory requirements of 22 C.F.R. 226.91. The Agreement Officer will approve or disapprove any requested Presumptive Exceptions (see paragraph (d)) on the basis of adequacy and reasonableness. The Agreement Officer may obtain advice and recommendations from technical experts while performing the evaluation.

MARKING UNDER USAID-FUNDED ASSISTANCE INSTRUMENTS (December 2005)

(a) Definitions

Commodities mean any material, article, supply, goods or equipment, excluding recipient offices, vehicles, and non-deliverable items for recipient's internal use, in administration of the USAID funded grant, cooperative agreement, or other agreement or sub-agreement.

Principal Officer means the most senior officer in a USAID Operating Unit in the field, e.g., USAID Mission Director or USAID Representative. For global programs managed from Washington but executed across many countries, such as disaster relief and assistance to internally displaced persons, humanitarian emergencies or immediate post conflict and political crisis response, the cognizant Principal Officer may be an Office Director, for example, the Directors of USAID/W/Office of Foreign Disaster Assistance and Office of Transition Initiatives.

For non-presence countries, the cognizant Principal Officer is the Senior USAID officer in a regional USAID Operating Unit responsible for the non-presence country, or in the absence of such a responsible operating unit, the Principal U.S Diplomatic Officer in the non-presence country exercising delegated authority from USAID.

Programs mean an organized set of activities and allocation of resources directed toward a common purpose, objective, or goal undertaken or proposed by an organization to carry out the responsibilities assigned to it.

Projects include all the marginal costs of inputs (including the proposed investment) technically required to produce a discrete marketable output or a desired result (for example, services from a fully functional water/sewage treatment facility).

Public communications are documents and messages intended for distribution to audiences external to the recipient's organization. They include, but are not limited to, correspondence, publications, studies, reports, audio visual productions, and other informational products; applications, forms, press and promotional materials used in connection with USAID funded programs, projects or activities, including signage and plaques; Web sites/Internet activities; and events such as training courses, conferences, seminars, press conferences and so forth.

Sub recipient means any person or government (including cooperating country government) department, agency, establishment, or for profit or nonprofit organization that receives a USAID sub award, as defined in 22 C.F.R. 226.2.

Technical Assistance means the provision of funds, goods, services, or other foreign assistance, such as loan guarantees or food for work, to developing countries and other USAID recipients, and through such recipients to sub recipients, in direct support of a development objective – as opposed to the internal management of the foreign assistance program.

USAID Identity (Identity) means the official marking for the United States Agency for International Development (USAID), comprised of the USAID logo or seal and new brand mark, with the tagline that clearly communicates that our assistance is "from the American people." The USAID Identity is available on the USAID website at www.usaid.gov/branding and USAID provides it without royalty, license, or other fee to recipients of USAID-funded grants, or cooperative agreements, or other assistance awards

(b) Marking of Program Deliverables

(1) All recipients must mark appropriately all overseas programs, projects, activities, public communications, and commodities partially or fully funded by a USAID grant or cooperative agreement or other assistance award or sub award with the USAID Identity, of a size and prominence equivalent to or greater than the recipient's, other donor's, or any other third party's identity or logo.

(2) The Recipient will mark all program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management) with the USAID Identity. The Recipient should erect temporary signs or plaques early in the construction or implementation phase. When construction or implementation is complete, the Recipient must install a permanent, durable sign, plaque or other marking.

(3) The Recipient will mark technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID with the USAID Identity.

(4) The Recipient will appropriately mark events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences and other public activities, with the USAID Identity. Unless directly prohibited and as appropriate to the surroundings, recipients should display additional materials, such as signs and banners, with the USAID Identity. In circumstances in which the USAID Identity cannot be displayed visually, the recipient is encouraged otherwise to acknowledge USAID and the American people's support.

(5) The Recipient will mark all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies, and other materials funded by USAID, and their export packaging with the USAID Identity.

(6) The Agreement Officer may require the USAID Identity to be larger and more prominent if it is the majority donor, or to require that a cooperating country government's identity be larger and more prominent if circumstances warrant, and as appropriate depending on the audience, program goals, and materials produced.

(7) The Agreement Officer may require marking with the USAID Identity in the event that the recipient does not choose to mark with its own identity or logo.

(8) The Agreement Officer may require a pre-production review of USAID-funded public communications and program materials for compliance with the approved Marking Plan.

(9) Sub recipients. To ensure that the marking requirements "flow down" to sub recipients of sub awards, recipients of USAID funded grants and cooperative agreements or other assistance awards will include the USAID-approved marking provision in any USAID funded sub award, as follows:

"As a condition of receipt of this sub award, marking with the USAID Identity of a size and prominence equivalent to or greater than the recipient's, subrecipient's, other donor's or third party's is required. In the event the recipient chooses not to require marking with its own identity or logo by the sub recipient, USAID may, at its discretion, require marking by the sub recipient with the USAID Identity."

(10) Any 'public communications', as defined in 22 C.F.R. 226.2, funded by USAID, in which the content has not been approved by USAID, must contain the following disclaimer:

"This study/re port/audio/visual/other information/media product (specify) is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of [insert recipient name] and do not necessarily reflect the views of USAID or the United States Government."

(11) The recipient will provide the Cognizant Technical Officer (CTO) or other USAID personnel designated in the grant or cooperative agreement with two copies of all program and communications materials produced under the award. In addition, the recipient will submit one electronic or one hard copy of all final documents to USAID's Development Experience Clearinghouse.

(c) Implementation of marking requirements.

(1) When the grant or cooperative agreement contains an approved Marking Plan, the recipient will implement the requirements of this provision following the approved Marking Plan.

(2) When the grant or cooperative agreement does not contain an approved Marking Plan, the recipient

will propose and submit a plan for implementing the requirements of this provision within 45 days after the effective date of this provision. The plan will include:

(i) A description of the program deliverables specified in paragraph (b) of this provision that the recipient will produce as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity

(ii) the type of marking and what materials the applicant uses to mark the program deliverables with the USAID Identity

(iii) when in the performance period the applicant will mark the program deliverables, and where the applicant will place the marking.

(3) The recipient may request program deliverables not be marked with the USAID Identity by identifying the program deliverables and providing a rationale for not marking these program deliverables. Program deliverables may be exempted from USAID marking requirements when:

(i) USAID marking requirements would compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials;

(ii) USAID marking requirements would diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent;

(iii) USAID marking requirements would undercut host-country government “ownership” of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as “by” or “from” a cooperating country ministry or government official;

(iv) USAID marking requirements would impair the functionality of an item;

(v) USAID marking requirements would incur substantial costs or be impractical;

(vi) USAID marking requirements would offend local cultural or social norms, or be considered inappropriate;

(vii) USAID marking requirements would conflict with international law.

(4) The proposed plan for implementing the requirements of this provision, including any proposed exemptions, will be negotiated within the time specified by the Agreement Officer after receipt of the proposed plan. Failure to negotiate an approved plan with the time specified by the Agreement Officer may be considered as noncompliance with the requirements is provision.

(d) Waivers.

(1) The recipient may request a waiver of the Marking Plan or of the marking requirements of this provision, in whole or in part, for each program, project, activity, public communication or commodity, or, in exceptional circumstances, for a region or country, when USAID required marking would pose compelling political, safety, or security concerns, or when marking would have an adverse impact in the cooperating country. The recipient will submit the request through the Cognizant Technical Officer. The Principal Officer is responsible for approvals or disapprovals of waiver requests.

(2) The request will describe the compelling political, safety, security concerns, or adverse impact that require a waiver, detail the circumstances and rationale for the waiver, detail the specific requirements to be waived, the specific portion of the Marking Plan to be waived, or specific marking to be waived, and include a description of how program materials will be marked (if at all) if the USAID Identity is removed. The request should also provide a rationale for any use of recipient's own identity/logo or that of a third party on materials that will be subject to the waiver.

(3) Approved waivers are not limited in duration but are subject to Principal Officer review at any time, due to changed circumstances.

(4) Approved waivers "flow down" to recipients of sub awards unless specified otherwise. The waiver may also include the removal of USAID markings already affixed, if circumstances warrant.

(5) Determinations regarding waiver requests are subject to appeal to the Principal Officer's cognizant Assistant Administrator. The recipient may appeal by submitting a written request to reconsider the Principal Officer's waiver determination to the cognizant Assistant Administrator.

(e) **Non-retroactivity.** The requirements of this provision do apply to any materials, events, or commodities produced prior to January 2, 2006. The requirements of this provision do not apply to program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management) where the construction and implementation of these are complete prior to January 2, 2006 and the period of the grant does not extend past January 2, 2006.

IMPLEMENTATION OF E.O. 13224 -- EXECUTIVE ORDER ON TERRORIST FINANCING (MARCH 2002)

The Recipient is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the recipient to ensure compliance with these Executive Orders and laws. This provision must be included in all contracts/sub awards issued under this agreement.

USAID DISABILITY POLICY - ASSISTANCE (DECEMBER 2004)

a. The objectives of the USAID Disability Policy are (1) to enhance the attainment of United States foreign assistance program goals by promoting the participation and equalization of opportunities of individuals with disabilities in USAID policy, country and sector strategies, activity designs and implementation; (2) to increase awareness of issues of people with disabilities both within USAID programs and in host countries; (3) to engage other U.S. government agencies, host country counterparts, governments, implementing organizations and other donors in fostering a climate of nondiscrimination against people with disabilities; and (4) to support international advocacy for people with disabilities. The full text of the policy paper can be found at the following website: **http://pdf.dec.org/pdf_docs/PDABQ63 1.pdf**

b. USAID therefore requires that the recipient not discriminate against people with disabilities in the implementation of USAID funded programs and that it make every effort to comply with the objectives of the USAID Disability Policy in performing the program under this grant or cooperative agreement. To that end and to the extent it can accomplish this goal within the scope of the program objectives, the recipient should demonstrate a comprehensive and consistent approach for including men, women and children with disabilities.

GUIDELINES FOR IMPLEMENTING PARTNERS ON THE USAID ENVIRONMENTAL MITIGATION REPORT (EMR)

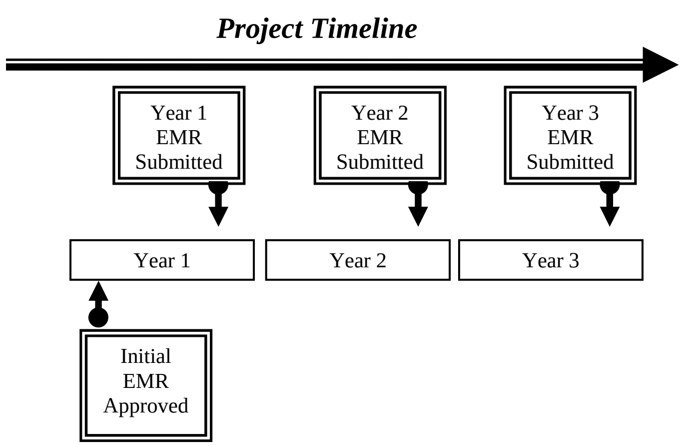
I. BACKGROUND

All projects funded by USAID must conform to US environmental regulations (22 CFR 216) requiring evaluation to ensure that no adverse environmental impacts result from the projects that cannot be mitigated. The Environmental Mitigation Report (EMR), so described by these guidelines, ensures programmatic compliance with 22 CFR 216 by meeting the conditions specified in the applicable Environmental Threshold Decisions (ETD) authorized by the LAC Bureau Environmental Officer (BEO).

Programs implemented by USAID Dominican Republic implementing partners (IPs) include in a large range of discrete activities under an award that could have a risk for adverse environmental impact. These discrete activities are not specified in the program solicitation so as to permit flexibility for innovative and entrepreneurial approaches by the IP based upon the needs of the targeted communities. In response to the lack of specificity in the solicitation, this EMR procedure will provide an approach for both the screening for environmental risk as well as a mitigation plan.

The IP program manager can work with the USAID Dominican Republic Mission Environment Officer (MEO) to ensure impacts are sufficiently identified and to suggested mitigation actions.

Figure 1. Timeline of Reporting Requirement for Environmental Mitigation



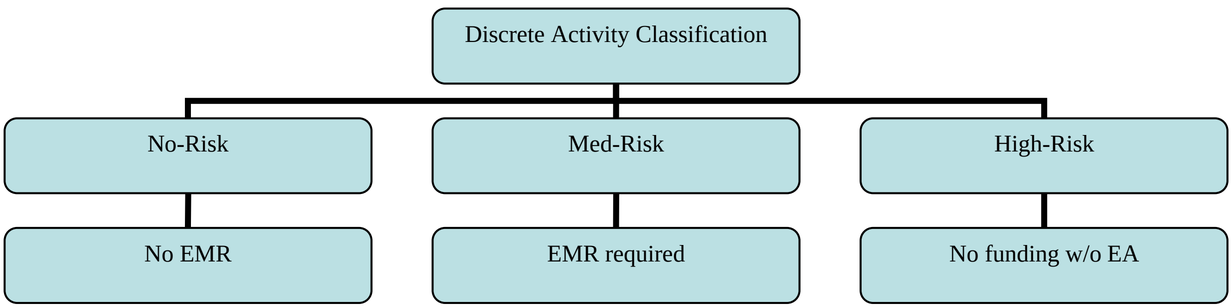
Timing of Reporting Requirements
Once the implementing partner is chosen, the reporting requirements include A) an initial EMR approved by the CTO and MEO outlining a mitigation plan over the project life, and B) an annual EMR(s) describing the mitigation status (Figure 1). The report should not exceed ten pages (excluding annexes) and be timed with the regular reporting requirements in order to be included in the AID annual reporting cycle.

II. Initial Environmental Mitigation Report

1. Classification of Level of Risk

Components of a program or discrete activities under an award can have varying level of risk for environmental damage and therefore required different courses of action (Figure 2). No-risk activities, classified under "i" below, do not require the EMR as they are already addressed under a "categorical exclusion" determination in the applicable Environmental Threshold Decision. High-risk activities ("ii") will have significant environmental impacts that will require an Environmental Assessment (EA) contracted through the IP with MEO consultation with final approval by the LAC Bureau Environmental Officer. Such activities are not to be avoided if they meet a crucial need of the community (e.g., solid waste disposal facility, municipal-scale waste water treatment plant). Medium-risk activities ("iii") will require the IP to screen environmental impacts and plan for mitigation of adverse environmental impacts. *It is to these medium-risk activities that this EMR guidance primarily applies.*

Figure 2. Schematic of required action based on the level of risk of a component or discrete activity under an award.



i. Discrete Activities that Do Not Require Mitigation Plans (No-Risk):

An illustrative list of no-risk discrete activities where no mitigation reporting is required includes:

- Education or training*, unless it implements or leads to implementation of actions that impacts the environment (such as construction of schools),
- Community awareness initiatives,
- Controlled research/demonstration projects in a small area,
- Technical studies or assistance,
- Information transfers.

If there is a risk that the actual *implementation* of materials learned in training could adversely impact the environment (e.g., training on agricultural techniques), the training is expected to include an analysis of environmental impacts and mitigation planning as part of the curriculum.

ii. Discrete Activities that Cannot be Supported using this EMR Process (High-Risk):

Under the environmental regulations of USAID, if there is a discrete activity which is considered critical to the needs of the community that may have a significant environmental impact, such activities will require an Environmental Assessment. In the case of pesticide use a Pesticide Evaluation Report and Safer Use Action Plan (PERSUAP) will need to be prepared by the partner and approved by the LAC

BEO. Such activities include but are not limited to:

- Agricultural, livestock introduction or other activities that involve forest conversion,
- Resettlement of human population,
- Large water management systems such as dams or impoundments,
- Drainage of wetlands,
- Introduction of exotic plants or animals,
- Permanent modification of the habitat supporting an endangered species,
- Industrial level plant production or processing (this does not include community or regional plant nurseries aimed at restoring areas after fires),
- Installation of aquaculture systems in sensitive lakes, marine waters (not land-based fish ponds),
- Procurement of timber harvesting equipment, including chainsaws,
- Use of pesticides (insecticides, herbicides, acaracides, fungicides),
- Large scale construction in un-degraded land,
- Large scale new construction involving permanent living quarters and/or sanitation facilities,
- Cutting of trees over 20 cm diameter breast height, especially tropical trees, except as needed to control disease or maintain forest health.
- Construction on new roads or upgrading/maintenance of extensive road, fire break or trail systems through un-degraded forest land or natural habitats.

iii. Discrete Activities that can be Supported if Mitigation Measures are Planned and Implemented (Medium-Risk):

Many discrete activities under an agreement will fall between the two extremes mentioned above and offer some adverse environmental impact that can be mitigated with proper planning. For these activities the IP will be responsible for completing the EMR described herein initially and on an annual basis, as specified in the RFP and contract agreement with the IP. Funding will depend on proof that the project is taking the most environmentally sound approach and that IPs are aware and planning for the potential impacts.

2. Sector-Specific Environmental Screening Form

For medium-risk discrete activities, the IP will be responsible for completing the EMR on an annual basis. First, the IP must submit an initial EMR at the project planning stage. The initial EMR will include project-specific information on discrete activities as outlined in the "Environmental Screening Form" (Attachment 1, Table 1) and the "Identification of Mitigation Plan" (Attachment 1, Table 2).

The Environmental Screening Form contains information relevant to the potential environmental impact over the life of activity to natural resource and communities, local planning permits, and environment and health. If items in the Environmental Screening Form (Attachment 1, Table 1) from Column "A" are checked then items for monitoring and mitigation are to be specified in the "Identification of Mitigation Plan" (Attachment 1, Table 2). The Mitigation Plan simply outlines the plan of action for mitigation of planned activities. The Mission Environmental Officer is to approve these forms, with special attention to those projects with identified impacts (i.e., projects with any check marks in Column A).

For reference on mitigation information on a wide variety of discrete activities, refer to the "USAID LAC Environmental Guidelines". Illustrative sector-specific guidelines include: WHO guidelines for handling and disposal of medical waste, "Low-Volume Roads Engineering: Best Management Practices Field Guide (Keller and Sherar, 2003)",, the World Wildlife Fund Agriculture and the Environment handbook

III. Annual Environmental Mitigation Report

On an annual basis each implementing partner will submit an "Environmental Mitigation Report" (EMR) using the attached template (Attachment 1). The EMR contains information relevant to the potential environmental impact over the life of a discrete activity under an award and includes: A) a copy of the initial EMR completed during the initial project planning (reference section II above); B) the prescribed mitigation measures using the " Identification of Mitigation Plan (Attachment 1, Table 2)"; and C) synthesized data on these mitigation measures collected throughout the year and tracked in the Environmental Monitoring and Evaluation Tracking Table (Attachment 1, Table 3). As it is often difficult to quantitatively measure progress of complex mitigation measures, it is necessary to include inserted digital photos (with relevant maps) to describe progress of mitigation activities.

USAID Dominican Republic expects the IP to clearly demonstrate competence in implementing discrete activities using best management practices which most often will provide the additional benefit of environmental protection. As a review, environmental impact is based upon both the 1) underlying condition of the surrounding environment (e.g., sensitivity of the river, degree of slope and stability of soil) and 2) the nature of the activity itself (e.g., solid waste removal, road construction/rehabilitation). For example, it is logical when developing an EMR to cluster the mitigation measures those activities that are of a similar nature and have comparable underlying conditions (e.g., well rehabilitation in a peri-urban setting). It is also commonsense however that for those activities that are of similar nature (e.g., well rehabilitation), but operating under widely different underlying environmental conditions (e.g., peri-urban setting vs. upland plateau vs. coastal plain), that the environmental mitigation measures would not be completely clustered. In this specific case for example, protection of the water source from automobile oil contamination would be more relevant in a peri-urban setting while salinization would be more so in a coastal plain. Further, there will simply be some mitigation measures for well rehabilitation that will be common across all wells (i.e., prevention of disease vector breeding sites and protection from human or animal waste contamination) and hence clustered in the EMR.

<u>Sections of the EMR include:</u>

1. EMR Coversheet
2. EMR Narrative (to be filled out with project specific information)
3. Annexes:
    a. Environmental Screening Form (Table 1),
    b. Identification of Mitigation Plan (Table 2)
    c. Environmental Monitoring and Evaluation Tracking Table (Table 3).
4. Photos, Maps, Level of Effort

Originally Drafted: February 7, 2007; L. Poitevien (USAID/Haiti), M. Donald (USAID/Dominican Republics), E. Clesceri (USAID/Washington).
Revised for use in DR by M.Donald May 24, 2007.

GUIDELINES FOR IMPLEMENTING PARTNERS ON THE USAID DOMINICAN REPUBLIC ENVIRONMENTAL MITIGATION REPORT (EMR)

Attachment 1:

I. COVERSHEET FOR ENVIRONMENTAL MITIGATION REPORT (EMR)

USAID DOMINICAN REPUBLIC MISSION SO # and Title:
____

Title of IP Activity: ____

IP Name: __ ____

Funding Period: FY_______ - FY_______

Resource Levels (US$): __________________________

Report Prepared by: Name:_______________________________ Date: ______________

Date of Previous EMR: ____________________ (if any)

Status of Fulfilling Mitigation Measures and Monitoring:

______ Initial EMR describing mitigation plan is attached (Yes or No).

______ Annual EMR describing status of mitigation measures is established and attached (Yes or No).

______ Certain mitigation conditions could not be satisfied and remedial action has been provided within the EMR (Yes or No).

USAID Dominican Republic Clearance of EMR:

Cognizant Technical Officer: ___________________________ Date: ________________

Mission Environmental Officer: ___________________________ Date: ________________

Regional Environmental Advisor: ___________________________ Date: ________________

II. Environmental Mitigation Report Narrative

Note: summary instructions are in italics and not to be included in the report, but rather should be filled out with project specific information) **Note: Outline to be included in the report is in bold.**

1. Background, Rationale and Outputs/Results Expected:

Summarize and cross-reference proposal if this review is contained therein.

2. Activity Description:

Succinctly describe location, site, surroundings (include a map, even a sketch map). Provide both quantitative and qualitative information about actions needed during construction, how intervention will operate and any ancillary development activities that are required to build or operate the primary activity (e.g., road to a facility, need to quarry or excavate borrow material, need to lay utility pipes to connect with energy, water source or disposal point or any other activity needed to accomplish the primary one but in a different location). If various alternatives have been considered and rejected because the proposed activity is considered more environmentally sound, explain these.

3. Environmental Baseline:

Describes affected environment, including essential baseline information available for all affected locations and sites, both primary and ancillary activities

4. Evaluation of Environmental Impact Potential of Activities (Table 2):

As a component of the Identification of Mitigation Plan (Attachment 1, Table 2), describe impacts that could occur before construction starts, during construction and during operation, as well as any problems that might arise with restoring or reusing the site, if the facility or activity were completed or ceased to exist. Explain direct, indirect, induced and cumulative effects on various components of the environment (e.g., air, water, geology, soils, vegetation, wildlife, aquatic resources, historic, archaeological or other cultural resources, people and their communities, land use, traffic, waste disposal, water supply, energy, etc.). Indicate positive impacts and how the natural resources base will be sustainably improved.

> *For example, any activity that increases human presence in an area, even temporarily, will increase noise, waste, and the potential for hunting, timbering, etc.*

5. Environmental Mitigation Actions (Tables 2 & 3) (this section is part of the annual EMR, but not the initial):

For each component of the program, list the mitigation measures in the Identification of Mitigation Plan (Table 2) and monitoring of these mitigation measures in the Environmental Monitoring and Evaluation

Tracking Table (Table 3).

Describe status of complying with the conditions. Examples of the types of questions an IP should answer to describe "status" follow.

1) What mitigation measures have been put in place? How is the successfulness of mitigation measures being determined? If they are not working, why not? What adjustments need to be made?

2) What is being monitored, how frequently and where, and what action is being taken (as needed) based on the results of the monitoring? In some situations, an IP will need to note that the monitoring program is still being developed with intent to satisfy the conditions. Alternatively, it could happen that the conditions cannot be achieved because of various impediments.

III-A. Environmental Screening Form (Table 1)

	Name of Activity:____________________ **Type of Activity:**____________________ **Grantee:** ____________________ **Date:**____________________	**Colum n A**	**Colum n B**	**Col C**	
				If answered yes to Col. A. is it a--?	
		Yes	**No**	**High Risk**	**Medium -Risk**
IMPACT ON NATURAL RESOURCES & COMMUNITIES					
1	Will the project involve construction[1] of any type of structure (building, check dam, walls, etc)?				
2	Will the project involve the construction[2] or repair of roads or trails?				
3	Will the project involve the use, involve plans to use or training in the use of any chemical compounds such as pesticides[3] (including neem), herbicides, paint, varnish, lead-based products, etc?				
4	Involve the construction of repair of irrigation systems?				
5	Involve the construction or repair of fish ponds?				
6	Involve the disposal of used engine oil?				
7	Will the project involve implementation of timber management[4] or extraction of forest products?				
8	Are there any potentially sensitive terrestrial or aquatic areas near the project site, including protected areas?				
9	Does the activity impact upon wildlife, forest resources, or wetlands?				
10	Will the activities proposed generate airborne gases, liquids, or solids (i.e. discharge pollutants)				
11	Will the waste generated during or after the project impact on neighboring surface or ground water?				
12	Will the activity result in clearing of forest cover?				
13	Will the activity contribute to erosion?				
14	Is the activity incompatible with existing land use in the vicinity?				
15	Will the activity contribute to displace housing?				
16	Will the activity affect unique geologic or physical features?				
17	Will the activity contribute to change in the amount of surface water in any body?				
18	Will the activity deal with mangroves and coral reefs?				
19	Will the activity expose people or property to flooding?				
20	Will the activity contribute substantial reduction in the amount of ground water otherwise available for public water supplies?				
21	Will the activity create objectionable odors?				

22	Will the activity violate air standard?				
LOCAL PLANNING PERMITS					
23	Does the activity e.g. infrastructure improvements require local planning permission(s)?				
24	Does the activity meet the national building code (e.g. infrastructure improvements)?				
25	Is the activity <u>in</u>compatible with existing land use?				
ENVIRONMENT & HEALTH					
26	Will the project activities create conditions encouraging an increase of waterborne diseases or populations of disease carrying vectors?				
27	For road rehabilitation as well as water and sanitation grants, has a maintenance plan been submitted?				
28	Will the activity generate hazards or barriers for pedestrians, motorists or persons with disabilities?				
29	Will the activity increase existing noise levels?				
30	Will the project involve the disposal of syringes, gauzes, gloves and other biohazard medical waste?				

[1] Construction projects need to be reviewed for scale, planned use, building code needs and maintenance. Some small construction projects, such as building an entrance sign to a park, may require simple mitigations whereas larger buildings will require more extensive review and monitoring.
[2] New construction of roads and trails will require a full environmental assessment of the planned construction.
[3] The planned involvement of pesticides will trigger the need to develop a Supplemental Initial Environmental Examination that meets USAID pesticide procedures (Pesticide Evaluation Report and Safer Use Action Plan or “PERSUAP”) for the project.
[4] Any activities the involve harvesting trees or converting forests will require a full environmental assessment of the activity.

III-B. Identification of Mitigation Plan (Table 2)

→ Enter the Question/Row # of the potential negative impacts with check marks in Column A (Table 1) and complete table below for mitigation measures to reduce or eliminate the issue.

#	Sub-activity or component	Description of Impact	Mitigation Measures
1	Component 1		
2	Component 2		
3			
4			

*** provide overview of measures used from the USAID LAC Environmental Guidelines or other pertinent guidelines, details on exact monitoring plan are illustrated in Table 3, Environmental Monitoring and Evaluation Tracking Table.**

RECOMMENDED ACTION *(Check Appropriate Action)*: *(Check)*

(a)	The project has no potential for substantial adverse environmental effects. No further environmental review is required.	
(b)	The project has little potential for substantial adverse environmental effects; however the recommended mitigation measures will be incorporated in the activity design. No further environmental review is required.	
(c)	The project has substantial but mitigatable adverse environmental effects and required measures to mitigate environmental effects will be incorporated.	
(d)	The project has potentially substantial or significant adverse environmental effects, but requires more analysis to form a conclusion. An Environmental Assessment will be prepared.	
(e)	The project has potentially substantial adverse environmental effects, and revisions to the project design or location or the development of new alternatives is required.	
(f)	The project has substantial and unmitigable adverse environmental effects. Mitigation is insufficient to eliminate these effects and alternatives are not feasible. The project is not recommended for funding.	

III-C. Environmental Monitoring and Evaluation Tracking Table (Table 3).

Type of Project:	
Project Name:	
Implementing Organization:	
Location Name:	
Project Size:	
Nearby Communities:	

Senior Project Manager: **Date:**

Monitoring Period:

#	Description of Mitigation Measure	Responsible Party	Monitoring Methods			Estimated Cost	Results			Recommended Adjustments
			Indicators	Methods	Frequency		Dates Monitored	Problems Encountered	Mitigation Effectiveness	
1							1			
							2			
							3			
							4			
2							1			
							2			
							3			
							4			
3							1			
							2			
							3			
							4			
4							1			
							2			
							3			

SECTION B – PROGRAM DESCRIPTION

USAID/DR ENVIRONMENTAL PROTECTION PROGRAM

Introduction

The United States Agency for International Development (USAID) in the Dominican Republic is seeking applications from qualified Dominican-based non-governmental organizations and not-for-profit and for-profit entities (including NGOs, business associations, and universities and academic institutions) to participate in its **Environmental Protection Program (EPP)** providing technical assistance to the Secretariat of the Environment and Natural Resources (SEMARENA) for the effective enforcement of Chapter 17 in DR-CAFTA and protection of biodiversity. Considering the multi-dimensional scope of the program, the formation of manageable and cost effective consortia of qualified organizations is encouraged.

Purpose

The USAID-EPP has the primary purpose of assisting SEMARENA to implement effectively the DR-CAFTA Environmental Cooperation Agreement (ECA) in the Dominican Republic as specified in their annual workplans. This objective will be implemented primarily through the funding of an Environmental Program Management Unit (EPMU), which will work closely with SEMARENA and the DR-CAFTA-funded U.S. government environmental agencies (USGEAs) and non-governmental organizations (NGOs) that have programs to enhance SEMARENA's capacity in environmental management and enforcement. Under the DR-CAFTA ECA umbrella, this program will address brown issues (e.g., urban water and air quality regulation, enforcement, and pollution reduction), green issues (e.g., biodiversity, forestry, and protected area management), and environmental information management, while also promoting the transparency required by DR-CAFTA.

The USGEAs currently implementing projects include the U.S. Environmental Protection Agency (EPA), the U.S. Department of Interior (DOI), the U.S. Forest Service (USFS), the National Oceanic and Atmospheric Administration (NOAA), and the National Aeronautics and Space Administration (NASA). NGOs currently implementing projects include the Humane Society International (HSI), Rainforest Alliance, World Wildlife Fund (WWF)-TRAFFIC, the Wildlife Conservation Society (WCS), E + Co, and the International Coral Reef Action Network (ICRAN). The USAID-EPP will work closely with SEMARENA to coordinate and implement effectively a biodiversity agenda as well as the programs of the various USGEAs, NGOs, and the Centroamerican Commission for the Environment and Development (CCAD) that have received CAFTA-DR ECA funds and are planning to work in the Dominican Republic.

While all these groups are expected to channel their assistance through SEMARENA's Department of Commerce and the Environment (DCA) and the Sector Planning Office (OSPP), each should have its own counterpart Sub-secretariat(s) in SEMARENA to be effective. In particular, EPA and CCAD are expected to work closely with the Subsecretariats of Environmental Management (SGA) and Soils and Water (SSA) to provide technical assistance in Environmental Impact Analysis (EIA), inspection and enforcement, wastewater treatment, solid waste disposal, and clean production technologies. The DOI's USFWS and US Park Services, HSI, WWF-TRAFFIC, WCS are expected to work closely with the Subsecretariat of Protected Areas (SAPB) on protected areas and biodiversity issues. The USFS is working closely with the Subsecretariat of Forestry (SUREF), while NOAA and ICRAN are working with the Subsecretariat of Coastal and Marine Resources (SRCM) on the protection of marine flora and fauna. NASA will support the Subsecretariat of Environmental Education and Information (SEIA) in environmental education and using satellite imagery for environmental monitoring.

General Scope

The approach of the USAID-EPP is to address SEMARENA's identified needs and complement the regional program of work identified in the DR-CAFTA ECA process. Regional DR-CAFTA ECA programs involving the Dominican Republic focus on: (1) institutional strengthening for effective implementation and enforcement of environmental laws; (2) biodiversity conservation: (3) market-based conservation; and (4) improved private sector environmental performance. Specific references to interventions in the Dominican Republic within the regional DR-CAFTA ECA program include:

- Dominican Republic, Guatemala, El Salvador, Honduras, and Nicaragua will conduct improved scientific assessments and improved species status assessments, as well as improve their performance on submitting annual, biennial, and other required reports to the Convention on International Trade of Endangered Species (CITES) Secretariat.

- The Dominican government will increase the effectiveness of enforcement/inspection personnel working to combat illegal trade in species (flora and fauna).

- Dominican Republic will have improved performance of CITES Management and Scientific Authorities, demonstrated by having at least 5 customs officials trained in wood identification and at least one scientific assessment of mahogany conducted.

- The Dominican government will have endorsed a regional cleaner production policy and strategy.

- The Dominican government will have endorsed a regional guide and a model norm for implementing private sector voluntary agreements for cleaner production

- Strengthen the institutional and human resources capacities in cleaner production throughout the Dominican Republic by conducting workshops and disseminating information to the private sector to foster the implementation of cleaner production incentives, policies, and strategies.

Background

USAID/Dominican Republic through its Improving Policies for Environmental Protection (IPEP) Program has been working for the past five years to strengthen the programs and regulations of the SEMARENA and the General Environmental Law enacted in 2000. After the enactment of CAFTA-DR in 2005, the U.S. Government (USG) decided to earmark funds for five consecutive years for the effective enforcement of labor and environmental laws and regulations as stipulated in Chapters 16 and 17, respectively, of this regional free trade agreement. This earmark has come to be known as the Portman-Bingaman (P-B) earmark for those developing countries included in CAFTA-DR.

Starting in FY 2006, the U.S. Government started the process of allocating government funds to USAID, various USGEAs (e.g., EPA, USFS, DOI, NOAA, NASA), NGOs (i.e., HSI, TRAFFIC), and CCAD to work in the DR-CAFTA developing countries to strengthen and enforce their existing environmental laws and regulations. In FY 2006 and FY 2007, the USG allocated approximately $20 million each year to the region for this purpose according to the guidelines delineated in the CAFTA-DR side agreement known as the Environmental Cooperation Agreement (ECA) signed by all the countries participating in CAFTA-DR.

In the Dominican Republic, SEMARENA established in 2006 the DCA to: (1) set the country's environmental project priorities to program the allocation of DR-CAFTA ECA funds; (2) coordinate the in-country activities of each USGEA, NGO, and the CCAD that received ECA funding; and (3) work with the other DR-CAFTA countries to harmonize environmental laws and regulations in the region. For the past two fiscal years (2007-08), USAID/DR has been investing the DR-CAFTA ECA funds allocated to the Mission and coordinating closely with SEMARENA, and the other USG environmental agencies and NGOs that have received ECA funding for the DR to support SEMARENA's priority ECA projects. USAID/DR has channeled these ECA funds through the USAID-IPEP Project. The Environmental Project Management Unit (EPMU) of the USAID-IPEP Project has worked closely over the past two years with SEMARENA's Director of Planning and the Director of the DCA to help set SEMARENA's DR-CAFTA ECA priorities and implement effectively the designated environmental projects in the Dominican Republic.

Country Context and Accomplishments to Date

The Dominican Republic enacted a general environmental law (Law 64-00) in August 2000 which consolidated various environmental-related public institutions into SEMARENA. Consequently, SEMARENA, led by the State Secretary of the Environment and Natural Resources, now includes the following Sub-secretariats: Environmental Management; Soils & Water; Coastal and Marine Resources; Protected Areas; Forestry Resources; and Environmental Education & Information. SEMARENA also has a sector planning office, which now includes the DCA that manages the environmental affairs related to free trade agreements, such as CAFTA-DR. Law 64-00 also mandated creation of Environmental Management Units (UGAMs) in the country's municipalities. Although SEMARENA has created UGAMs on paper in 60 of the nearly 250 municipalities and municipal districts of the country, only a few, primarily with SEMARENA, USAID, and GTZ assistance, have been advancing with the approval and implementation of written environmental ordinances.

The environmental law and regulations that govern SEMARENA's activities are adequately written; however, there is a need for more effective policies, laws, and regulations in the environment sector. In addition, a major challenge is the need to strengthen enforcement, at both the national and the local levels, primarily because of SEMARENA's relatively small annual budget and the weak judiciary system to penalize violators and to serve as an effective deterrent.

A key element in strengthening the ability of the Dominican Government to enforce existing environmental laws and regulations effectively is to have civil society actively involved in environmental protection and natural resource conservation at the local and national levels. A number of Dominican municipal, community, and private sector leaders have been very active in helping SEMARENA achieve its objectives and mandates. Nevertheless, there is still much to be done to enforce environmental laws and regulations to provide for clean air and water, and the protection of parks, forests, wildlife, coral reefs, and fauna. The growth and well being of the Dominican economy depends greatly on tourism, agriculture, forestry, and fisheries. Without the effective enforcement of environmental laws and regulations, these sectors will collapse, economic growth will decrease, and the well-being of the Dominican society will suffer dramatically.

Since the inception of SEMARENA in August 2000, USAID has made significant contributions to biodiversity conservation, policy reform, environmental enforcement, training of environmental technicians and guides, protection of key micro-watersheds, promotion of clean energy production, and protection of national reserves and parks in the Dominican Republic. In order to help the DR comply with the environmental regulations of Chapter 17 of the DR-CAFTA agreement, substantial investments have been made at both national and local levels to provide technical assistance and training, and to improve the environmental awareness of the public, industry, and other sectors of civil society. Special emphasis has been given to the environmental requirements of DR-CAFTA, and the related environmental regulations that have to be enforced at the national and municipal levels. Environmental enforcement training has been provided to personnel from all the Sub-secretariats of SEMARENA, the environmental police, municipal authorities, and the Attorney General's office, as well as a number of community-based organizations (CBOs) and the private business sector.

USAID has worked directly with municipal governments and CBOs to implement the environmental provisions of CAFTA-DR. This program has focused on strengthening Municipal Environmental Management Units (UGAMs). To accomplish these tasks, USAID sponsored several workshops that provided information to municipal and local officials with respect to their responsibilities for implementing and enforcing both UGAM instruments and the new environmental compliance requirements (Chapter 17) of DR-CAFTA.

In addition, USAID worked with SEMARENA to develop implementing regulations for the enforcement of environmental norms along with an instrument for assessing damages and assigning fines for environmental infractions; supported the preparation of the sectoral aws for Biodiversity and Coastal/Marine Resources; strengthened the DCA and the OSPP; and provided environmental enforcement training on environmental laws, norms, and regulations. USAID also provided technical assistance and training to the micro-watershed management initiative on the Tireo River and on thematic interpretation to civil society organizations that are implementing small-scale ecotourism projects under the USAID-SEMARENA Environmental Protection Investment Fund (FIPA). Since 2006, USAID has co-financed with CBOs, agricultural producer associations, and private companies thirty (30) small-scale FIPA projects in the areas of sustainable agriculture/organic farming, ecotourism, renewable energy, and clean production.

Approaches and Assumptions

USAID/DR will implement a cooperative agreement with a Dominican-based non-government environmental organization or a consortium of environmental NGOs that have experience in managing green and brown environmental issues in the Dominican Republic. This environmental NGO will provide the appropriate personnel and services required by the USAID-EPMU to assist SEMARENA and the ECA-funded organizations working in the Dominican Republic to achieve the objectives, goals, and results as specified in this scope of work (SOW).

The operational structure to implement the USAID-EPP will include the four thematic areas of: A) institutional strengthening for effective implementation and enforcement of environmental laws; B) biodiversity conservation; C) market-based conservation; and D) improved private sector performance for cleaner production.

Because of the funding earmarks for this program, special emphasis will be given to biodiversity conservation activities. Illegal trade in wildlife (flora and fauna) is a serious problem in the Dominican Republic. The protection of wildlife and habitat are critical to the long-term economic and environmental development of the country. To combat such illegal trade and protect wildlife and habitat, U.S. government and non-governmental agencies are working with CAFTA-DR governments and civil society to combat any species (flora and fauna) trade that violates international standards, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and to better protect and manage forest resources and protected areas. Through international cooperation, the CAFTA-DR countries can enhance the scientific rigor of their CITES authorities, institutionalize CITES training, build intelligence networks, build and support animal rescue centers, prevent illegal logging, and promote the sustainable use of wildlife and protected areas.

Working closely with DOI and CCAD CITES trainers, USAID/Dominican Republic plans to focus FY08 CAFTA-DR funding on improving the control of wildlife trade, especially marine turtles, which negatively affects biodiversity conservation and/or violates international standards. Activities will also support the improved management of protected areas and forests.

First Year Activities by Thematic Area and Expected 2010 Results

USAID expects to receive at least $2.0 million annually for FY 09-11 activities to support the implementation of the USAID-EPP in the Dominican Republic. At least 20 percent of the amount spent per year (i.e., $400,000) should be used to purchase and install equipment and facilities to assist SEMARENA and municipal environmental management units (UGAMs) implement effectively this program. These funds will be channeled through a new USAID cooperative agreement with a Dominican environmental NGO consortium that will organize the USAID-EPMU to implement the activities to help SEMARENA achieve specific DR-CAFTA ECA. The USAID-EPMU will work closely with SEMARENA's Planning Office and the DCA to complement the work planned with them under the DOI/CITES, US Forest Service and the USAID Regional ECA Program; for example, EPA's work on EIA (especially in the tourism and energy sectors), CCAD's work on cleaner industrial production, NOAA's work with marine mammals and fish, and NASA's work on the SERVIR program. In addition, the USAID-EPMU will provide support to the DCA whenever feasible to provide assistance to complete all SEMARENA's priority activities in its DR-CAFTA ECA workplan that are not covered by regional USG programs.

The training that EPA, DOI, USFS, CCAD, NOAA, and NASA provide the Dominican Republic is valuable, but it needs to be well-grounded in local needs and capabilities in order to be effective. USAID/DR's bilateral program will provide this needed ground work with follow-up activities to support the application of the training provided under the regional programs (e.g., EIA, Cleaner Production) and DOI's CITES program. Moreover, the USAID-EPMU will expand the knowledge imparted by the regional and Washington-based training programs to a wider Dominican audience, which will include key municipalities, the private sector, universities, community based organizations, and NGOs.

The following four thematic areas contain specific activities that the USAID-EPMU is expected to implement in FY09 to achieve the specified results in FY10. The USAID-EPMU will work closely with USAID/DR and the DCA in the following years to formulate a plan of work and activities for subsequent years. The Offerors' first year plan of work for this cooperative agreement with USAID/DR is expected to show how they plan to carry out these specified activities to achieve the results in FY10. The Offeror should also indicate the personnel, both long- and short- term, and equipment and their cost needed to carry out these activities as proposed.

A. Institutional Strengthening for Effective Implementation and Enforcement of Environmental Laws ($850,000/year)

A 1.1 Wastewater, Solid Waste, Administrative Procedures, Others

a) Provide logistical support to regional agenda of cooperation for wastewater, solid waste management and other related matters. To be done in coordination with EPA and CCAD.
b) Training program for public and private sector

   a. Environmental quality
   b. Environmental audits
   c. Monitoring of water – groundwater, air and soil.
   d. Dangerous substance management on site (i.e. contaminated site management)

c) Purchase of necessary equipment for water quality monitoring

A 1.2 Strengthen EIA Review (in coordination with EPA Regional Program)

a) Provide technical assistance to draft general terms of reference for Environmental Impact Assessments in the following strategic sectors: tourism, agriculture, manufacturing, energy and construction, in order to reduce the backlog in environmental permits requests.
b) Provide technical assistance to draft a general guideline for EIAs revision for the Tourism sector, in order to reduce the backlog in environmental permits requests.
c) Assess current situation of the National Environmental Information System, to propose necessary modifications for its improvement.
d) Design procedures of the National Environmental Information System to support and improve the EIA review process
e) Purchase of server and other electronic equipment for the re-designed National Environmental Information System.

A 2.1 Capacity Building for Environmental Law Enforcement, Criminal Enforcement, Judicial Training and Environmental Inspections

a) Advise on priority work areas under ECA among the different GoDR executive agencies and entities.
b) Coordinate the work agendas of the different agencies providing technical assistance under ECA with local counterparts.
c) Coordinate with GoDR to establish bilateral and regional strategic priorities.
d) Strengthen SEMARENA's proposed National Environmental Fund (FONOMARENA) through applications of the FIPA model.
e) Support at least 3 municipalities to develop local environmental assessments
f) Support at least 3 municipalities to develop local environmental ordinances
g) Provide training to municipalities on ordinances enforcement
h) Others TBD

A 3.1 Environmental Complaints and Citizen Participation

a) Approve SEMARENA's (DCA/OSPP) regulation for DR-CAFTA related information requests and complaints management.
b) Draft and submit regulations on Public Participation that harmonize all related instruments established by Law 64-00 into one.
c) Provide Support to SEMARENA (DCA/OSPP) to train its personnel, and provide assistance in drafting key documents.
d) Facilitate the coordination between SEMARENA (DCA/OSPP) and the Environmental Consultative Committee.
e) Facilitate coordination between SEMARENA and journalists' network. Provide training on specific DR-CAFTA related topics to journalists.
f) Publish and disseminate materials related to the CAFTA-DR (e.g., Chapter 17 and the ECA).

2010 Results:

A.1.1 Wastewater, Solid Waste, Administrative Procedures, Others:

- Strengthened regulatory and technical capability of SEMARENA and several municipal governments to better protect the country's environment:
  - SEMARENA's Environmental Impact Assessment (EIA) procedure implemented.
  - At least 50 experts from public and private sectors trained in environmental norms and monitoring of water quality (both superficial and ground water).
  - At least three municipalities enacted environmental ordinances and carried out local environmental assessments
  - At least 8 SEMARENA staffers trained in effective environmental audit processes.
  - At least 25 people trained in management and recycling of pesticides and pesticide containers.
  - At least 10 people trained in the use of water quality monitoring equipment.

A 1.2 Strengthen EIA Review.

- A General Guideline for Tourism Sector EIA revision drafted and under implementation.
- General Terms of Reference for EIA procedures in tourism, agriculture, manufacturing, energy and construction drafted and implemented.
- Draft a proposal for the improvement and establishment of the National Environmental Information System. Necessary equipment identified and purchased to implement.

A 2.1 Capacity Building for Environmental Law Enforcement, Criminal Enforcement, Judicial Training and Environmental Inspections

- Draft a proposal for the FONAMARENA operational procedures using the FIPA model.
- Three municipalities with local environmental assessments drafted and at least 2 ordinances drafted in response to environmental issues determined by assessments.
- At least 20 municipal officials trained in local ordinances enforcement.
- Bilateral and regional work plans and agendas are coordinated and duplications are avoided.

A 3.2 Environmental Complaints and Citizen Participation

- SEMARENA's regulation for DR-CAFTA related information requests and complaints management approved and implemented.
- General Regulations on Public Participation (that harmonize all related instruments established by Law 64-00) drafted.
- At least 5 SEMARENA staffers (DCA and OSPP mostly) trained in DR-CAFTA and enforcement related subjects.
- The Environmental Consultative Committee is operational and meets periodically with local point of contact.
- The journalist network meets periodically to cover DR-CAFTA related subjects.
- At least 12 press articles on trade and environment related matters are published in local press.

B. Biodiversity Conservation ($850,000/year)

The following four criteria are specifically required in this section:

1. The program activities must have an explicit biodiversity objective (e.g., the activity is aimed at protected CITES and other coastal and marine at-risk species).

2. Activities must be identified based on an analysis of threats to biodiversity (e.g., the activity is aimed at identified species under CITES. The coastal areas are identified as at-risk habitat from marine, coastal and upland impacts. This law also addresses invasive species, an identified threat).

3. The program must monitor associated indicators for biodiversity conservation (e.g., the indicators in this case are the design, approval and signing of the law. These are the first steps. Without the law there will be no regulation to protect the species and habitat).

4. Site-based programs must have the intent to positively impact biodiversity in biologically significant areas (e.g., this activity applies nation wide).

In addition, the following activities need to be incorporated into the USAID-EPP for reporting purposes:

- Link the program design to the identified threats in the country 118/119 report,
- Specifically address each of the four biodiversity criteria for every issue and accomplishment,
- Develop and track measurable biodiversity indicators, and
- Explain the expected impact on biodiversity as a result of the program activities.

B.4. CITES, Wildlife Protection and Conservation

a) Finalize the "red list" of endangered species of the Dominican Republic
    a. Disseminate the list using the journalists' network and other mass media communication resources.
b) Implement the marine turtle management plan
    a. At least seven private-sector points of exchange (e.g., artisans, gift shop staff and hotels) trained on CITES regulations regarding turtle products.
    b. Dissemination of information on CITES regulations and its enforcement
c) Training provided to Dominican Government officials on the National Operational Manual for CITES.
d) Graduate short term course for lawyers on International Law, CITES, and other biodiversity related MEAs given.
e) Dissemination of the contents of the Coastal –Marine Sector Law and the Biodiversity Sectoral Law (if approved by Congress).

B.5. Sustainable Forestry and Combating Illegal Logging

a) Forest Inventory
    a. Identify need and objectives
    b. Research available information
    c. Select a methodology
    d. Initiate inventory (year 2)
b) Provide Technical support for training in Wildfire detection and suppression
    a. Incorporate fire ecology into forest management
c) Provide training to Customs Officials, Environmental Police Officials and Army Officials on the identification of protected wood species to prevent illegal trade.
d) Technical assistance on microwatershed management to SEMARENA, community-based organizations, and municipalities

2010 Results:

- At least 70 people trained in best practices and implementation of CITES
- At least 50 customs and law-enforcement staff trained in the identification of endangered wood species.
- Methodology established for a national forest inventory drafted and submitted for approval.
- One microwatershed action plan completed
- At least 25 people trained in fire detection and suppression.

C. Market-Based Conservation ($150,000/year)

USAID/DR will focus FY08 CAFTA-DR funding on working with the private sector to develop and carry out improved environmental policies with a concentration on sustainable forest management.

C.7. Sustainable Tourism

a) Develop an strategy between the Ministries of Tourism, Environment & Natural Resources, and Culture to promote sustainable tourism in the Dominican Republic that protects the environment and natural resources
b) Provide training to artisans to replace turtle based products for environmental friendly alternatives.
c) Provide Technical Assistance to SEMARENA to develop at least three new co-management agreements for Protected Areas.

C.8. Sustainable Agriculture and Forestry Production

a) Develop a system and procedure for forest certification.
b) Develop a proposal of financing mechanisms to promote forestry development.

2010 Results:

- Six cooperation agreements signed between SEMARENA and hotel chains, gift shops, and artisans to ban trade in CITES-protected species, with particular attention to turtle products.
- At least 40 artisans trained on alternatives products to turtle based goods (souvenirs).
- Financing Mechanisms for Forest Products proposal drafted and submitted for approval.
- Increased private-sector efforts to improve access to market for sustainably-produced forestry products.

D. Improved Private Sector Performance ($150,000/year)

The Environmental Management Subsecretariat (SGA) is interested in brown environmental issues, environmental processes involving the public including conflict resolution, and environmental audits and certification issues. Industries through cleaner production initiatives can often achieve and exceed environmental compliance by preventing the generation of contaminants in the first place. Moreover, industries can save money and improve competitive advantage in the process by reducing resource consumption and waste.

D.9. Clean Production, Improved Compliance, Environmental Management Systems, Energy Efficiency and Private Sector Partnerships

a) Technical Assistance to Draft a strategy for the National Policy on Clean Production and its implementation.
b) Provide Support to SEMARENA to sign five voluntary agreements with firms from strategic economical sectors.
c) Provide technical assistance to SEMARENA for accreditation of a private cadre of leading environmental auditors for certification of external auditors
d) Support the creation and implementation of a national environmental audit system.
e) Provide technical assistance to private sector for improved industrial environmental management.

2010 Results:

- Clean industrial production best practice manuals for key sectors, including tourism, agriculture, construction and manufacturing, developed and widely distributed.
- GoDR adopted both the Regional clean production strategy and the greening supply-chain model into its national policy framework.
- At least five agreements signed with private sector firms to adopt environmental management systems.

Donor Collaboration

USAID/DR is an active participant in SEMARENA's international donors' environmental group, which meets regularly to share priorities and coordinate program activities with SEMARENA and among themselves. This donor group includes the governments of Germany (GTZ) in watershed management, Japan (JICA) in sustainable tourism development and Clean Production, Spain (AECID) in protected area management and sustainable agriculture; Canada (CIDA) and France (AFD) in watershed management, and the multilateral development agencies of the United Nations Development Program (UNDP) in sustainable tourism and agro-forestry, the Food and Agricultural Organization (FAO) in sustainable agro-forestry activities, the Interamerican Development Bank (IDB) in sustainable tourism development, the European Union (EU) in environmental remediation and water), and The Nature Conservancy (TNC) in protected areas and biodiversity. The selected NGO for this USAID-EPP is expected to coordinate closely its activities with these international donors, as well as with all the other USAID-funded projects in the Dominican Republic.

Acronyms

CBO	Community-Based Organization
CCAD	Comisión Centroamericana de Ambiente y Desarrollo
CITES	Convention on International Trade of Endangered Species
DCA	Directorate of Commerce and Environment
DOI	U.S. Department of the Interior
DR-CAFTA	Central America-Dominican Republic-United States Free Trade Agreement
ECA	DR-CAFTA's Environmental Cooperation Agreement
EPA	U.S. Environmental Protection Agency
EPP	Environmental Protection Program
IPEP	Improving Policies for Environmental Protection Project
IRG	International Resources Group, Ltd.
MEAs	Multilateral Environmental Agreement
NGO	Non-Governmental Organization
OSPP	Sector Office of Programming and Planning
SAPB	Subsecretariat of Protected Areas and Biodiversity
SEIA	Subsecretariat of Environmental Education and Information
SEIC	Secretariat of Industry and Commerce
SEMARENA	Secretariat of Environment and Natural Resources
SEPD	Secretariat of Planning and Development
SEREX	Secretariat of Foreign Affairs
SGA	Subsecretariat of Environmental Management
SRCM	Subsecretariat of Coastal-Marine Resources
SSA	Subsecretariat of Soils and Water
SUREF	Subsecretariat of Forestry Resources
UGAMs	Municipal Environmental Management Units
UNPHU	Pedro Henriquez Ureña National University
USAID	U.S. Agency for International Development
USGEAs	U.S. Government Environmental Agencies

SECTION C – EVALUATION CRITERIA

The criteria presented below have been tailored to the requirements of this particular RFA. Applicant should note that these criteria serve to: (a) identify the significant matters which applicant should address in their application and (b) set the standard against which application will be evaluated. To facilitate the review of application, the applicant should organize the narrative sections of their applications in the same order as the selection criteria.

The technical application will be evaluated in accordance with the Technical Evaluation Criteria set forth below. Thereafter, the cost application of applicant submitting a technically acceptable application will be opened and costs will be evaluated as stated below and for general reasonableness, allowability, and allocability.

To make an objective evaluation possible, applicants must clearly demonstrate how the organization and the application meet these criteria. A Cooperative Agreement may be awarded to the applicant or applicants representing the overall best value to the government.

1. Technical Criteria (100 points)

The technical evaluation will focus on the applicant's overall ability to achieve results under the framework provided in this RFA. The technical criteria are broken down into three factors totaling 100 points.

<u>a. Proposed Program Approach (50 points)</u>
The proposal will be evaluated on the basis of how well-conceived, technically sound and responsive the approach presented is. Specifically, the following sub-factors will be evaluated.

i) Applicant Skills and Management (20 points): USAID will evaluate the skills, expertise and experience of the applicant(s), taking into account: a) the balance and complementarities of skills and experiences to address both green and brown environmental issues to achieve the results defined in this RFA; b) experience in the Dominican Republic, including that experience of local participating organizations; and c) the applicant's plan for management, decision-making, and division of responsibilities for effectively delivering the technical assistance required under this RFA in close collaboration with and full participation of SEMARENA, the key recipient local environmental organizations, and USAID.

ii) Technical Strength (30 points): A strong application will provide convincing evidence of the applicant's understanding of the activities it proposes to carry out, and their relationship to the objectives and performance indicators outlined in the RFA. The application will be evaluated for the coherency and clarity of the proposed activities, as well as the level of impact the proposed approach is expected to have on the selected results area. A clear explanation of how close coordination will be achieved with SEMARENA, USAID, other USG Agencies, CCAD, other USAID programs (i.e., CAFTA-DR Implementation, DSTA, Agro-Red), other donors, private sector, and civil society organizations is critical. The activities planned should be based on a sound understanding of the current USAID assistance to the Dominican Republic to implement CAFTA-DR Chapter

17 and address biodiversity issues. USAID will also evaluate the extent to which the applicant presents a smooth transition from ongoing USAID-Improving Policies for Environmental Protection (IPEP) program into the new program. .

b. Past and Current Performance (20 points)

USAID will evaluate the degree to which the applicant has a demonstrated and successful past and current track record in the Dominican Republic. Experience in the subject areas described in the Program Description will have more weight in this evaluation criterion. Similarity is defined in terms of the types of programs – implementing, monitoring, and reporting on similar or closely related activities to those contained in the program description. As a result, both the relevance of the work performed by an applicant in the past and how well it performed that work will be evaluated.

c. Appropriateness of Proposed Staff (30 points)

USAID will evaluate the capabilities of proposed staff to determine how well their skills and abilities are matched with the proposed activities and level of assigned responsibilities. Key personnel must have experience working in the Dominican Republic, particularly in the thematic areas described in the Program Description. This evaluation will focus on the educational level, demonstrated experience, and specialized skills of the proposed staff in relation to the actual program activities proposed. All key personnel must have a minimum Spanish/English language ability at a 3/3 level.

In addition to an analysis of the relevance of the general experience, skills and education of the proposed staff relevant to the activities planned, points will be given for proposed staff members that are Dominicans who have high proficiencies in writing and speaking Spanish and English, and experience working with key environmental stakeholders in the Dominican Republic.

II. Cost

USAID will also evaluate the cost proposals, but scores will not be assigned. All non-cost factors will be more significant than cost factors. The cost evaluation will focus on two sub-factors: Cost Realism/Reasonableness and Cost Effectiveness. Included in cost effectiveness is in-kind contributions and leveraging. This evaluation will involve consideration of whether the budget notes and narrative provide a clear explanation of each category of estimated costs, cost-split among consortium partners, including any sub-grant or sub-contract arrangements and whether the budget aggregation has been broken down appropriately and in accordance with the instructions.

Cost Realism/Reasonableness and Cost Effectiveness

The cost realism analysis is intended to determine whether the costs estimated accurately reflect the costs that would be incurred during the actual performance of the program, and whether those costs are reasonable. In addition, the cost realism analysis will: a) verify the Applicant's understanding of the requirements and regulations; b) assess the degree to which the cost proposal reflects the approaches in the technical application; and c) assess the degree to which the cost proposal accurately represents the work effort included in the technical application.

Cost effectiveness involves maximizing the percentage of the budget allocated to program delivery and proposed in- kind contributions and leveraging. Applicants will receive favorable consideration for identifying areas for in-kind contributions and leveraging. Specific in-kind contributions could include office space, vehicles, staff time, facility rental (conference rooms or training centers) amongst others. The leveraging of other public (including GODR) and private sector resources will also receive favorable consideration.

Additional Considerations

1. Gender Considerations

Submitted applications must address gender issues in their explanation of program design within each sector as appropriate. Knowledge of gender issues in the enforcement of Dominican environmental laws and regulations must be demonstrated as well as strategies for addressing those issues within planned activities.

2. Local participation, non-traditional partners and dependency

USAID/Dominican Republic strongly encourages applicants to (1) consider using local resources (goods and services) to the maximum extent possible; (2) consider local resources as both a development tool and a means toward decreasing dependency (and increasing sustainability) while building local capacity; (3) consider the macro-economic multiplier effect of project grants, other resources, and salaries paid locally; and (4) consider the use of U.S. and international sub-grantees and sub-contractors to supplement applicant skill sets, experience, and resource base if necessary.

3. Environmental Mitigation Report

In accordance with USAID's recognition that environmental issues are important considerations in development, the applicant must include in the application explanations regarding measures they intend to take to deal with environmental impacts resulting from project implementation. During project implementation, the Recipient shall take these issues into account and find ways to protect the environment in areas related to their project. To ensure compliance with the USAID environmental regulation 22 CFR 216, the recipient is responsible for providing USAID Dominican Republic with an Environmental Mitigation Plan, as outlined in the applicable document (Attachment xx) "Guidelines for Implementing Partners on the USAID Dominican Republic Environmental Mitigation Report." The Recipient shall ensure that appropriate environmental guidelines are followed, that mitigation measures described in the pertinent Threshold Decision for each of these activities are funded and implemented, including any necessary training or capacity building, and adequate monitoring. The procurement and/or use of pesticides would require an amended IEE, pursuant to USAID's Pesticide Procedures 22 CFR 21 6.3(b)(l)(i)(a-l).

The mechanism for compliance with 22CFR216 will be the Environmental Mitigation Report (EMR) which initially categorizes projects into three types: No Risk, Medium Risk and High Risk. Those with No Risk can continue without further review. Those with High Risk must be reconsidered for the need of an Environmental Assessment. The EMR deals with those projects at Medium Risk.

During the acquisition process, the applicant or contractor submits a suggested EMR. Once the Implementing Partner is chosen a revised initial EMR is submitted for approval by the Mission Environmental Officer BEFORE commencing activities. A format for this initial EMR is provided in Section A, Application Format, and includes an initial screening process (Table 1) to assure the project is at the Medium Risk Level. Potential Impacts and related mitigation measures (Table 2) are also identified per sub-activity.

At the end of each year of implementation the EMR is resubmitted with the same information as provided initially plus a component reflecting implementation and effectiveness monitoring of the identified mitigation measures.

4. Substantial Involvement Understandings

USAID/Dominican Republic anticipates the following substantial involvement in the recipient's activities:

a. Approval of the recipient's annual Implementation Plans: On an annual basis, the recipient shall prepare and provide for USAID's approval an annual implementation plan. The initial implementation plan for the first year of activities will be submitted as part of the applicant's technical proposal. Any changes in the initial work-plan will require additional approval. The initial implementation plan should be specific and comprehensive outlining how the recipient plans to undertake the activities delineated in the SOW, with realistic and achievable timelines, and clear statements of results to be achieved by specific dates.

b. Approval of specified key personnel: USAID will approve the personnel filling those positions considered to be essential to the successful implementation of the award. The key personnel in the project are the Chief of Party, Deputy Chief of Party, the Environmental Lawyer, and the Institutional Policy Advisor.

c. Concurrence in the selection of sub-award recipients and the substantive provisions of the sub-awards: If sub-awards – either sub-grants or institutional subcontracts – are anticipated, USAID will concur in the selection of sub-award recipients and the substantive provisions of the sub-awards to ensure that program objectives are met.

d. Approval of the recipient's monitoring and evaluation plans: USAID will review and approve the recipient's monitoring and evaluation plan. An adequate monitoring and evaluation plan is critical for the successful tracking of program progress and achievement of results. This monitoring and evaluation plan should be clearly linked to the achievement of USAID's overarching goal, and should track program impact on men and women. All people-level data should be disaggregated by gender.

5. Key Personnel

The applicant must identify those individuals that are considered to be key personnel for the performance and achievement of the program. Key personnel must have experience working in the Dominican Republic, particularly with SEMARENA. Information regarding all relevant experience, education, language skills and other technical skills should be provided for each key personnel.

SECTION D – CERTIFICATIONS, ASSURANCES, AND OTHER STATEMENTS OF APPLICANT/GRANTEE

NOTE: When these Certifications, Assurances, and Other Statements of Recipient are used for cooperative agreements, the term "Grant" means "Cooperative Agreement".

PART I - CERTIFICATIONS AND ASSURANCES

1. ASSURANCE OF COMPLIANCE WITH LAWS AND REGULATIONS GOVERNING NON-DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Note: This certification applies to Non-U.S. organizations if any part of the program will be undertaken in the United States.

(a) The recipient hereby assures that no person in the United States shall, on the bases set forth below, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving financial assistance from USAID, and that with respect to the Cooperative Agreement for which application is being made, it will comply with the requirements of:

(1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. 2000-d), which prohibits discrimination on the basis of race, color or national origin, in programs and activities receiving Federal financial assistance;

(2) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance;

(3) The Age Discrimination Act of 1975, as amended (Pub. L. 95-478), which prohibits discrimination based on age in the delivery of services and benefits supported with Federal funds;

(4) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution); and

(5) USAID regulations implementing the above nondiscrimination laws set forth in Chapter II of Title 22 of the Code of Federal Regulations.

(b) If the recipient is an institution of higher education, the Assurances given herein extend to admission practices and to all other practices relating to the treatment of students or clients of the institution, or relating to the opportunity to participate in the provision of services or other benefits to such individuals, and shall be applicable to the entire institution unless the recipient establishes to the satisfaction of the USAID Administrator that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which financial assistance is sought, or the beneficiaries of, or participants in, such programs.

(c) This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the recipient by the Agency, including installment payments after such date on account of applications for Federal financial assistance which was approved before such date. The recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the United States shall have the right to seek judicial enforcement of this Assurance. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

2. CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Cooperative Agreement, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than

$100,000 for each such failure.

3. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS FOR COVERED COUNTRIES AND INDIVIDUALS (ADS 206)

USAID reserves the right to terminate this Agreement, to demand a refund or take other appropriate measures if the Grantee is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140. The undersigned shall review USAID ADS 206 to determine if any certifications are required for Key Individuals or Covered Participants.

If there are COVERED PARTICIPANTS: USAID reserves the right to terminate assistance to or take other appropriate measures with respect to, any participant approved by USAID who is found to have been convicted of a narcotics offense or to have been engaged in drug trafficking as defined in 22 CFR Part 140.

4. CERTIFICATION REGARDING TERRORIST FINANCING IMPLEMENTING EXECUTIVE ORDER 13224

By signing and submitting this application, the prospective recipient provides the certification set out below:

1. The Recipient, to the best of its current knowledge, did not provide, within the previous ten years, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts, as that term is defined in paragraph 3.

2. The following steps may enable the Recipient to comply with its obligations under paragraph 1:

a. Before providing any material support or resources to an individual or entity, the Recipient will verify that the individual or entity does not (i) appear on the master list of Specially Designated Nationals and Blocked Persons, which list is maintained by the U.S. Treasury's Office of Foreign Assets Control (OFAC) and is available online at OFAC's website : http://www.treas.gov/offices/eotffc/ofac/sdn/t11sdn.pdf, or (ii) is not included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID to the Recipient.

b. Before providing any material support or resources to an individual or entity, the Recipient also will verify that the individual or entity has not been designated by the United Nations Security (UNSC) sanctions committee established under UNSC Resolution 1267 (1999) (the "1267 Committee") [individuals and entities linked to the Taliban, Usama bin Laden, or the Al Qaida Organization]. To determine whether there has been a published designation of an individual or entity by the 1267 Committee, the Recipient should refer to the consolidated list available online at the Committee's website: http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm.

c. Before providing any material support or resources to an individual or entity, the Recipient will consider all information about that individual or entity of which it is aware and all public information that is reasonably available to it or of which it should be aware.

d. The Recipient also will implement reasonable monitoring and oversight procedures to safeguard against assistance being diverted to support terrorist activity.

3. For purposes of this Certification-

a. "Material support and resources" means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials."

b. "Terrorist act" means-

(i)an act prohibited pursuant to one of the 12 United Nations Conventions and Protocols related to terrorism (see UN terrorism conventions Internet site: http://untreaty.un.org/English/Terrorism.asp); or

(ii) an act of premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; or

(iii) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

c. "Entity" means a partnership, association, corporation, or other organization, group or subgroup.

d. References in this Certification to the provision of material support and resources shall not be deemed to include the furnishing of USAID funds or USAID-financed commodities to the ultimate beneficiaries of USAID assistance, such as recipients of food, medical care, micro-enterprise loans, shelter, etc., unless the Recipient has reason to believe that one or more of these beneficiaries commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated or participated in terrorist acts.

e. The Recipient's obligations under paragraph 1 are not applicable to the procurement of goods and/or services by the Recipient that are acquired in the ordinary course of business through contract or purchase, e.g., utilities, rents, office supplies, gasoline, etc., unless the Recipient has reason to believe that a vendor or supplier of such goods and services commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated or participated in terrorist acts.

This Certification is an express term and condition of any agreement issued as a result of this application, and any violation of it shall be grounds for unilateral termination of the agreement by USAID prior to the end of its term.

5. CERTIFICATION OF RECIPIENT

By signing below the recipient provides certifications and assurances for (1) the Assurance of Compliance with Laws and Regulations Governing Non-Discrimination in Federally Assisted Programs, (2) the Certification Regarding Lobbying, (3) the Prohibition on Assistance to Drug Traffickers for Covered Countries and Individuals (ADS 206) and (4) the Certification Regarding Terrorist Financing Implementing Executive Order 13224 above.

RFA/APS No.________________________________

Application No.

Name of Recipient

Typed Name and Title

Signature

Date

PART II - KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING

I hereby certify that within the last ten years:

1. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.

2. I am not and have not been an illicit trafficker in any such drug or controlled substance.

3. I am not and have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

Signature:

Date:

Name:

Address: ____________________________

Date of Birth: ____________________________

NOTICE:

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain key individuals of organizations must sign this Certification.

2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

PART III - PARTICIPANT CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING

1. I hereby certify that within the last ten years:

a. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.

b. I am not and have not been an illicit trafficker in any such drug or controlled substance.

c. I am not or have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

2. I understand that USAID may terminate my training if it is determined that I engaged in the above conduct during the last ten years or during my USAID training.

Signature: Name: ______________________________
Date: ______________________________
Address: ______________________________
Date of Birth: ______________________________

NOTICE:

1. You are required to sign this Certification under the provisions of 22 CFR Part 140,Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain participants must sign this Certification.

2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

PART IV - CERTIFICATION OF COMPLIANCE WITH THE STANDARD PROVISIONS ENTITLED "CONDOMS" AND "PROHIBITION ON THE PROMOTION OR ADVOCACY OF THE LEGALIZATION OR PRACTICE OF PROSTITUTION OR SEX TRAFFICKING."

Applicability: This certification requirement only applies to the prime recipient. Before a U.S. or non-U.S. non-governmental organization receives FY04-FY08 HI V/AIDS funds under a grant or cooperative agreement, such recipient must provide to the Agreement Oficer a certification substantialy as folows:

“[Recipient's name] certifies compliance as applicable with the standard provisions entitled “Condoms” and “Prohibition on the Promotion or Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking” included in the referenced agreement.”

RFA/APS No. ______________________
Application No. ______________________
Date of Application ______________________
Name of Applicant/Subgrantee Typed ______________________
Name and Title ______________________
Signature ______________________

PART V - SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Applicability: Al RFA 's must include the attached Survey on Ensuring Equal Opportunity for Applicants as an atta chment to the RFA package. Applicants under unsolicited applications are also to be provided the survey. (While inclusion of the survey by Agreement Oficers in RFA packages is required, the applicant's completion of the survey is voluntary, and must not be a requirement of the RFA. The absence of a completed survey in an application may not be a basis upon which the application is determined incomplete or non-responsive. Applicants who volunteer to complete and submit the survey under a competitive or non-competitive action are instructed within the text of the survey to submit it as part of the application process.)

PART VI - OTHER STATEMENTS OF RECIPIENT 1.

AUTHORIZED INDIVIDUALS

The recipient represents that the following persons are authorized to negotiate on its behalf with the Government and to bind the recipient in connection with this application or grant:

Name Title Telephone No. Facsimile No.

____
____
____

2. TAXPAYER IDENTIFICATION NUMBER (TIN)

If the recipient is a U.S. organization, or a foreign organization which has income effectively connected with the conduct of activities in the U.S. or has an office or a place of business or a fiscal paying agent in the U.S., please indicate the recipient's TIN:

3. DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER

(a) In the space provided at the end of this provision, the recipient should supply the Data Universal Numbering System (DUNS) number applicable to that name and address. Recipients should take care to report the number that identifies the recipient's name and address exactly as stated in the proposal.

(b) The DUNS is a 9-digit number assigned by Dun and Bradstreet Information Services. If the recipient does not have a DUNS number, the recipient should call Dun and Bradstreet directly at 1-800-333-0505. A DUNS number will be provided immediately by telephone at no charge to the recipient. The recipient should be prepared to provide the following information:

(1) Recipient's name.
(2) Recipient's address.
(3) Recipient's telephone number.
(4) Line of business.
(5) Chief executive officer/key manager.
(6) Date the organization was started.
(7) Number of people employed by the recipient.
(8) Company affiliation.

(c) Recipients located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at http://www.dbisna.com/dbis/customer/custlist.htm. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at globalinfo@dbisma.com.

The DUNS system is distinct from the Federal Taxpayer Identification Number (TIN) system.

4. LETTER OF CREDIT (LOC) NUMBER

If the recipient has an existing Letter of Credit (LOC) with USAID, please indicate the LOC number:

5. PROCUREMENT INFORMATION

(a) Applicability. This applies to the procurement of goods and services planned by the recipient (i.e., contracts, purchase orders, etc.) from a supplier of goods or services for the direct use or benefit of the recipient in conducting the program supported by the grant, and not to assistance provided by the recipient (i.e., a subgrant or subagreement) to a subgrantee or subrecipient in support of the subgrantee's or subrecipient's program. Provision by the recipient of the requested information does not, in and of itself, constitute USAID approval.

(b) Amount of Procurement. Please indicate the total estimated dollar amount of goods and services which the recipient plans to purchase under the grant:

$________________________

(c) Nonexpendable Property. If the recipient plans to purchase nonexpendable equipment which would require the approval of the Agreement Officer, please indicate below (using a continuation page, as necessary) the types, quantities of each, and estimated unit costs. Nonexpendable equipment for which the Agreement Officer's approval to purchase is required is any article of nonexpendable tangible personal property charged directly to the grant, having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

TYPE/DESCRIPTION (Generic) QUANTITY ESTIMATED UNIT COST

(d) Source, Origin, and Componentry of Goods. If the recipient plans to purchase any goods/commodities which are not of U.S. source and/or U.S. origin, and/or does not contain at least 50% componentry, which are not at least 50% U.S. source and origin, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, and probable source and/or origin, to include the probable source and/or origin of the components if less than 50% U.S. components will be contained in the commodity. "Source" means the country from which a commodity is shipped to the cooperating country or the cooperating country itself if the commodity is located therein at the time of purchase. However, where a commodity is shipped from a free port or bonded warehouse in the form in which received therein, "source" means the country from which the commodity was shipped to the free port or bonded warehouse. Any commodity whose source is a non-Free World country is ineligible for USAID financing. The "origin" of a commodity is the country or area in which a commodity is mined, grown, or produced. A commodity is produced when, through manufacturing, processing, or substantial and major assembling of components, a commercially recognized new commodity results, which is substantially different in basic characteristics or in purpose or utility from its components. Merely packaging various items together for a particular procurement or relabeling items do not constitute production of a commodity. Any commodity whose origin is a non-Free World country is ineligible for USAID financing. "Components" are the goods, which go directly into the production of a produced commodity. Any component from a non-Free World country makes the commodity ineligible for USAID financing.

TYPE/DESCRIPTION QUANTITY ESTIMATED GOODS PROBABLE GOODS PROBABLE

(Generic) UNIT COST COMPONENTS SOURCE COMPONENTS ORIGIN

(e) Restricted Goods. If the recipient plans to purchase any restricted goods, please indicate below (using a continuation page, as necessary) the types and quantities of each, estimated unit costs of each, intended use, and probable source and/or origin. Restricted goods are Agricultural Commodities, Motor Vehicles, Pharmaceuticals, Pesticides, Rubber Compounding Chemicals and Plasticizers, Used Equipment, U.S. Government-Owned Excess Property, and Fertilizer.

TYPE/DESCRIPTION QUANTITY ESTIMATED PROBABLE INTENDED USE

(Generic) UNIT COST SOURCE ORIGIN

(f) Supplier Nationality. If the recipient plans to purchase any goods or services from suppliers of goods and services whose nationality is not in the U.S., please indicate below (using a continuation page, as necessary) the types and quantities of each good or service, estimated costs of each, probable nationality of each non-U.S. supplier of each good or service, and the rationale for purchasing from a non-U.S. supplier. Any supplier whose nationality is a non-Free World country is ineligible for USAID financing.

TYPE/DESCRIPTION QUANTITY ESTIMATED PROBABLE SLUPPIER NATIONALITY RATIONALE

(Generic) UNIT COST (Non-US Only) for NON-US

(g) Proposed Disposition. If the recipient plans to purchase any nonexpendable equipment with a unit acquisition cost of $5,000 or more, please indicate below (using a continuation page, as necessary) the proposed disposition of each such item. Generally, the recipient may either retain the property for other uses and make compensation to USAID (computed by applying the percentage of federal participation in the cost of the original program to the current fair market value of the property), or sell the property and reimburse USAID an amount computed by applying to the sales proceeds the percentage of federal participation in the cost of the original program (except that the recipient may deduct from the federal share $500 or 10% of the proceeds, whichever is greater, for selling and handling expenses), or donate the property to a host country institution, or otherwise dispose of the property as instructed by USAID. TYPE/DESCRIPTION(Generic) QUANTITY ESTIMATED UNIT COST PROPOSED DISPOSITION

6. PAST PERFORMANCE REFERENCES

On a continuation page, please provide past performance information requested in the RFA.

7. TYPE OF ORGANIZATION

The recipient, by checking the applicable box, represents that –

(a) If the recipient is a U.S. entity, it operates as [ ] a corporation incorporated under the laws of the State of, [ ] an individual, [ ] a partnership, [ ] a nongovernmental nonprofit organization, [ ] a state or loc al governmental organization, [ ] a private college or university, [ ] a public college or university, [ ] an international organization, or [ ] a joint venture; or

(b) If the recipient is a non-U.S. entity, it operates as [ ] a corporation organized under the laws of ______________________________ (country), [ ] an individual, [ ] a partnership, [ ] a nongovernmental nonprofit organization, [ ] a nongovernmental educational institution, [ ] a governmental organization, [ ] an international organization, or [ ] a joint venture.

8. ESTIMATED COSTS OF COMMUNICATIONS PRODUCTS

The following are the estimate(s) of the cost of each separate communications product (i.e., any printed material [other than non- color photocopy material], photographic services, or video production services) which is anticipated under the grant. Each estimate must include all the costs associated with preparation and execution of the product. Use a continuation page as necessary.

Survey on Ensuring Equal Opportunity for Applicants

OMB No. 1890-0014 Exp. 1/31/2006

Purpose: The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey: If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name: ______________________________

Applicant's DUNS Number: ______________________________

Grant Name: ______________________________ **CFDA Number:** __________

1. Does the applicant have 501(c)(3) status?

   ☐ Yes ☐ No

2. How many full-time equivalent employees does the applicant have? *(Check only one box).*

   ☐ 3 or Fewer ☐ 15-50
   ☐ 4-5 ☐ 51-100
   ☐ 6-14 ☐ over 100

3. What is the size of the applicant's annual budget? *(Check only one box.)*

   ☐ Less Than $150,000
   ☐ $150,000 - $299,999
   ☐ $300,000 - $499,999
   ☐ $500,000 - $999,999
   ☐ $1,000,000 - $4,999,999
   ☐ $5,000,000 or more

4. Is the applicant a faith-based/religious organization?

   ☐ Yes ☐ No

5. Is the applicant a non-religious community-based organization?

   ☐ Yes ☐ No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

   ☐ Yes ☐ No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

   ☐ Yes ☐ No

8. Is the applicant a local affiliate of a national organization?

   ☐ Yes ☐ No

Survey Instructions on Ensuring Equal Opportunity for Applicants

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

2 For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

3 Annual budget means the amount of money your organization spends each year on all of its activities.

4 Self-identify.

5 An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.

6 An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.

7 Self-explanatory.

8 Self-explanatory.

OM

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 2202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to the USAID Agreement Officer.