Amendment 01 to RFA 168-09-001
Parliamentary Strengthening Project in Bosnia and Herzegovina
Issuance Date: October 21, 2008

The RFA is amended to 1) extend the closing date of the RFA from November 10, 2008 to November 28, 2008 2) change the email address for receipt of applications specified in Section A from Budapest168-08-022@usaid.gov to Budapest168-09-001@usaid.gov and (3) provide clarifications and additional information based on questions received.

Q.1 Please confirm whether the term "expatriate" when used in reference to key personnel refers to US Nationals only, or to US Nationals and Third Country Nationals.

A.1 The term expatriate means both US Nationals and Third-Country Nationals.

Q. 2. May the offeror propose a different staffing pattern and/or job titles for the key personnel?

A.2 Offerors may propose a different staffing pattern relevant to their proposed technical approach.

Q.3 Please confirm whether CVs are to be submitted as part of both the technical and cost proposals. The proposal instructions indicate that CVs should be included in each portion of the application.

A.3 This is to confirm that CV's should be included in both the "Techniacal and Cost applications".

Q.4. We are unclear on the inclusion of CVs for local key personnel. Section A. II. 4. b. indicates that local key personnel will be proposed during the initial work-plan phase and Section A.II. 5. a. indicates that only CVs for the expatriate COP and Program Officers should be included in the Annex. However, Section B. I. 2. indicates that the application will be evaluated on the strength of the overall staffing plan, including the proposed Key Personnel (earlier defined as the two expatriates and two local program officers). Based on this, we would request confirmation that local personnel should not be named at the time of the application and that evaluation of the staffing plan and key personnel will focus entirely on the proposed expatriate staff.

A.4 This is to confirm that local personnel should not be named at the time of the application. The evaluation will be in accordance to the following criterion as specified in Section B of the RFA:

"2. Staffing Plan & Key Personnel (35 Points Total)

Extent to which the overall staffing plan and organizational structure including the proposed Key Personnel demonstrate the Applicant's ability to effectively and quickly launch and implement the Award; the proposed team structure is appropriate for implementing the program; Key Personnel have appropriate academic backgrounds and the relevant experience of proposed personnel in parliamentary development gained in BiH or other countries of similar development path such as other countries in Western Balkan, or other countries in their path to the EUR including management experience of the Chief of Party; "

Q.5 In Section A of the RFA, the "Other Requirements" section of the Cost Application include a Branding Strategy and Marking Plan in the list of the required documents, although the RFA states on page 15 that the

"Successful Applicant/Awardee, within 60 days, is required to submit both Branding and Marking Plan documents in Microsoft Word format." Can USAID please confirm that a Branding Strategy and Marking Plan will only be requested from the successful applicant and that these documents to not need to be included in the cost application?

A.5. This is to confirm that that a Branding Strategy and Marking Plan will only be requested from the successful applicant and that these documents to not need to be included in the application

Q.6 On page 10, USAID requests references for the proposed Chief of Party and Program Officer. However, as USAID does not have an employer/employee relationship with the proposed candidates, it is our understanding that approval of long-term personnel as part of substantial involvement does not extend to interviewing a applicant's candidate or conducting reference checks. Rather, as the employer, it is the responsibility of the applicant to interview candidates, conduct reference checks on final candidates, and provide USAID with information about the selected candidate's experiences and skills as they relate to the position sufficient to make an informed decision. If any questions arise, USAID could then request clarification or further information. As such, we respectfully ask that this provision be removed from the RFA.

Reference requests as per Section A of the RFA are part of the technical evaluation.

Q.7. On page 19, the RFA states that the authorized geographic code for this procurement is 000 (United States). Would USAID consider revising the authorized geographic code to 935 to allow the use of regionally-based resources and consultants?

A.7 Requests for waivers will be reviewed on a case by case basis. Also, attached is a copy of an approved Regional Source/ Nationality Waiver. Please review it in terms of applicability and limitations.

Q.8. In Section C of the RFA in the anticipated results section on page 33, the RFA makes a reference to USAID/Bosnia & Herzegovina's FY 2009 Mission Strategic Plan. As the Mission's website only includes the FY 2006 Strategic Plan, can USAID please provide a copy of FY 2009 plan, along with a copy of the Mission's current results framework if it is not included in the document?

A.8. Mission Strategic Plans are not public documents and the reference to the 2009 MSP is only for the title of the overall goal where this particular project fits. Applicants will find details on desirable results in the RFA and the Mission does not require applicants to fit their applications with any other results frameworks.

Q.9. While the RFA precludes assistance to the Republika Srpska Entity Parliament (RSNA), can the applicant propose to include the RSNA in activity that promotes inter-parliamentary coordination on legislative practice and which does not constitute direct technical assistance to that body?

A.9. No work with RSNA can be done in this Parliamentary Strengthening Project, unless a decision is taken later to determine that such assistance is in the US interest. Applicants should not propose any work with the RSNA in their applications.

Q.10. How should applicants distinguish results between State and Entity Parliaments? Should specific result framework be developed for each Parliament, or can applicants develop common results that are disaggregated at the indicator level?

A.10. It is up to each applicant to determine how to distinguish results between work with the State and Federation Entity parliaments. This will be part of the technical approach. There is no prior preference from USAID. The overall proposal will be evaluated, and it is up to each applicant to propose how results will be measured. Applicants may indicate if a certain set of activities will be done only with one of the targeted parliaments or both.

Q. 11. Is a For-Profit organization eligible to compete as the lead organization implementing this cooperative agreement if it forgoes feet ?

A. 11 As per the cover letter of the RFA, USAID is seeking applications from US Non-Governmental Organizations (NGOs), Private Voluntary Organizations (PVOs).

End of Amendment No. 01

USAID
FROM THE AMERICAN PEOPLE

Date: June 6, 2008

Subject: Regional Source/Origin/Nationality Waiver for SEED Funding – Letter to Recipients

Reference: See Attachment A

This letter constitutes Agreement Officer approval, pursuant to the standard provision in the referenced agreement entitled "USAID Eligibility Rules for Goods and Services", for you to procure commodities and services with source, origin or nationality, as the case may be, outside Geographic Code 000 (U.S.). This approval applies only to procurements under the referenced agreement. Under the special authorization of this letter, further USAID approval is unnecessary for such non-U.S. procurements. That is, a USAID-approved source/origin/nationality waiver is not required and you may rely on this letter without further USAID approval, subject to the conditions described below. However, you must undertake the necessary market research and due diligence to ensure that the conditions described below are met, and document your own files accordingly.

On May 9, 2008, a waiver for non-U.S. procurement by our implementing partners was approved, subject to certain conditions and requirements, by the Assistant Administrator for Europe and Eurasia. Accordingly, this special authorization is being approved for a one-year trial period as of the date of this letter. We may request an extension of this special authorization beyond one year depending on how well this special authorization operates during this year. You will be advised in writing of any such extension.

Any non-U.S. procurements that do not satisfy all of the conditions described below should be undertaken only after any necessary USAID-approved Source Origin and Nationality (SON) waivers have been obtained following standard practice and applicable regulations and agreement provisions.

The conditions for use of this special authorization are the following:

1. This authorization applies to procurements completed after the date of this letter and before May 9, 2009. Your application may rely on this special authority, assuming that all of the conditions applicable to such authority are met, with the understanding that there is no assurance that the special authority will be extended beyond May 9, 2009.
2. This authorization applies only to procurements financed with funds appropriated under the Support for East European Democracy (SEED) Act of 1989 in Fiscal Year 2008 or earlier years, or in Fiscal Year 2009 under a Fiscal Year 2009 Continuing Resolution or other appropriations that is subject to the FY 2008 SEED "notwithstanding" authority. Procurements financed with Economic Support Funds, special supplemental appropriations not subject to the SEED "notwithstanding" authority, or other non-SEED funds **are not covered** by this special authorization. If there is any question about whether your agreement is funded with such SEED funds, please consult with the CTO for your agreement.

funds, please consult with the CTO for your agreement.

3. Commodities and services must have their source and origin, or nationality of the supplier, as the case may be, in either the United States, SEED countries(1) or European Union (EU) countries(2). Commodities with their source in a SEED or EU country will also be eligible for financing if their origin is a Code 935 country and their procurement is necessary to conform to local/regional supply channels.

4. Commodities procured under this special authorization may not exceed $50,000 in value per transaction (not including transportation costs). Transactions may not be artificially split in order to fall within this ceiling.

5. Services procured under this special authorization may not exceed $250,000 in value per transaction. Transactions may not be artificially split in order to fall within this ceiling.

6. This special authorization does not apply to the procurement of motor vehicles or other restricted or ineligible goods or services, which will still require USAID approval as provided in your agreement.

7. Commodities and services procured under this special authorization must be procured in accordance with the following order of preference:

(A) the United States (USAID Geographic Code 000),

(B) the Cooperating Country, and then

(C) a SEED or EU country.

8. When you procure non-U.S. commodities or services in reliance on this special authorization, you must document your files to justify each such instance. The documentation shall set forth the circumstances surrounding the procurement and one or more of the following reasons justifying the non-U.S. procurement:

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(1) SEED countries are Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and the states or areas that were part of the former Socialist Federal Republic of Yugoslavia (including Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia).

(2) EU countries are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

(A) The commodity or service is of a type that is not produced in or available for purchase in the United States (or the Cooperating Country if it is a SEED or EU country procurement).

The fact that U.S. commodities or services are not available in the Cooperating Country is not a sufficient ground for procuring non-U.S. commodities or services. However, if U.S. origin commodities are available for purchase in the United States but are not available in the Cooperating Country, in some cases it may be difficult to maintain or service the U.S. commodities effectively in the Cooperating Country, e.g., spare parts may have to be imported specifically for repairs, in which case the justification under (C) below may be appropriate.

Regarding services, technical experts with specialized expertise and experience with EU integration issues, including those who have helped other countries in the region to prepare for EU accession and are familiar with local and regional economic, political and social dynamics that affect this process, are an example of the type of services for which U.S. services may not be available. Developing appropriate marketing strategies for regional markets sometimes may require expertise in those markets, resources (such as research infrastructure) in place in those countries, and the ability to interpret and analyze results in a context-appropriate way. Another example of a situation where U.S. services may not be available is where the services cannot be effectively provided without an established local or regional presence, e.g., without established offices, local personnel, and business linkages for a relatively short-term, low-value service delivery subcontract, and no U.S. firm has such presence.

However, if the justification is that appropriate U.S. services are not available, e.g., U.S. firms or individuals lack the required specialized expertise or local presence, and the service provider will be a firm not an individual, the file documentation should demonstrate that consideration was given to whether a U.S. firm could effectively provide the services with the assistance of local affiliates or locally recruited experts. Also, caution should be used before assuming that U.S. service providers can not provide services that require general, as opposed to highly specialized, knowledge or experience in the Cooperating Country or the region. Before assuming this, consider how you would respond were you confronted by a U.S. firm who claims that they in fact have the requisite expertise.

(B) It is necessary to procure the non-U.S. commodities or services under this special authorization in order to meet unforeseen circumstances, such as emergency situations.

This justification cannot be used if the emergency is a result of poor planning, and the file documentation should explain why there is an emergency that is unforeseeable, what the difference is in delivery times for U.S. commodities or services, and what the consequence will be for agreement program objectives if there is such a delay due to the provision of U.S. commodities or services, or otherwise why non-U.S. commodities or services are necessary to meet the unforeseen circumstances.

(C) It is necessary to procure the non-U.S. commodities or services under this special authorization to promote efficiency in the use of United States foreign assistance resources.

As an example, this justification may be used if it is difficult to maintain and service effectively U.S. origin commodities in the Cooperating Country, e.g., because they are not otherwise available in the Cooperating Country and spare parts have to be imported specifically for their repair, or local service technicians are not otherwise trained or reasonably capable of maintaining or servicing the U.S. commodities. If service/maintenance justifies the non-U.S. procurement, the file documentation of course should confirm that the non-U.S. commodities (e.g., if they have SEED or EU country source/origin) to be procured can be adequately maintained and serviced in the Cooperating Country. Voltage differences (where transformers will not suffice) or equipment incompatibility may also justify non-U.S. procurements under this rationale, where such differences or incompatibilities are explained in the file documentation.

Except as provided in (D) below, a higher cost for U.S. commodities or services is not a sufficient ground for procuring non-U.S. commodities or services. Additional time required for procurement or delivery of U.S. commodities or services also is not sufficient justification under this rationale (though it may suffice under 8(B) above). The absence of warranty coverage for U.S. commodities also will not suffice if the commodity may otherwise be effectively maintained and serviced in the Cooperating Country.

Regarding services, reliance on this "efficiency" rationale generally is not appropriate for procurement of non-U.S. services. Rather, non-U.S. procurement of services should be justified based on the "availability" rationale in 8(A) above (or the "emergency" rationale in 8(B) above, though this is less likely to be applicable for services). In many cases it may be "more efficient" to have service providers from the region deliver the required services, but if U.S. service providers can nevertheless provide such services, effectively, then such inefficiencies are not sufficient to justify procurement of the non-U.S. services (and if U.S. service providers can not provide such services, effectively, then the "availability" rationale in 8(A) above should be used rather than this "efficiency" rationale).

(D) For commodities with their source and origin in the Cooperating Country:

(i) the lowest available delivered price from the United States is reasonably estimated to be 50 percent or more higher than the delivered price from the Cooperating Country; or

(ii) the estimated cost of U.S. construction materials (including transportation and handling charges) is at least 50 percent higher than the cost of locally produced materials.

9. The file documentation described in paragraph 8 above must also (a) describe the specific market research performed that supports the rationale for not procuring U.S. commodities or services (e.g., the basis for concluding that suitable U.S. commodities or services are not produced or available, why an unforeseeable emergency requires non-U.S. procurement, or why U.S. commodities cannot be adequately maintained or serviced in the Cooperating Country), and (b) confirm that each of the requirements in this special authorization have been satisfied for that procurement.

10. File documentation as described in paragraphs 8 and 9 above must be kept in the records otherwise required under your agreement and is subject to other requirements applicable to

agreement records. USAID ordinarily need not (and should not, except as we may request) receive a copy of such file documentation. However, we anticipate that within approximately 10 months of the date hereof we will request, in writing, copies of all such file documentation in order to determine whether this authorization may be extended. Reliance on this special authorization constitutes your agreement to provide us with such file documentation upon request.

11. This special authorization may be used by your subcontractors or subgrantees at your discretion and you may so notify them, or you may require that they obtain your approval prior to a particular instance of their relying on this special authorization. Please note that reliance on this special authorization is not necessary for subgrants not exceeding $250,000, or for subgrants with total procurement elements not exceeding $250,000, because the standard provisions of these grants should already permit use of an order of preference and not require a USAID-approved waiver for non-U.S. procurements of the type authorized under this special authorization.

12. Please note that the CTO for your agreement does not have authority to approve justifications or documentation required under this special authorization and it is not necessary or appropriate to seek their concurrence to actions taken in accordance with this special authorization. It is your responsibility to ensure that the requirements of this special authorization are complied with before relying on it. If you have any doubts about the sufficiency of the justification for procuring non-U.S. commodities or services under this special authorization, we recommend that you procure U.S. commodities or services.

13. Terms such as "source", "origin", "nationality", "prohibited commodities", "restricted commodities", "Cooperating Country" and "Code 935" that are not defined herein have the meaning assigned to them in the referenced agreement or 22 CFR 228.

14. Although you may use whatever internal file documentation you believe appropriate to reflect compliance with the requirements of this special authorization, we are attaching to this letter sample file documentation which you may elect to use.

Please do not hesitate to contact me if you have any questions about this matter.

Andrew Holland

Supervisory Regional Agreement Officer

RCO Budapest

Attachment A

Sample File Documentation

Memorandum to File

From:

Subject: Procurement of _____________ under USAID Agreement # __________

Date:

A letter from ______________ [USAID Agreement Officer] dated___________ authorized the procurement of commodities with their source and origin, and services with the nationality of their supplier, outside Geographic Code 000 (U.S.), under the subject agreement. This Memorandum to File documents our reliance on this special authorization. This special authorization requires that certain specified conditions must be met before relying on the authorization. My signature above confirms that all of these conditions have been met, in particular, the following conditions specific to this procurement.

The commodities/services being procured pursuant to this special authorization are the following:

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1. The procurement of these commodities/services was completed after _______ and before May 9, 2009.

True for this procurement? _____

2. This procurement was financed with funds appropriated under the Support for East European Democracy (SEED) Act of 1989 in Fiscal Year 2008 or earlier years, or in Fiscal Year 2009 under a Fiscal Year 2009 Continuing Resolution or other appropriations that is subject to the FY 2008 SEED "notwithstanding" authority.

True for this procurement? _____

3. These commodities have their source in ____________ [country], which is a SEED country (3) or European Union (EU) country (4), and their origin in ____________ [country], which is a SEED country or EU country/the supplier of these services has its nationality in ____________ [country], which is a SEED country or EU country. [Alternatively: The commodities have their source in a SEED or EU country and their origin in a Code 935 country and their procurement is necessary to conform to local/regional supply channels.]

True for this procurement? _____

4. These commodities do not exceed $50,000 in value for this transaction (not including transportation costs)/these services do not exceed $250,000 in value for this transaction. Transactions have not been artificially split in order to fall within this ceiling.

True for this procurement? _____

5. Motor vehicles or other restricted or ineligible goods or services are not being procured.

True for this procurement? _____

6. These commodities/services have been procured in accordance with the following order of preference:

(A) the United States (USAID Geographic Code 000),

(B) the Cooperating Country, and then

(C) a SEED or EU country.

True for this procurement? _____

7. The following describes the circumstances surrounding this procurement, e.g., the reason the commodities/services are required under the project, the time frame in which they are needed and how they will be used, how the procurement was undertaken, the cost of the commodities/services, and the identity of the supplier:

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(3) SEED countries are Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and the states or areas that were part of the former Socialist Federal Republic of Yugoslavia (including Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia).

(4) EU countries are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

8. The following reason[s] justify the non-U.S. procurement:

(A) The commodity/service is of a type that is not produced in or available for purchase in the United States (or the Cooperating Country if it is a SEED or EU country procurement). (5)

True for this procurement? _____

Discuss the basis for this conclusion, including reference, in attached documents if necessary, to the specific market research conducted to support this conclusion:

(5) The fact that U.S. commodities or services are not available in the Cooperating Country is not a sufficient ground for procuring non-U.S. commodities or services. However, if U.S. origin commodities are available for purchase in the United States but are not available in the Cooperating Country, in some cases it may be difficult to maintain or service the U.S. commodities effectively in the Cooperating Country, e.g., spare parts may have to be imported specifically for repairs, in which case the justification under (C) below may be appropriate.

Regarding services, technical experts with specialized expertise and experience with EU integration issues, including those who have helped other countries in the region to prepare for EU accession and are familiar with local and regional economic, political and social dynamics that affect this process, are an example of the type of services for which U.S. services may not be available. Developing appropriate marketing strategies for regional markets sometimes may require expertise in those markets, resources (such as research infrastructure) in place in those countries, and the ability to interpret and analyze results in a context-appropriate way. Another example of a situation where U.S. services may not be available is where the services cannot be effectively provided without an established local or regional presence, e.g., without established offices, local personnel, and business linkages for a relatively short-term, low-value service delivery subcontract, and no U.S. firm has such presence.

However, if the justification is that appropriate U.S. services are not available, e.g., U.S. firms or individuals lack the required specialized expertise or local presence, and the service provider will be a firm not an individual, the discussion above should demonstrate that consideration was given to whether a U.S. firm could effectively provide the services with the assistance of local affiliates or locally recruited experts. Also, caution should be used before assuming that U.S. service providers can not provide services that require general, as opposed to highly specialized, knowledge or experience in the Cooperating Country or the region. Before assuming this, consider how you would respond were you confronted by a U.S. firm who claims that they in fact have the requisite expertise.

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(B) It is necessary to procure these non-U.S. commodities/services in order to meet unforeseen circumstances, such as emergency situations.(6)

True for this procurement? _____

Discuss the basis for this conclusion, including reference, in attached documents if necessary, to the specific market research conducted to support this conclusion:

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(C) It is necessary to procure these non-U.S. commodities/services to promote efficiency in the use of United States foreign assistance resources.(7)

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(6) This justification cannot be used if the emergency is a result of poor planning. The discussion above should explain why there is an emergency that is unforeseeable, what the difference is in delivery times for U.S. commodities or services, and what the consequence will be for agreement program objectives if there is such a delay due to the provision of U.S. commodities or services, or otherwise why non-U.S. commodities or services are necessary to meet the unforeseen circumstances.

(7) As an example, this justification may be used if it is difficult to maintain and service effectively U.S. origin commodities in the Cooperating Country, e.g., because they are not otherwise available in the Cooperating Country and spare parts have to be imported specifically for their repair, or local service technicians are not otherwise trained or reasonably capable of maintaining or servicing the U.S. commodities. If service/maintenance justifies the non-U.S. procurement, the discussion above should confirm that the non-U.S. commodities (e.g., if they have SEED or EU country source/origin) to be procured can be adequately maintained and serviced in the Cooperating Country. Voltage differences (where transformers will not suffice) or equipment incompatibility may also justify non-U.S. procurements under this rationale, where such differences or incompatibilities are explained above.

Except as provided in (D) below, a higher cost for U.S. commodities or services is not a sufficient ground for procuring non-U.S. commodities or services. Additional time required for procurement or delivery of U.S. commodities or services also is not sufficient justification under this rationale (though it may suffice under 8(B) above). The absence of warranty coverage for U.S. commodities also will not suffice if the commodity may otherwise be effectively maintained and serviced in the Cooperating Country.

True for this procurement? _____

Discuss the basis for this conclusion, including reference, in attached documents if necessary, to the specific market research conducted to support this conclusion:

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(D) These commodities have their source and origin in the Cooperating Country and either:

(i) the lowest available delivered price from the United States is reasonably estimated to be 50 percent or more higher than the delivered price from the Cooperating Country;

True for this procurement? _____

Discuss the basis for this conclusion, including reference, in attached documents if necessary, to the specific market research conducted to support this conclusion:

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or

Regarding services, reliance on this "efficiency" rationale generally is not appropriate for procurement of non-U.S. services. Rather, non-U.S. procurement of services should be justified based on the "availability" rationale in 8(A) above (or the "emergency" rationale in 8(B) above, though this is less likely to be applicable for services). In many cases it may be "more efficient" to have service providers from the region deliver the required services, but if U.S. service providers can nevertheless provide such services, effectively, then such inefficiencies are not sufficient to justify procurement of the non-U.S. services (and if U.S. service providers can not provide such services, effectively, then the "availability" rationale in 8(A) above should be used rather than this "efficiency" rationale).

(ii) the estimated cost of U.S. construction materials (including transportation and handling charges) is at least 50 percent higher than the cost of locally produced materials.

True for this procurement? _____

Discuss the basis for this conclusion, including reference, in attached documents if necessary, to the specific market research conducted to support this conclusion:

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9. Terms such as "source", "origin", "nationality", "prohibited commodities", "restricted commodities", "Cooperating Country" and "Code 935" that are not defined herein have the meaning assigned to them in the referenced agreement or 22 C