U.S. DEPARTMENT OF STATE
U.S. Embassy Ouagadougou
Notice of Funding Opportunity

Funding Opportunity Title: *Strengthening Rule of Law in Criminal Defense*
Funding Opportunity Number: *BF-NOFO-21-002*
Deadline for Applications: *September 1, 2021*
Assistance Listing Number: *19.225*
Total Amount Available: $100,000

A. PROGRAM DESCRIPTION

The U.S. Embassy Ouagadougou of the U.S. Department of State announces an open competition for organizations to submit applications to carry out a program to strengthen and promote the rule of law and facilitate a stable criminal justice system in Burkina Faso by bolstering the capacity of existing bar and legal aid associations to provide advocacy, training, and on-going professional development for defense attorneys. Protection of human rights and fundamental freedoms requires effective access to legal services by an independent and fully functioning legal profession that provides due process without fear of harassment or intimidation. Please follow all instructions below.

Priority Region: N/A

Program Objectives:

1. Improve Access to Legal Counsel
    i. Facilitate engagement of independent legal advocates or non-governmental organizations offering legal aid support;
    ii. Promote data collection regarding pretrial representation and case outcomes;
    iii. Establish mechanisms to support the enforcement of the provision of legal counsel for indigent defendants based on international and regional best practices;
    iv. Provide ongoing training to legal assistance providers in providing quality defense counsel;
    v. Increase access to prisoner/detainee information for families, independent legal advocates, and non-governmental organizations; and
    vi. Provide funding to support the provision of legal counsel for indigent defendants.

2. Build the capacity of the Burkinabe bar associations to provide continuing professional development and learning education opportunities.

3. Build the capacity of the Burkinabe bar associations to advocate for defense attorneys subject to harassment; support the independence of the judiciary and the right of defense lawyers to practice their profession without interference.

Participants and Audiences:
Applicants should identify target stakeholders, target participants, specific demographics, and the region(s) in which the project will be implemented. It is particularly important to specify the approximate number of beneficiaries to be directly and indirectly impacted by project activities.

B. FEDERAL AWARD INFORMATION

Length of performance period: 12 months
Number of awards anticipated: 1 award (dependent on amounts)
Total available funding: $100,000
Type of Funding: FY 2020 Economic Support Funds (ESF)
Anticipated program start date: September 15, 2021

This notice is subject to availability of funding.

Funding Instrument Type: Grant

Program Performance Period: Proposed programs should be completed in 12 months or less. The Department of State will entertain applications for continuation grants funded under these awards beyond the initial budget period on a non-competitive basis subject to availability of funds, satisfactory progress of the program, and a determination that continued funding would be in the best interest of the U.S. Department of State.

C. ELIGILIBITY INFORMATION

1. Eligible Applicants

The following organizations are eligible to apply*:*

Applicants that qualify to receive U.S. grants (such as U.S. not-for-profit/nongovernmental organizations (NGOs) or U.S.-based educational institutions subject to section 501(c)(3) of the U.S. tax code; foreign not-for-profits/non-governmental organizations (NGOs) or foreign based educational institutions, with the ability to develop and successfully implement a project in Country X and meet the Department of State's reporting requirements. Organizations must also be able to demonstrate current (or pending) country registration in Burkina Faso, if required by the country of project implementation.

- Applicants must have demonstrated experience implementing similar capacity building programs, preferably in Sub-Saharan Africa. The Embassy reserves the right to request additional background information on organizations that do not have previous experience administering similar programs and/or federal grant awards.
- Applicants must have the ability to produce course materials, deliver training, and conduct evaluations in French and English. Interpretation

services for training must be considered. The applicant's staff should be proficient in English in order to fulfill reporting requirements.

- Applicants must have existing, or the capacity to develop, active partnerships with stakeholders in order to successfully carry out the proposed program.
- Organizations may form a consortium and submit a combined proposal. However, one organization should be designated as the lead applicant.
- Applicants must be able to respond to the NOFO and be able to mobilize in a short period of time.

- **Note:** Public International Organizations (PIOs) and For-Profit Organizations are excluded from applying to this grant announcement.
- To be eligible for a grant award, in addition to other conditions of this NOFO, organizations must have a commitment to non-discrimination with respect to beneficiaries and adherence to equal opportunity employment practices. The Department of State is committed to an anti-discrimination policy in all of its programs and activities. The Embassy welcomes applications irrespective of an applicant's race, ethnicity, color, creed, national origin, gender, sexual orientation, gender identity, disability, or other status.
- Applicants are 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 any sub-awards issued under this grant award.
- The Embassy encourages applications from potential new partners.

2. Cost Sharing or Matching

N/A

3. Other Eligibility Requirements

In order to be eligible to receive an award, all organizations must have a unique entity identifier (Data Universal Numbering System/DUNS number from Dun & Bradstreet), as well as a valid registration on www.SAM.gov. Please see Section D.3 for information on how to obtain these registrations. Individuals are not required to have a unique entity identifier or be registered in SAM.gov.

D. APPLICATION AND SUBMISSION INFORMATION

1. Address to Request Application Package

Application forms required below are available at https://bf.usembassy.gov/.

2. Content and Form of Application Submission

Please follow all instructions below carefully. Proposals that do not meet the requirements of this announcement or fail to comply with the stated requirements will be ineligible.

Content of Application
Please ensure:

- The proposal clearly addresses the goals and objectives of this funding opportunity
- All documents are in English
- All budgets are in U.S. dollars
- All pages are numbered
- All documents are formatted to 8 ½ x 11 paper, and
- All Microsoft Word documents are single-spaced, 12 point Times New Roman font, with a minimum of 1-inch margins.

The following documents are **required**:

1. Mandatory application forms

- **SF-424 (Application for Federal Assistance – organizations)** or **SF-424-I (Application for Federal Assistance --individuals)**
- **SF-424A (Budget Information for Non-Construction programs)**
- **SF-424B (Assurances for Non-Construction programs) (note: the SF-424B is only required for individuals and for organizations not registered in SAM.gov)**

2. Summary Page: Cover sheet stating the applicant's name and organization, proposal date, program title, program period proposed start and end date, and brief purpose of the program.

3. Proposal: The proposal should contain sufficient information that anyone not familiar with it would understand exactly what the applicant wants to do. You may use your own proposal format, but it must include all the items below.

- **Proposal Summary:** Short narrative that outlines the proposed program, including program objectives and anticipated impact.
- **Introduction to the Organization or Individual applying**: A description of past and present operations, showing ability to carry out the program, including information on all previous grants from the U.S. Embassy and/or U.S. government agencies.
- **Problem Statement:** Clear, concise and well-supported statement of the problem to be addressed and why the proposed program is needed
- **Program Goals and Objectives:** The "goals" describe what the program is intended to achieve. The "objectives" refer to the intermediate accomplishments on the way to the goals. These should be achievable and measurable.
- **Program Activities**: Describe the program activities and how they will help achieve the objectives.
- **Program Methods and Design**: A description of how the program is expected to work to solve the stated problem and achieve the goal. Include a logic model as appropriate.

- **Proposed Program Schedule and Timeline:** The proposed timeline for the program activities. Include the dates, times, and locations of planned activities and events.
- **Key Personnel:** Names, titles, roles and experience/qualifications of key personnel involved in the program. What proportion of their time will be used in support of this program?
- **Program Partners:** List the names and type of involvement of key partner organizations and sub-awardees.
- **Program Monitoring and Evaluation Plan:** This is an important part of successful grants. Throughout the time-frame of the grant, how will the activities be monitored to ensure they are happening in a timely manner, and how will the program be evaluated to make sure it is meeting the goals of the grant?
- **Future Funding or Sustainability** Applicant's plan for continuing the program beyond the grant period, or the availability of other resources, if applicable.

4. Budget Justification Narrative: After filling out the SF-424A Budget (above), use a separate sheet of paper to describe each of the budget expenses in detail. See section *H. Other Information: Guidelines for Budget Submissions* below for further information.

5. Attachments:

- 1-page CV or resume of key personnel who are proposed for the program
- Letters of support from program partners describing the roles and responsibilities of each partner
- If your organization has a Negotiated Indirect Cost Rate Agreement (NICRA) and includes NICRA charges in the budget, your latest NICRA should be included as a PDF file.
- Official permission letters, if required for program activities

6. Unique Entity Identifier and System for Award Management (SAM.gov)

Required Registrations:

Any applicant listed on the Excluded Parties List System (EPLS) in the System for Award Management (SAM) is not eligible to apply for an assistance award in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR, 1986 Comp., p. 189) and 12689 (3 CFR, 1989 Comp., p. 235), "Debarment and Suspension." Additionally, no entity listed on the EPLS can participate in any activities under an award. All applicants are strongly encouraged to review the EPLS in SAM to ensure that no ineligible entity is included.

All organizations applying for grants (except individuals) must obtain these registrations. All are free of charge:

- Unique entity identifier from Dun & Bradstreet (DUNS number)
- NCAGE/CAGE code
- www.SAM.gov registration

Step 1: Apply for a DUNS number and an NCAGE number (these can be completed simultaneously)

DUNS application: Organizations must have a Data Universal Numbering System (DUNS) number from Dun & Bradstreet. If your organization does not have one already, you may obtain one by calling 1-866-705-5711 or visiting http://fedgov.dnb.com/webform

NCAGE application: Application page here:
https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx
Instructions for the NCAGE application process:
https://eportal.nspa.nato.int/AC135Public/Docs/US%20Instructions%20for%20NSPA%20NCAGE.pdf

For NCAGE help from within the U.S., call 1-888-227-2423
For NCAGE help from outside the U.S., call 1-269-961-7766
Email NCAGE@dlis.dla.mil for any problems in getting an NCAGE code.

Step 2: After receiving the NCAGE Code, proceed to register in SAM.gov by logging onto: https://www.sam.gov. SAM registration must be renewed annually.

3. Submission Dates and Times

Applications are due no later than August 20, 2021

4. Funding Restrictions

N/A

5. Other Submission Requirements

N/A

All application materials must be submitted by email to: Amembouaga@state.gov. The subject line should be as follows: **Applicant Organization name – BF-NOFO-21-002: Strengthening Rule of Law in Criminal Defense.**

E. APPLICATION REVIEW INFORMATION

1. Criteria

Each application will be evaluated and rated on the basis of the evaluation criteria outlined below.

Quality and Feasibility of the Program Idea – 25 points: The program idea is well developed, with detail about how program activities will be carried out. The proposal includes a reasonable implementation timeline.

Organizational Capacity and Record on Previous Grants – 25 points: The organization has expertise in its stated field and has the internal controls in place to manage federal funds. This includes a financial management system and a bank account.

Program Planning/Ability to Achieve Objectives – 15 points: Goals and objectives are clearly stated and program approach is likely to provide maximum impact in achieving the proposed results.

Budget – 10 points: The budget justification is detailed. Costs are reasonable in relation to the proposed activities and anticipated results. The budget is realistic, accounting for all necessary expenses to achieve proposed activities.

Monitoring and Evaluation Plan – 15 points: Applicant demonstrates it is able to measure program success against key indicators and provides milestones to indicate progress toward goals outlined in the proposal. The program includes output and outcome indicators, and shows how and when those will be measured.

Sustainability – 10 points: Program activities will continue to have positive impact after the end of the program.

2. Review and Selection Process

A review committee will evaluate all eligible applications.

3. Federal Awardee Performance & Integrity Information System (FAPIIS)

For any Federal award under a notice of funding opportunity, if the Federal awarding agency anticipates that the total Federal share will be greater than the simplified acquisition threshold on any Federal award under a notice of funding opportunity may include, over the period of performance (see §200.88 Simplified Acquisition Threshold), this section must also inform applicants:

i. That the Federal awarding agency, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313);

ii. That an applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM;

iii. That the Federal awarding agency will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment

about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in §200.206 Federal awarding agency review of risk posed by applicants.

4. Anticipated Announcement and Federal Award Dates

N/A

F. FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

The grant award or cooperative agreement will be written, signed, awarded, and administered by the Grants Officer. The assistance award agreement is the authorizing document and it will be provided to the recipient for review and signature by email. The recipient may only start incurring program expenses beginning on the start date shown on the grant award document signed by the Grants Officer.

If a proposal is selected for funding, the Department of State has no obligation to provide any additional future funding. Renewal of an award to increase funding or extend the period of performance is at the discretion of the Department of State.

Issuance of this NOFO does not constitute an award commitment on the part of the U.S. government, nor does it commit the U.S. government to pay for costs incurred in the preparation and submission of proposals. Further, the U.S. government reserves the right to reject any or all proposals received.

Payment Method: direct debit to numbered U.S. or Burkina Faso bank account as applicable

2. Administrative and National Policy Requirements

Before submitting an application, applicants should review all the terms and conditions and required certifications which will apply to this award, to ensure that they will be able to comply.

These include:

- 2 CFR 25 - UNIVERSAL IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT
- 2 CFR 170 - REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION
- 2 CFR 175 - AWARD TERM FOR TRAFFICKING IN PERSONS

- 2 CFR 182 - GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

- 2 CFR 183 - NEVER CONTRACT WITH THE ENEMY

- 2 CFR 600 – DEPARTMENT OF STATE REQUIREMENTS

- U.S. DEPARTMENT OF STATE STANDARD TERMS AND CONDITIONS

In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department of State will review and consider applications for funding, as applicable to specific programs, pursuant to this notice of funding opportunity in accordance with the following: NOTE:

- President's September 2, 2020 memorandum, entitled *Memorandum on Reviewing Funding to State and Local Government Recipients of Federal Funds that Are Permitting Anarchy, Violence, and Destruction in American Cities*;
- *Executive Order on Combating Race and Sex Stereotyping* (E.O. 13950);
- *Executive Order on Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence* (E.O. 13933); and
- Guidance for Grants and Agreements in Title 2 of the Code of Federal Regulations (2 CFR), as updated in the Federal Register's 85 FR 49506 on August 13, 2020, particularly on:
    - Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR part 200.205),
    - Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. No. 115—232) (2 CFR part 200.216),
    - Promoting the freedom of speech and religious liberty in alignment with *Promoting Free Speech and Religious Liberty* (E.O. 13798) and *Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities* (E.O. 13864) (§§ 200.300, 200.303, 200.339, and 200.341),
    - Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR part 200.322), and
    - Terminating agreements in whole or in part to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities (2 CFR part 200.340).

3. Reporting

Reporting Requirements: Recipients will be required to submit financial reports and program reports. The award document will specify how often these reports must be submitted.

Foreign Assistance Data Review: As required by Congress, the Department of State must make progress in its efforts to improve tracking and reporting of foreign assistance data through the Foreign Assistance Data Review (FADR). The FADR requires tracking of foreign assistance activity data from budgeting, planning, and allocation through obligation and disbursement. Successful applicants will be required to report and draw down federal funding based on the appropriate FADR Data Elements, indicated within their award documentation. In cases of more than one FADR Data Element, typically program or sector and/or regions or country, the successful applicant will be required to maintain separate accounting records.

G. FEDERAL AWARDING AGENCY CONTACTS

If you have any questions about the grant application process, please contact: Amembouaga@state.gov.

H. OTHER INFORMATION

Guidelines for Budget Justification

Personnel and Fringe Benefits: Describe the wages, salaries, and benefits of temporary or permanent staff who will be working directly for the applicant on the program, and the percentage of their time that will be spent on the program.

Travel: Estimate the costs of travel and per diem for this program, for program staff, consultants or speakers, and participants/beneficiaries. If the program involves international travel, include a brief statement of justification for that travel.

Equipment: Describe any machinery, furniture, or other personal property that is required for the program, which has a useful life of more than one year (or a life longer than the duration of the program), and costs at least $5,000 per unit.

Supplies: List and describe all the items and materials, including any computer devices, that are needed for the program. If an item costs more than $5,000 per unit, then put it in the budget under Equipment.

Contractual: Describe goods and services that the applicant plans to acquire through a contract with a vendor. Also describe any sub-awards to non-profit partners that will help carry out the program activities.

Other Direct Costs: Describe other costs directly associated with the program, which do not fit in the other categories. For example, shipping costs for materials and equipment or applicable taxes. All “Other” or “Miscellaneous” expenses must be itemized and explained.

Indirect Costs: These are costs that cannot be linked directly to the program activities, such as overhead costs needed to help keep the organization operating. If your organization has a Negotiated Indirect Cost Rate (NICRA) and includes NICRA charges in the budget, attach a copy of your latest NICRA. Organizations that have never had a NICRA may request indirect costs of 10% of the modified total direct costs as defined in 2 CFR 200.68.

"Cost Sharing" refers to contributions from the organization or other entities other than the U.S. Embassy. It also includes in-kind contributions such as volunteers' time and donated venues.

Alcoholic Beverages: Please note that award funds cannot be used for alcoholic beverages.