

**U.S. DEPARTMENT OF STATE
BUREAU OF COUNTERTERRORISM
Notice of Funding Opportunity**

Funding Opportunity Title: Judicial Counterterrorism Development in Iraq

Funding Opportunity Number: SFOP0008066

Deadline for Applications: June 25, 2021, 5:00pm EST

Assistance Listing Number: 19.701

Total Amount Available: \$987,654

Deadline for Receipt of Questions: May 20, 5:00pm EST

A. PROGRAM DESCRIPTION

The Bureau of Counterterrorism (CT) of the U.S. Department of State announces an open competition for organizations to submit applications to enhance capabilities of judicial stakeholders in Iraq to investigate, prosecute, and adjudicate terrorism cases.

Current counterterrorism law enforcement assistance supports the development of tactical and investigative skills. Iraqi partner units receive training and mentoring in sensitive site exploitation, evidence collection and packaging techniques to maximize evidential opportunities with the goal of reducing reliance on confessions as the primary means by which to conclude investigations. However, judges overseeing these cases continue to be constrained by overwhelming caseloads and the over-reliance, across Iraq's rule of law sector, on confessions and witness statements as the sole or most significant piece of evidence for conviction, limiting program impact.

CT aims to expand its ongoing assistance to the justice sector to enhance capabilities of judicial stakeholders at the investigation, prosecution, and adjudication phases of a terrorism case in order to strengthen Iraq's terrorism prosecutions and enhance the integrity of judicial institutions through robust application of Iraqi law. This is a particular imperative as the Government of Iraq (GOI) accelerates its acceptance of Iraqi ISIS fighters captured on the battlefield, and as provincial-level actors affiliated with the Office of National Security and counter-terrorism courts proactively deal with and prosecute ISIS remnant groups in liberated areas of Iraq.

The Iraqi government manages pre-trial ISIS detainees and convicted ISIS members or affiliates differently within its judicial system based on the location of arrest. High-value ISIS detainees (and convicted prisoners) transferred from SDF custody are often handled through different channels managed by civilian security institutions or their Iraqi security force (ISF) counterparts. Although newly established mechanisms to enhance federal-provincial intelligence and information-sharing have resulted in recent, valuable improvements in detainee and prisoner adjudication, some prosecutions fail to sufficiently differentiate between voluntary and involuntary collaboration (coerced participation) with terrorist organizations, as well as between more serious crimes and lesser offenses. In addition to shortfalls in the application of the laws, inconsistent detention standards exacerbated by backlogs in Iraqi courts could undermine the integrity of criminal justice process.

CT is soliciting proposals from organizations qualified to provide in-country technical advice and assistance to enhance capabilities of the Ministry of Justice, with a particular focus on the Court of Cassation. CT seeks the following outcomes:

1. Identify and support rule-of-law and, as applicable, human resource management reforms through the Court of Cassation, which will focus on furthering evidence-based prosecutions in terrorism cases and developing legal procedures that adhere consistently with international legal practices. Use training, mentoring, and policy advocacy to enhance the legitimacy of terrorism investigations and convictions, specifically (1) to encourage the use of evidence beyond confessions, emphasizing independent and corroborative evidence and (2) to develop the use of processes that ensure the integrity of evidence introduced in litigation, including but not limited to confessions without indicia of coercion.

Please follow all instructions below.

Priority Country or Region: Iraq

Program Objective(s):

1. The Court of Cassation, mandated to provide a second review to all counter-terrorism cases, death penalty cases, and related appeals, places increasing emphasis on evidentiary standards, and adopts policies and procedures to speed prisoner flow through Iraq's judicial system.

Participants and Audiences: Audiences may include security and judicial officials supporting the work of the Court of Cassation including Iraq's judiciary, Counter-Terrorism Service, Office of National Security Advisor, and Justice and Interior ministries who support counterterrorism investigations and strengthen due process and rule of law with respect to the government's management of terrorism trials.

B. FEDERAL AWARD INFORMATION

Length of performance period: up to 12 months with possibility of extension pending review of progress and availability of additional funds.

Number of awards anticipated: 1 award

Award amounts: the maximum award amount is \$987,654

Total available funding: \$987,654

Type of Funding: FY2020 NADR

Anticipated program start date: September 30, 2021

This notice is subject to availability of funding.

Funding Instrument Type: Cooperative agreement. The United States government will support the identification of Iraqi partner beneficiaries and review implementation plans, training

plans, and key deliverables. In addition to quarterly reporting, the implementing partner will be expected to provide biweekly operational status reports to the CT.

Program Performance Period: Proposed programs should be completed in two years or less.

C. ELIGIBILITY INFORMATION

1. Eligible Applicants

The following organizations are eligible to apply. The following organizations are eligible to apply:

- Not-for-profit organizations, including think tanks and civil society/non-governmental organizations
- Public and private educational institutions
- For-profit organizations
- Public International Organizations (PIOs) and Governmental institutions

2. Cost Sharing or Matching: N/A

3. Other Eligibility Requirements

In order to apply, each applicant must be registered in www.SAM.gov before submitting its application and provide a valid DUNS number (Data Universal Numbering System/DUNS number from Dun & Bradstreet) in its application. Please see Section D.3 for information on how to obtain these registrations.

Applicants are only allowed to submit one proposal per organization. If more than one proposal is submitted from an organization, all proposals from that institution will be considered ineligible for funding.

D. APPLICATION AND SUBMISSION INFORMATION

1. Address to Request Application Package

Application forms required below are available at SAMS Domestic.

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*)
- **SF-424A** (*Budget Information for Non-Construction programs*)
- **SF-424B** (*Assurances for Non-Construction programs*)

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

3. Proposal (12 pages maximum, excluding title page, table of contents, attachments, mandatory application forms): 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.

- **Table of Contents:** Lists application contents and attachments and the page number they can on which each begins.
- **Proposal Summary:** Short narrative that outlines the proposed program, including program objectives and anticipated impact.
- **Introduction to the Organization 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. This section should also provide general details demonstrating the organization's ability to safely deploy advisors to Iraq.
- **Problem Statement:** Clear, concise and well-supported statement of the problem to be addressed and why the proposed program is needed
- **Program Goals:** The highest-order outcome or end state to which a program, project, process or policy is intended to contribute.
- **Program Objectives:** A statement of the condition or state one expects to achieve toward accomplishing a program, project, or process goal. These should be SMART (Specific, Measurable, Achievable, Relevant, and Timebound).
- **Program Activities:** A specific action undertaken over a specific period of time through which inputs are mobilized to produce specific outputs. An activity can be a sub-component of a program, project, or process.
- **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, which is a rigorous methodology used for program or project design that focuses on the causal linkages between project inputs, activities, outputs, short-term outcomes, and long-term outcomes. It is a visual representation that shows the sequence of related events connecting a planned program's objectives with its desired outcomes.
- **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, responsibilities, 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:** If applicable, list the names and type of involvement of key partner organizations and sub-awardees. This section would include security elements charged with supporting advisors deployed in support of this project.
- **Program Monitoring Plan:** This is an important part of successful grants. Throughout the timeframe of the grant, how will the activities be monitored to ensure they are happening in a timely manner? The successful applicant will be required to use CT-provided Performance Monitoring Plan (PMP) template and report against selected indicators on a quarterly basis.
- **Future Funding or Sustainability** Applicant's plan for continuing the program beyond the grant period, or the availability of other resources, if applicable.
- **Risk Mitigation Plan:** Provide a description of the strategy leveraged to ensure support will not be provided to active terrorists or terrorist organizations.

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
- **Gender Analysis:** Proposal must include a gender analysis that is contextualized by the geographic area where the Applicant proposes the program; demonstrates how the proposed program accounts for the different ways in which it might impact, and be impacted by different genders; and identifies challenges and opportunities for narrowing gender inequalities. This should be a standalone document rather than a section of the proposal narrative.
- **Audits:** Include a copy of your organization's most recent audit (single or program audit), if applicable, or the annual financial statement audit. Please refer to the 2 CFR 200 for requirements. This document will not be reviewed by the review panel and will not be counted against the page limitations. The applicant's proposal may include the cost of an audit that:
 - Complies with the requirements of 2 CFR 200 Subpart F "Audit Requirements"
 - Complies with the requirements of American Institute of Certified Public Accountants (AICPA) Statement of Position (SOP) No. 92-9, "Audits of Not-for-Profit Organizations Receiving federal Awards"
 - Complies with AICPA Codification of Statements on Auditing Standards AU Section 551, "Reporting on Information Accompanying the Basic Financial Statements in Auditor-Submitted Documents," where applicable. A non-federal entity that expends

\$750,000 or more in all USG federal assistance awards during the non-federal entity's fiscal year is required to conduct a single or program-specific audit for that year in accordance with the provisions of 2 CFR 200 subpart F. For more information, see Audit Services, 2 CFR 200.425

3. 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 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.

4. Submission Dates and Times

Applications are due no later than 05:00 pm eastern on June 25, 2021

5. Funding Restrictions

Leahy Law Vetting: Funds provided under this award are subject to Section 620M of the Foreign Assistance Act of 1961, as amended, a provision titled “Limitation on Assistance to Security Forces” (the “Leahy Amendment”). The Department of State implements the Leahy Amendment requirement by vetting units or individuals proposed for training or other assistance to check for credible information of a gross violation of human rights by such units or individuals. “Security forces” personnel include member of a foreign police or military unit who will participate in any activity under this award. This includes both civilian and military employees of security forces participating in any activities funded under this award, including training, workshops or meetings, conferences, or other activities.

National Security Vetting: Selected applicant organization’s key personnel and staff may be required to undergo national security vetting prior to program implementation.

6. Other Submission Requirements

All application materials must be submitted electronically through www.Grants.gov or SAMS Domestic.

E. APPLICATION REVIEW INFORMATION

1. Criteria

Each application will be evaluated and rated on the basis of the evaluation criteria outlined below. Criteria are listed in order of importance.

Quality and Feasibility of the Program Idea:

- The proposal responds to the NOFO and is appropriate in the context of the proposed country/region.
- The proposal exhibits originality but is feasible.
- The program idea is well developed, with detail about how program activities will be carried out.
- The proposal includes a reasonable implementation timeline.
- The proposal directly connects proposed activities with the desired outcomes (goals and objectives).

Program Planning/Ability to Achieve Objectives:

- The proposal provides a detailed work plan of proposed project activities and includes a clear articulation of how these activities will contribute to or align with the overall project’s goals and objectives. The proposal also demonstrates the organization’s ability to safely deploy advisors to Iraq.
- The project activities articulated in the proposal are specific, measurable, attainable, relevant, and time bound (SMART).
- The proposal provides a plan to de-conflict (or complement, if appropriate) with other organizations active in the CT/CVE space writ large or in the proposed project country.
- The proposal addresses how the project will engage or obtain support from relevant stakeholders, including host government to obtain access and conduct programming.

- The proposal includes a contingency plan to account for delays in implementation, achieving project objectives, or other timeline issues, that may be a result of the COVID-19 pandemic and associated travel and movement restrictions.
- The proposal must address how the project will manage and mitigate risks in Iraq and strategy leveraged to ensure support will not be provided to active terrorists or terrorist organizations.

Organizational Capacity and Record on Previous Grants:

- The organization has expertise in its stated field and has the internal controls in place to manage federal funds, including a financial management system and a bank account
- The proposal demonstrates an institutional record of previous successfully implemented projects in issues and regions outlined in this NOFO.
- The proposal articulates past performance and experience in working with relevant host governments, local organizations, and communities.
- The proposal clearly defines the roles and responsibilities of primary staff under this project and relevant counterterrorism expertise.
- The proposal describes the division of labor among the recipient organization and potential implementing partner organization(s) and identifies local partner organization(s) that would assist with implementation, where appropriate.

Cost Effectiveness:

- The administration of the proposal budget, including salaries and honoraria, are explained and justified for the work involved.
- Proposed costs are reasonable and necessary and linked to program objectives and demonstrate efficient use of U.S. Government funds.
- Contingency plan demonstrates efficient use of U.S. Government funds.
- 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.

Project Monitoring Plan:

- The Monitoring Plan includes narrative explaining how monitoring will be carried out and who will be responsible for monitoring activities (including potential contracted experts, if applicable).
- The Monitoring Plan provides realistic methods for measuring changes that can be correlated with project implementation. These methods may include pre/post testing of assistance recipients or target audiences, and public perception polling.
- The Monitoring Plan includes a logical framework that sequentially maps how project activities are expected to produce results.
- The Monitoring Plan includes gender-specific indicators as well as sex and age disaggregation of indicator.

Sustainability of Impact:

- Clearly delineates how impact will be sustainable beyond the life of the grant.

2. Review and Selection Process

A review committee will evaluate all eligible applications. CT will conduct a merit review of all eligible applications as outlined in this NOFO. Applications will be reviewed by an independent review panel consisting of qualified subject matter experts from other Department of State bureaus and offices, U.S. Embassies, or other U.S. Government agencies. Final approval resides with the Department of State Grants Office.

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:** The successful applicant will receive notification within approximately nine to twelve weeks of the closing of this announcement. Time to award will depend on date of NOFO close and availability of funding. The U.S. Department of State is under no obligation to fund any of the proposals submitted under this funding opportunity.

F. FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

The 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. Furthermore, the U.S. government reserves the right to reject any or all proposals received.

Payment Method: The Department has mandated PMS to be the sole electronic payment method for domestically awarded Federal financial assistance to U.S.-based organizations where the recipient is expected to receive multiple payments. PMS is not usually used for awards where the recipient will receive a single lump-sum payment.

2. Administrative and National Policy Requirements

Before submitting an application, applicants should review all the terms and conditions and required certifications that 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. At a minimum, written quarterly financial and program reports should be sent to CT's reporting mailbox at ctprogramsreporting@state.gov, the GOR, the Program Officer, and uploaded to SAMS. The grant recipient agrees to use CT's program reporting template, describing key activities undertaken during the reporting period towards accomplishment of the state objectives. 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: Christine Asetta at AsettaC@state.gov. Questions and Answers or FAQ will be posted on SAMS Domestic.

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.