



USAID | **NEPAL**
FROM THE AMERICAN PEOPLE

DATE: October 03, 2023

SUBJECT: NOFO: 72036723RFA00009- Amendment No. 01

REFERENCE: USAID Community Justice

Dear Prospective Applicants:

The purpose of Amendment Number 01 is to provide answers to questions raised by prospective applicants and provide a revised NOFO. The length of this amendment is 11 pages, including this cover page.

This amendment does not obligate USAID to execute an award, nor does it commit USAID to pay any costs incurred in the preparation and submission of applications. Furthermore, the U. S. Government reserves the right to reject any and all applications, if such action is considered to be in the best interest of the U. S. Government. All other terms and conditions of the NOFO remain unchanged

Sincerely,

Abdullah Akbar
Agreement Officer

QUESTIONS AND ANSWERS (Q&A)

1. We understand that eligibility for this award is restricted to local Nepali entities. Can USAID please clarify if INGOs are eligible to receive subawards from local Nepali entities under this award?

USAID Response: Yes, as per Section C of the NOFO, eligibility for the prime applicant is restricted to local Nepali entities. Eligibility is not restricted for subawards. Prime applicants are encouraged to propose appropriate sub-partners that enables them to best meet the NOFO/activity requirements and that adheres to the laws and regulations of the Government of Nepal.

2. May interested applicants attend the pre-application conference virtually or will a video or transcript of the conference be available?

USAID Response: USAID is conducting the pre-application conferences in person only in Janakpur and Bhairahawa as mentioned in the NOFO. USAID will post the PowerPoint presentation slides and all questions and answers provided during the conferences in a future amendment to the NOFO in Grants.gov for all interested applicants.

3. Are US-based organizations eligible to serve as sub recipients under this award?

USAID Response: Yes. See response to Question 1 for more information.

4. Will it be possible to attend the September 26 conference virtually? If so, what are the instructions for accessing the virtual conference? And if not, will it be recorded and available later for those who were unable to attend?

USAID Response: USAID is conducting the pre-application conference in person only in Janakpur and Bhairahawa as mentioned in the NOFO. USAID will post the PowerPoint presentation slides and all questions and answers provided during the conferences in a future amendment to the NOFO in Grants.gov for all interested applicants.

5. Are we able to include a pathway of change illustration/graphic as an annex? And To what extent is the TOC expected to be written into the application?

USAID Response: Section D.4 of the NOFO states under the instructions for PHASE 1 - CONCEPT PAPER that "Applicants may use maps, charts, or exhibits in the concept paper" and the concept paper is limited to 10 pages. Applicants may illustrate a pathway of change through a graphic, but any such graphics or annexes included will count towards the 10-page limit. Amendment 1 of the NOFO clarifies that the Phase 1 concept paper requires that applicants provide "A theory of change identifying the desired long-term goal. A graph or

illustration of the theory of change may accompany the narrative.”

6. Are we able to submit letters of support from key stakeholders? If yes, should they be submitted as annexes?

USAID Response: As stated in Section D.1 of the NOFO under the instructions for PHASE 1 - CONCEPT PAPER, the concept paper is limited to 10 pages. Letters of support are not requested in Phase 1, and if an applicant chooses to include such letters, they will count towards the 10-page limit. As noted in the NOFO, “Any pages beyond the page limit will not be evaluated.”

7. Does USAID expect us to include the objectives in our concept paper (and by extension results framework) as stated? The stated objectives have multiple results in the statement, which makes creating a causal results framework and measurement difficult.

USAID Response: Section D.4.2 of the NOFO has been revised in Amendment 1 to clarify the “Technical Approach and Understanding” submission requirements. Applicants must develop a theory of change and include the objectives as stated in Section D.4.2 and PHASE 1 - CONCEPT PAPER, of the NOFO. A results framework is not required.

8. Are eligibility requirements such that international organizations are able to apply as a sub-partner to a local organization?

USAID Response: Yes. See response to Question 1 for more information.

9. Can USAID clarify if applicants should propose their own Theory of change, adapt the Development Hypothesis in the NOFO, or restate the Development Hypothesis as is?

USAID Response: USAID has revised the NOFO and removed the theory of change from the Program Description. USAID requires applicants to develop and submit their own theory of change in the Phase 1 Concept Paper. Please see the revisions to Section A and Section D.4 in Amendment 1 of the NOFO.

10. Can USAID please confirm that the applicants may select which district in Lumbini Province to include as there is no selection criteria identified in the NOFO?

USAID Response: Section A.4 of the NOFO has been revised in Amendment 1 to clarify that the geographic focus is primarily Madhesh Province and Lumbini Province. Selection criteria of the sub-national government will be determined with the apparently successful applicant during Phase 3 co-creation.

11. Can USAID clarify if there is a specific template to be used for the concept paper?

USAID Response: No, there is no specific template to be used for the concept paper submission. Applicants should follow the instructions for the concept paper submission provided in Section D.4 of the NOFO.

12. Which UNDP partner activities should USAID Community Justice coordinate with [as identified in the Collaboration section]?

USAID Response: The amended NOFO provides the name of the UNDP's program- "Enhancing Access to Justice -2" (2021-2026).

13. To what extent can this program design include informal justice mechanisms?

USAID Response: There are no restrictions to including informal justice mechanisms to the extent the concept paper addresses the rule of law and access to justice issues in Nepal as referred in to Section D.4 of the NOFO.

14. Should the project focus on all Local Government Units (LGU) of all nine districts or we can select the LGU. If we can select what will be the minimum and maximum number of LGU?

USAID Response: There is no requirement to propose the number of LGUs in the Phase 1 concept paper. USAID expects the number of LGUs to be finalized with the apparently successful applicant during Phase 3.

15. Do Local implementing partners require the UEI number?

USAID Response: At the concept paper submission stage, organizations are not required to have active SAM registration or a UEI. If the applicant already has a UEI at the concept paper stage, they should include it in the cover page of their Phase 1 submission. However, active SAM registration is required before a prime Recipient can receive a USAID award unless an exception exists in accordance with 2 CFR 25.110(c)(2). Furthermore, in terms of Subrecipients, SAM registration is not required, but all Subrecipients are required to obtain a UEI number.

16. We saw a notice of funding opportunity for USAID Community Justice project in USAID Nepal. Going through the eligibility criteria, we understand that this call is open for National NGOs. Could you please clarify once again that INGOs working in Nepal are also eligible to apply for this call as a lead applicant?

USAID Response: No. Only local NGOs are eligible to apply as the prime applicant. See the response to question 1 for more details regarding international NGOs eligibility as subrecipients.

17. How has USAID defined the term CSO? Is this different from NGOs?

USAID Response: USAID does not have a specific definition of CSO. However, USAID values and acknowledges the leading role of CSOs. USAID recognizes terminologies interchangeably used to define CSOs in different contexts. For example, The [UN document](#) mentions, "A civil society organization (CSO) or non-governmental organization (NGO) is any non-profit, voluntary citizens' group which is organized on a local, national or international level."

18. Can an organization apply for both provinces with 2 different sets of partners for each province?

USAID Response: Yes.

19. Is fund management capacity also a part of selection criteria?

USAID Response: Fund management is an aspect of the Responsibility Determination the Agreement Officer undertakes in the overall process of making an award to an organization.

20. How many sub partners can be taken for this activity?

USAID Response: The number of sub partners is at the discretion of the applicant.

21. Is vehicle procurement allowed from this activity's fund?

USAID Response: Yes.

22. Do we need to include/ detail out sub partners in phase 1 concept paper?

USAID Response: As per Section D of the NOFO (PHASE 1-CONCEPT PAPER), an applicant can mention the sub recipient name(s) on the cover page of the Concept Paper.

23. What are non-traditional justice actors referred to by this call?

USAID Response: There is no mention of the terminology "non-traditional justice actors" in the NOFO, however, Section A/Objective 1, states: "The activity will foster partnerships and coalitions between established justice sector coordination committees, legal aid committees, Civil Society Organizations (CSOs), and other non-traditional local grassroots initiatives to identify gaps in service provision/access, and create opportunities for local justice stakeholders to practically and strategically tackle justice issues".

24. As per SWC regulation INGO cannot be a sub of NGO. Does that mean the due approval required for INGO will be provided by USAID?

USAID Response: USAID has no restrictions on an INGO serving as a subrecipient under the award. Applicants may consult their legal counsel.

25. Can we use DUNS no. instead of UEI?

USAID Response: Applicants must use their UEI. DUNS numbers are no longer applicable. At the concept paper stage the prime applicant can include their UEI, if available, but not required.

26. Is there any match funding or own fund contribution required when developing the budget for Phase 3?

USAID Response: Cost Share is not a requirement, but encouraged, please refer to Section C.2.

27. Can we apply for only 1 province?

USAID Response: No; the requirement calls for both provinces as indicated in the Program Description.

28. What does USAID mean by Civil Society organization?

USAID Response: See USAID response to question #17.

29. What does USAID mean by local organization? Are they national organizations registered in Kathmandu with branch offices in different locations, or community based organizations registered at the municipal level, or NGOs registered at the district or province level from Madhesh and Lumbini province? Will there be any priority or advantage given one over another?

USAID Response: For the purposes of this NOFO, a local organization is referred to as any Nepali organization registered within Nepal. As per Section C of the NOFO, eligibility for the prime applicant is restricted to local Nepali entities. There is no advantage for an organization registered in a municipal, district, province or national level.

30. Can applicants recommend their own theory of change & reinstate the development activities?

USAID Response: USAID has revised the NOFO and removed the theory of change from the Program Description. USAID requires applicants to develop and submit their own theory of change in the Phase 1 Concept Paper. Please see the revisions to Section A and Section D.4 in Amendment 1 of the NOFO.

31. Which UNDP partner activities does USAID Community Justice coordinate with?

USAID Response: The amended NOFO provides the name of the UNDP's program- "Enhancing Access to Justice -2" (2021-2026).

32. Elaborate on the key personnel section.

USAID Response: Please refer to the revised Section B.4 of the NOFO. The Key Personnel details or minimum requirements such as qualifications, experience and capacity will be finalized at the Phase 3 full application stage only.

33. Define Theory of Change.

USAID Response: USAID does not have a definition of Theory of Change. Please visit [USAID's Search Learning Lab Library | USAID Learning Lab](#) for more information.

34. Can the same organization apply as prime in one proposal and again apply as a sub partner with another consortium for this concept paper?

USAID Response: Yes.

35. How does USAID define CSO?

USAID Response: Refer to response 17.

36. Are loose networks working for different purposes without any formal registration eligible to apply for this call? Can these informal loose networks be included as sub recipients?

USAID Response: Local entity of Nepal is defined in Section C of the NOFO as any local organization registered under the legally organized laws of the Government of Nepal. Therefore, informal loose networks are not eligible to submit a concept paper or be included as sub recipients.

37. Is the People-Centered Justice Approach requirement a stand-alone or integrated approach in program interventions and deliverable?

USAID Response: Please review Section- D, Application and Submission Information, under Phase 1 Concept Paper. This determination is at the discretion of the applicant in fulfilling the requirements of the objectives.

38. Can we also include other approaches such as Do No Harm, Human Rights etc in the concept paper?

USAID Response: Applicants can include relevant approaches as long as it fulfills NOFO requirement and limitation.

39. Is IT support (hardware/ software) procurement for Judicial Committee (JC) during data documentation system allowed?

USAID Response: This is at the discretion of the applicant to propose as long as it aligns with their technical approach.

40. In NOFO it is said that the sub awards do not require SAM registration only UEI is adequate. However, is it possible to obtain UEI without SAM registration?

USAID Response: Yes. UEI is obtained through SAM.

41. The NOFO focuses on Women, Youth & Marginalized communities. The focus area later also mentions Dalit in the NOFO. Is Dalit community a priority group?

USAID Response: [USAID's working definition and explanation of inclusive development](#) promotes a nondiscriminatory, inclusive, and integrated development approach that ensures that all people, including those who face discrimination and thus may have limited access to a country's benefits, legal protections, or social participation are fully included and can actively participate in and benefit from development processes and activities. Consistent with this focus, USAID has issued policy documents detailing commitment to inclusive development including, but not limited to, the Disability Policy; the Gender Equality and Female Empowerment Policy; the Youth in Development Policy; the Democracy, Human Rights and Governance Strategy; LGBT Vision for Action; and the Nondiscrimination for Beneficiaries Policy.

Furthermore, as referred to in the NOFO Section A; Gender, Equality, and Social Inclusion (GESI) further includes USAID/Nepal approaches as explicit efforts to integrate and actively target women, historically marginalized caste (such as Dalits), ethnic groups (such as Adivasi/Janajatis), regions (Madhesh), religions (Muslims), lesbian/ gay/ bisexual/ transgender/ queer/ intersex (LGBTQI) individuals, and persons with disabilities, to better reflect the diversity of Nepali society in program activities and improve development results.

USAID/Nepal does not prioritize specific marginalized groups, moreover encourages applicants to this NOFO, including the groups who have the least access and capacity to accessing justice and justice sector service delivery in Nepal's context.

42. How does USAID define marginalized communities? Who are marginalized groups in a broader Nepali context?

USAID Response: [USAID's working definition and explanation](#) includes, "People who are

typically denied access to legal protection or social and economic participation and programs (i.e., police protection, political participation, access to healthcare, education, employment), whether in practice or in principle, for historical, cultural, political, and/or other contextual reasons. Such groups may include, but are not limited to, women and girls, persons with disabilities, LGBTI people, displaced persons, migrants, indigenous individuals and communities, youth and the elderly, religious minorities, ethnic minorities, people in lower castes, and people of diverse economic class and political opinions. These groups often suffer from discrimination in the application of laws and policy and/or access to resources, services, and social protection, and may be subject to persecution, harassment, and/or violence. They may also be described as “underrepresented,” “at-risk,” or “vulnerable.” USAID encourages applicants to this NOFO, including the groups who have the least access and capacity to accessing justice and justice sector service delivery in Nepal’s context.

43. The evaluation timeline is not mentioned. It would be helpful to share an evaluation timeline for each phase.

USAID Response: The evaluation timeline cannot be adequately anticipated based on the number of applications USAID may receive.

44. If any CSO prepares an excellent concept paper in any thematic, will USAID support such individual concepts? If yes, how to consult with USAID?

USAID Response: Please refer to the [link](#) for additional information.

45. Would appreciate sharing the participant list from the Bhairahawa and Janakpur so that we can be aware of potential bidders as well as seek collaborations with interested individuals and parties.

USAID Response: The participants list is procurement sensitive therefore cannot be shared.

46. Do we have to mention sub recipients in the concept paper phase or include them in the later phase only?

USAID Response: As per Section D of the NOFO (PHASE 1-CONCEPT PAPER), an applicant can mention sub recipient(s) name or names on the cover page of the Concept Paper, if known. If anticipated, and unknown, the applicant is required to submit at the PHASE 2 oral presentation stage.

47. With regards to the experience, is it also necessary to provide past experience of sub awards as well?

USAID Response: Per Section D of the NOFO (Phase 1- CONCEPT PAPER) The applicant should address the following:

1. Expertise of the Applicant's and proposed subpartner's (if any) that demonstrates their capacity to implement USAID Community Justice; *and*
2. Experience of the Applicant's and proposed subpartners (if any) in developing successful partnerships with the federal and sub-national governments and judicial actors in the implementation of community justice activities in Nepal.

48. With regards to geographic focus, can we mention the districts later or is it required in the concept paper phase?

USAID Response: Section A.4 of the NOFO has been revised in Amendment 1 to clarify that the geographic focus is primarily Madhesh Province and Lumbini Province. Selection criteria of the sub-national government will be determined with the apparently successful applicant during Phase 3 co-creation.

49. Please clarify the requirement of 1 district in Lumbini province and no limitations in district for Madhesh Province.

USAID Response: Section A.4 of the NOFO has been revised in Amendment 1 to clarify that the geographic focus is primarily Madhesh Province and Lumbini Province. Selection criteria of the sub-national government will be determined with the apparently successful applicant during Phase 3 co-creation.

50. The NOFO mentions coordinating with UNDP partners. Which theme does USAID want us to collaborate with UNDP for?

USAID Response: The amended NOFO provides the name of UNDP's program- "Enhancing Access to Justice -2" (2021-2026). Please refer to Section A.8.

51. Can an organization apply as a sub award for more than one proposal?

USAID Response: Yes. There is no limitation on being included as a potential sub recipient across multiple applications. Limiting teaming arrangements with certain prime organizations is strongly discouraged.

52. Can we reframe or redesign the theory of change?

USAID Response: USAID has revised the NOFO and removed the theory of change from the Program Description. USAID requires applicants to develop and submit their own theory of change in the Phase 1 Concept Paper. Please see the revisions to Section A and Section D.4 in Amendment 1 of the NOFO.

53. Do we need to provide a list of activities in the concept paper phase or just the descriptions are enough?

USAID Response: Applicants shall submit a concept paper as per the instructions in Section D of the NOFO, considering the 10 page limitation.

54. What is the weightage distribution for objective 1 & 2?

USAID Response: There is no weightage distribution for the two Objectives in Phase 1 Concept Paper Review, found under the Technical Approach and Understanding merit review criteria.

55. For the concept paper phase do we need to provide a 5 yr activity plan or provide details of year wise activities?

USAID Response: Applicants shall submit a concept paper as per the instructions in Section D of the NOFO considering the 10 page limitation. The Apparently Successful Applicant is required to submit a full application and implementation plan under Phase 3 - Co-Design.

56. Can the same organization apply as a single applicant in one proposal and again apply as a part of a consortium?

USAID Response: Yes.

57. What are the font size requirements for concept paper?

USAID Response: Please refer to Section D.4 of the NOFO.

58. The geographic focus is in 2 different provinces. Is it expected for a prime organization based in a certain location to work in both provinces?

USAID Response: The prime organization must work in both provinces. Furthermore, the prime applicant can have subpartners to work in both provinces to ensure coverage required.

59. Is the applicant required to produce the past performance records like certificates and reference letters in phase 1?

USAID Response: Please refer to Section D, Phase 1 Concept Paper, at minimum, a matrix that details the scope, size (in U.S. dollar), and period of performance (start and end dates) of past efforts that align with USAID Community Justice is required. However, Past Performance documentation such as certificates and reference letters are only required under Phase 3 - Co-Design.

[END OF NOFO No. 72036723RFA00009 Q&A]