



## NEW JUSTICE PROGRAM

### Annual Program Statement (APS) No. APS-NJ-2018-02

Issuance Date: March 28, 2018

Dear Applicant:

The USAID Nove Pravosuddya Justice Sector Reform Program (New Justice Program), implemented by Chemonics International, is seeking grant concept papers for the implementation of activities aimed at strengthening civil society engagement in the process of justice sector reform, including civil society organizations (CSOs) engaging judicial institutions, courts, and executive and legislative branches of government in the reform process. The grants will be awarded and implemented in accordance with USAID and US Government regulations governing grants under contracts and the New Justice Program's internal grant management policies.

The New Justice Program expects that grants will be awarded in amount of between 250 thousand UAH (two hundred fifty thousand UAH) and 810 thousand UAH (eight hundred ten thousand UAH) per grant with an expected duration of up to 7 months for each potential grant. The final amount will be dependent upon grant activities and final negotiation and may be higher than that range

New Justice Program and Chemonics employees may not ask for, and applicants are prohibited from offering, any money, fee, commission, credit, gift, gratuity, thing of value, or compensation to obtain or reward improper favorable treatment regarding this solicitation. Any improper request from a project employee should be reported to Chief of Party David Vaughn or to [BusinessConduct@chemonics.com](mailto:BusinessConduct@chemonics.com)

The following Annexes are included with this APS:

- **Annex A** – Grant Concept Paper.
- **Annex B** – Applicant Self-Assessment Form..
- **Annex C** – – Required Certifications:
  - Certification of Recipient
  - Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation
  - Certification Regarding Terrorist Financing
- **Annex D** – Mandatory and Required As Applicable Standard Provisions:
  - Standard Provisions for U.S. and Non-U.S. Nongovernmental organizations receiving a fixed amount award can be accessed through the following URL:  
<http://www.usaid.gov/sites/default/files/documents/1868/303mat.pdf>

- Standard Provisions for Non-U.S., Nongovernmental recipients receiving all other types of grants can be accessed through the following URL:  
<http://www.usaid.gov/sites/default/files/documents/1868/303mab.pdf>

## **SECTION I. PROGRAM DESCRIPTION**

### **IA. OBJECTIVE**

The USAID New Justice Program is awarding grants to Ukrainian CSOs aimed at strengthening civil society engagement in the process of justice sector reform, including CSOs engaging judicial institutions, courts, and executive and legislative branches of government in the reform process.

Specific objectives of the activities are:

- CSOs engaged in strengthening judicial independence and self-governance.
- Civil society involved in increasing accountability and transparency of the judiciary to citizens and the rule of law.
- Civil society participates in enhancement of the administration of justice
- CSOs support strengthening the quality of legal education.
- Civil society engaged in expanding access to justice and protection of human rights.

Objectives for grant projects may include, but are not limited to:

- Conclude lustration and re-attestation process without violations of due process or human rights of lustrated judges and judicial personnel.
- Increase citizen reports to anti-corruption organizations and agencies.
- Analyze and provide recommendations on improvement of normative framework for the enforcement of judgments.
- Equip enforcement agents with the necessary systems and tools to manage case load and adequately care for assets under their supervision.
- Promote positive influences of the judiciary on the parliament and executive in the development and allocation of legislation affecting the judiciary, including the judicial budget.
- Support adoption legislation, regulations, and operating procedures to implement constitutional amendments related to judicial independence with public notice and consultation.
- Increase citizen awareness of judicial reform and corruption.
- Support judicial administration bodies to function in a more coherent and coordinated fashion.
- Promote the use of IT and e-Justice systems to improve efficiency of workflow, case management and accessibility to services in court.
- Support timely and efficient operations of courts.
- Professional competencies and expertise of judges and judicial personnel improved.
- Increase professional competencies of court administrators in key areas of management.
- Strengthen the capacity of the National School of Judges to develop curricula and train trainers.
- Strengthen the use of Alternative Dispute Resolution (ADR) mechanisms including mediation.
- Strengthen role, participation and inclusion of judges, judicial personnel, advocates and citizens in judicial governance.
- Establish judicial performance standards for merit-based testing, vetting, recruitment, performance evaluation, transfer, promotion, discipline and lustration.
- Increase reporting of corruption, unethical or illegal conduct by judges, judicial personnel, advocates and court users.

- Strengthen implementation of ethics enforcement mechanisms.
- Support the active participation of citizens and CSOs in promoting and monitoring judicial reform processes at the local and national levels.
- Increase awareness among citizens of the right to and limitations of judicial transparency in courtroom proceedings and judicial governance.
- Increase public access to courtroom and judicial governance proceedings in-person, on-line, via TV/radio, or through archived recordings and records.
- Increase outreach by the Judiciary to the public and press.
- Promote greater protections of SGBV survivors, children and other vulnerable victims or witnesses.
- Increase awareness of the rights of Persons with Disabilities, SGBV survivors, IDPs, veterans and other vulnerable groups among judges, judicial personnel and advocates.
- Increase awareness of human rights and humanitarian law, how to exercise those rights, and the role of the courts in protecting human rights among judges, judicial personnel and advocates.
- Increase number of human rights and humanitarian law cases resolved.
- Strengthen referral networks among judges, judicial personnel, advocates, social workers, health workers, police, and community leaders.
- Increase the protection of human rights by courts through the monitoring of the GOU, Judiciary and Legal Aid Centers by human rights organizations and coalitions.
- Support Judiciary in coordinating regularly with the Human Rights Ombudsman and other key human rights institutions to improve the protection of human rights and humanitarian law through the courts.
- Support development and adoption of national education strategy and standards for legal education and accreditation by the Ministry of Education and Science of Ukraine (MOE), with input from the Ministry of Justice of Ukraine (MOE) and key stakeholders, including the bar and civil society.
- Increase awareness of national strategy and standards for legal education and accreditation among law school administrators, faculty leadership, instructors and students.
- Support law schools in revising policies, procedures, and legal education practices in compliance with national standards for legal education and accreditation.
- Support development and adoption of standards for the accreditation of law schools to increase competition.
- Support development and adoption of policies and procedures for comprehensive quality assurance frameworks based on international standards and comparative best practices by leading law schools.
- Increase skills and knowledge of law school administrators, faculty leadership, instructors, and student government representatives on nature, scope, and operation of quality assurance framework.
- Ensure effective practice oriented, skills based learning through adoption and implementation of modern instructional methods into school curriculum.
- Increase effectiveness of institutional curriculum to effectively prepare law student for career in the judiciary and other legal professions.
- Support implementation of independent, external examinations for law school admissions and graduation.

## **IB. BACKGROUND**

New Justice Program is a four year and four-month program financed by USAID and has been implemented by Chemonics International since October 2016. The goal of the project is to support the Judiciary, the Government, the Parliament, the Bar, Law Schools, Civil Society, Media and Citizens to create the conditions for an independent, accountable, transparent, and effective justice system that upholds the rule of law and to fight corruption in Ukraine. In achieving this overarching goal, New Justice Program focuses on the following objectives:

Objective 1: Judicial independence and self-governance are strengthened.

Objective 2: Accountability and transparency of the Judiciary to citizens and the rule of law are increased.

Objective 3: The administration of justice is enhanced.

Objective 4: The quality of legal education is strengthened.

Objective 5: Access to justice is expanded and human rights are protected.

## **IC. PROGRAM DESCRIPTION**

Illustrative activities for the grant program are the following, but not limited to:

- Design and implement public awareness campaigns on effective reporting of the corruption in the judiciary among court users and visitors of other justice sector institutions. Promote judicial independence and foster the separation of powers and checks and balances between all three branches of government.
- Conduct discussions, forums and public awareness activities to promote judicial reform with a focus on judicial independence.
- Enhance public understanding of key international standards related to the judiciary.
- Develop the organizational capacity of judicial administration institutions and foster cooperation with professional judges and court staff associations.
- Promote of e-Justice activities.
- Monitor reasons for delays in court proceedings.
- Design and implement judicial administration certificate program in cooperation with universities.
- Design and implement educational programs and trainings in cooperation with National School of Judges for court administrators and/or judges.
- Support development of professional associations of court administrators and judges.
- Assess challenges to implementing mediation and develop recommendations for promoting ADR in Ukraine.
- Support professional associations and ADR practitioners to develop a joint vision and approach for the further implementation of ADR in Ukraine.
- Develop recommendations to promote court-annexed mediation and conduct regional discussions involving judges and mediators to develop a mechanism of cooperation in implementing court-annexed mediation.
- Promote dialogue between court staff and judicial leadership in making important decisions regarding the day-to-day work of the courts through cooperation with professional associations.
- Conduct an assessment of the legal and regulatory framework for judicial selection and qualifications evaluation and develop recommendations to ensure objective, merit-based and fair procedures.
- Monitor the effectiveness of mechanisms for reporting judicial corruption.
- Monitor judicial discipline decisions and judicial ethics enforcement mechanisms.
- Promote implementation of Court Performance Evaluation (CPE) Framework by Ukrainian courts which includes court user satisfaction surveys, surveys of judges and court staff, analysis of

available court statistics. CPE Framework and guidelines to its implementation are available on Council of Judges of Ukraine website through the following link <http://rsu.gov.ua/ua/documents..>

- Design and implement public awareness campaign together with the HCJ, COJ and SJA to promote greater understanding about the judiciary and the services provided by courts.
- Support HCJ in developing and implementing a public awareness campaign regarding its new structure and authorities.
- Support HQC in implementing a public awareness campaign regarding its roles related to judicial selection and qualifications evaluation of judges.
- Support the NSJ in developing of training curricula for judges and judicial personnel on implementation of UN SCR 1325, access to justice for GBV and SGBV survivors.
- Raise awareness on the rights of vulnerable groups among judges, judicial personnel and advocates.
- Raise awareness on human rights and humanitarian law, how to exercise those rights, and the role of the courts in protecting human rights among judges, judicial personnel and advocates.
- Conduct trainings on juvenile justice for free legal aid providers.
- Develop innovative programs to improve access to justice.
- Strengthen referral networks among judges, judicial personnel, advocates, social workers, health workers, police, and community leaders to ensure better human rights protection of representatives of vulnerable groups populations.
- Monitor human rights violations and provide legal assistance to victims of the conflict.
- Raise awareness among judges and civil society on amicus curie institute and advocate for its developing in Ukraine
- Advocate GOU for improving policies on human rights protection in conflict context.
- Conduct public awareness campaigns or trainings aimed at increasing awareness of the rights of persons with disabilities, SGBV survivors, IDPS, veterans and other vulnerable groups among judges, judicial personnel and advocates.
- Promote legislative changes on improving access to justice for persons with disabilities.
- Support implementation of independent, external examinations for law school admissions and graduation based on international standards and comparative best practices of merit-based testing.
- Improve cooperation and ensure a continuous, result-oriented communication among law schools, the law schools and professional associations of lawyers in promoting the establishment of an Association of Law Schools, Law School Boards of External Advisors aimed at ensuring legal education quality, promoting and enabling an independent, public accreditation of law schools, ranking of law schools, and/or developing legal education standards based on standards for the legal profession.
- Conduct training programs for law school administrators, faculty and students on Standards and Guidelines for Quality Assurance in the European Higher Education Area.
- Provide assistance to governmental institutions in communicating legal education reform to its stakeholders and the general public.

New Justice Program recognizes that some grantees may need technical assistance to more effectively carry out the activity. Consequently, applicants are encouraged to specify their needs for technical assistance and/or training in their application.

## **ID. AUTHORITY/GOVERNING REGULATIONS**

New Justice Program grant awards are made under the authority of the U.S. Foreign Affairs Act and USAID's Automated Directive System (ADS) 302.3.5.6, "Grants Under Contracts." Awards made to non-U.S. organizations will adhere to guidance provided under [ADS Chapter 303](#), "Grants and Cooperative Agreements to Non-Governmental Organizations" and will be within the terms of the USAID Standard Provisions as linked in the annexes, as well as the New Justice Program grants procedures.

ADS 303 references two additional regulatory documents issued by the U.S. Government's Office of Management and Budget (OMB) and the U.S. Agency for International Development:

- 2 CFR 200 [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart E](#) (U.S. applicants are subject to 2 CFR 200 in its entirety)

Full text of 2 CFR 200 can be found at [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl) and 2 CFR 700 at <http://www.ecfr.gov/cgi-bin/text-idx?SID=531ffcc47b660d86ca8bbc5a64eed128&mc=true&node=pt2.1.700&rgn=div5>.

New Justice Program is required to ensure that all organizations receiving USAID grant funds comply with the guidance found in these circulars, as applicable to the respective terms and conditions of their grant awards.

Under the New Justice Program grant program, USAID retains the right at all times to terminate, in whole or in part, New Justice Program grant-making authorities.

## **SECTION II. AWARD INFORMATION**

The New Justice Program anticipates awarding approximately 18 million UAH (eighteen million UAH) through up to 30 anticipated grant awards. The New Justice Program expects that grants will be awarded in amount of between 250 thousand UAH (two hundred fifty thousand UAH) and 810 thousand UAH (eight hundred ten thousand UAH) per grant, but the final amount will be dependent upon grant activities and final negotiations and may be higher than that range.

The duration of any grant award under this solicitation is expected to be no more than 7 months. The estimated start date of grants awarded under this solicitation is June 2018 or later and depends on review negotiation and approval of full application. The type of grant will be determined during the negotiation process.

## **SECTION III. ELIGIBILITY**

### **IIIA. ELIGIBLE RECIPIENTS**

- Applicants must be a registered Ukrainian NGO, professional organization, think tank or other organization formally constituted, recognized by and in good standing with appropriate country name authorities, and compliant with all applicable civil and fiscal regulations.
- If applicant wants to cover more than one objective under this APS he should submit a separate application for each topic

- Applicants must be able to demonstrate successful past performance in implementation of integrated development programs related to New Justice Program’s priority areas.
- Applicant must be knowledgeable in the issues of functioning of the Ukrainian judiciary.
- Applicants must display sound management in the form of financial, administrative, and technical policies and procedures and present a system of internal controls that safeguard assets; protect against fraud, waste, and abuse; and support the achievement of program goals and objectives. New Justice Program will assess this capability prior to awarding a grant.
- Applicant must have sufficient computer equipment and software for the project implementation
- Applicants must sign the following certification as part of their application package in response to this APS.
  - Certification of Recipient
  - Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation
  - Certification Regarding Terrorist Financing
- Successful applicants will be requested to submit a paper and electronic copy of their full application in Ukrainian and English.
- Faith-based and community groups will receive equal opportunity for funding in accordance with the mandated guidelines laid out in ADS 303.3.28 except for faith-based organizations whose objectives are for discriminatory and religious purposes, and whose main objective of the grant is of a religious nature.
- For any grant award(s) resulting from this solicitation that is other than in-kind and equivalent to \$25,000 USD or more, grantees will be required to provide a Data Universal Numbering System (DUNS) number at the time of award. If the applicant already has a DUNS number it should be included in their application. Otherwise, applicants will be expected to get a DUNS number before an award is made. New Justice Program will assist successful applicants with this process. DUNS numbers can be obtained online at <http://fedgov.dnb.com/webform/pages/CCRSearch.jsp>
- The Program will work with the successful grantee to draft a marking and branding plan which will be annexed to the grant agreement

New Justice Program encourages applications from new organizations who meet the above eligibility criteria.

### **IIIB. INELIGIBLE RECIPIENTS**

New Justice Program grant support may not be extended to the following:

- Organizations that are not legally registered;
- Governmental organizations or any state-owned institutions;
- Any entity that has been found to have misused USAID funds in the past (unless specifically approved by the CO);
- Political parties, groupings, or institutions or their subsidiaries and affiliates;

- Organizations that advocate or promote anti-democratic policies or illegal activities;
- Faith-based organizations whose objectives are for discriminatory and religious purposes, and whose main objective for the grant is of a religious nature;
- Any entity included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID;
- Any entity whose name appears in the System of Award Management (SAM) – [www.sam.gov](http://www.sam.gov) with an active exclusion;
- An organization that refuses to sign all required certifications and assurances.

## **SECTION IV. APPLICATION AND SUBMISSION INFORMATION**

### **IVA. INSTRUCTIONS TO APPLICANTS**

Applicants must propose strategies for the implementation of the program description described above, introducing innovations that are appropriate to their organizational strengths.

### **IVB. GRANT APPLICATION**

This is a two-stage application process. The first stage is for the applicant to submit a concept paper. Concept paper forms (Annex A) will be evaluated against the merit review criteria listed in Section V below. If the applicant successfully meets or exceeds the merit review criteria, they will be invited to submit a full application. Only those applicants who meet or exceed the merit review criteria at the concept paper stage, will be invited to submit a full grant application. Applications will be reviewed on a rolling basis.

Instructions and a template to be utilized when developing the concept paper are provided in Annex A. Applicants shall present their technical application and budget in the formats provided and shall follow the instructions and guidelines listed in these annexes.

All grant activity costs must be within the normal operating practices of the Applicant and in accordance with its written policies and procedures. For applicants without an audited indirect cost rate, the budget may include direct costs that will be incurred by the Applicant to provide identifiable administrative and management costs that can be directly attributable to supporting the grant objective.

The concept paper must be signed by an authorized agent of the Applicant.

### **IVC. APPLICANT SELF-ASSESSMENT**

All organizations selected for award are subject to a pre-award risk assessment conducted by New Justice Program, to ascertain whether the organization has the minimum management capabilities required to handle US government funds. The applicant self-assessment is the first step in the pre-award risk assessment process. The Applicant Self-Assessment Form is contained in Annex B.

### **IVD. INELIGIBLE EXPENSES**

New Justice Program grant funds may not be utilized for the following:

- Construction or infrastructure activities of any kind.

- Ceremonies, parties, celebrations, or “representation” expenses.
- Purchases of restricted goods, such as: restricted agricultural commodities, motor vehicles including motorcycles, pharmaceuticals, medical equipment, contraceptive products, used equipment; without the previous approval of New Justice Program, or prohibited goods under USAID regulations, including but not limited to the following: abortion equipment and services, luxury goods, etc.
- Alcoholic beverages.
- Purchases of goods or services restricted or prohibited under the prevailing USAID source/nationality Cuba, Iran, North Korea, (North) Sudan and Syria).
- Any purchase or activity, which has already been made.
- Purchases or activities unnecessary to accomplish grant purposes as determined by the New Justice Program.
- Prior obligations of and/or, debts, fines, and penalties imposed on the Grantee.
- Creation of endowments.

#### IVE. SUBMISSION INFORMATION

Concept papers shall be submitted in *Ukrainian* and may not be more than 5 pages. Successful applicants will be requested to submit full application in Ukrainian and English.

The applicants should submit the following package to New Justice Program:

- Grant Concept Form (see Annex A)
- Applicant Self-Assessment form (see Annex B)
- Signed and dated Required Certifications (see Annex C)
  - Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation (April 2015)
  - Certification Regarding Terrorist Financing
  - Certification of Recipient
- Supporting documents:
  - copy of registration certificate (on registration of the legal entity in the Unified Register of Enterprises and Organizations of Ukraine);
  - copy of the organization’s Statute;

Concept papers should be submitted **in electronic and printed format.**

Please, submit **one original and three copies of the concept paper** in printed format to the New Justice Program office at the address below and should reference **APS No. APS-NJ-2018-02**. Self-assessment form, required certifications and supporting documents can be submitted in 1 copy only in printed format.

USAID New Justice Program  
 36 Ivana Franka St.  
 3<sup>rd</sup> floor, 3<sup>rd</sup> office  
 Kyiv, Ukraine 01030  
 E-mail: [saf@new-justice.com](mailto:saf@new-justice.com)

Please submit the concept paper in electronic format at [saf@new-justice.com](mailto:saf@new-justice.com) with the subject **APS No. APS-NJ-2018-02**.

New Justice Program will accept concept papers through 18:00 pm local time, **on March 27<sup>th</sup>, 2019** or until funds are no longer available. Concept papers will be reviewed on monthly basis. Late or unresponsive applications will not be considered.

Please submit all questions concerning this solicitation via email to [saf@new-justice.com](mailto:saf@new-justice.com). New Justice Program will assist applicants in understanding the application process.

## **SECTION V. APPLICATION MERIT REVIEW CRITERIA**

As described above, applications will be evaluated in a two-step evaluation process:

- The first step is for applicants to submit a concept paper.
- If the concept paper is accepted, you will be asked to submit a more detailed application.

All concept papers and applications will be reviewed by an internal review panel comprised of New Justice technical implementation staff, and recommendations may be vetted by a larger group. Concept papers will be evaluated against the criteria below.

- Does the organization meet the eligibility requirements?
- Does the organization's concept paper highlight relevant past performance in this area?
- Does the proposed activity fit within the New Justice Program objectives described in the APS?
- Is the request for funding commensurate with the potential impact?
- Does the society need such product or service?

More specific criteria will be used for evaluating full applications for those whose concept papers have been selected. Full merit review criteria will be shared with applicants whose concept papers are selected as part of the full application.

Additionally, New Justice Program will ensure environmental soundness and compliance in design and implementation as required by 22 CFR 216.

## **SECTION VI. AWARD AND ADMINISTRATION INFORMATION**

All grants will be negotiated, denominated and funded in Ukrainian hryvnia.

All costs funded by the grant must be allowable, allocable and reasonable. Grant applications must be supported by a detailed and realistic budget.

Issuance of this APS and assistance with application development do not constitute an award or commitment on the part of New Justice Program, nor does it commit New Justice Program to pay for costs incurred in the preparation and submission of an application. Further, New Justice Program reserves the right to accept or reject any or all applications received and reserves the right to ask further clarifications from the offerors. Applicants will be informed in writing of the decision made regarding their application.

## **ANNEXES:**

- **Annex A** – Grant Concept Form (in Ukrainian only)
- **Annex B** – Applicant Self-Assessment Form (in Ukrainian only)
- **Annex C** – Required Certifications (in Ukrainian only):
  - Certification of Recipient
  - Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation
  - Certification Regarding Terrorist Financing
- **Annex D** – Mandatory and Required as Applicable Standard Provisions (in Ukrainian only):
  - Standard Provisions for U.S. and Non-U.S. Nongovernmental organizations receiving a fixed amount award can be accessed through the following URL:  
<http://www.usaid.gov/sites/default/files/documents/1868/303mat.pdf>
  - Standard Provisions for Non-U.S., Nongovernmental recipients receiving all other types of grants can be accessed through the following URL:  
<http://www.usaid.gov/sites/default/files/documents/1868/303mab.pdf>