



## NEW JUSTICE PROGRAM

# ANNUAL PROGRAM STATEMENT (APS) No. APS-NJ-2017-01

Issuance Date: March 1, 2017

Dear Applicant:

The USAID Nove Pravosuddya Justice Sector Reform Program (New Justice Program), implemented by Chemonics International, is seeking concept papers for the implementation of activities 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.

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. It is anticipated 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; the expected grant duration of each potential grant is up to 12 months.

Project 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 the 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 Form
- **Annex B** – Applicant Self-Assessment Form
- **Annex C** – Required Certifications:
  - Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation (April 2015)
  - Certification Regarding Terrorist Financing
  - Certification of Recipient
- **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 Nove Pravosuddya Justice Sector Reform Program (hereinafter referred as “New Justice Program” or “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 of 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:

- Increase participation of citizens and CSOs in the process of monitoring judicial reform at local and national levels.
- Increase representation and leadership of women judges in judicial governance bodies and courts.
- Increase effectiveness of the judiciary in conducting fair and merit-based judicial testing, vetting, recruitment, performance evaluation, transfer and promotion.
- Increase the capacity of the judiciary to effectively conduct fair and transparent processes for the discipline and lustration of judges.
- Strengthen implementation and enforcement of judicial ethics requirements.
- Increase awareness among citizens of the right to and limitations of judicial transparency in courtroom proceedings and judicial governance.
- Increase access to and public awareness about financial asset and lifestyle declarations of judges and court staff.
- Improve efficiency in delivery of justice through promoting innovative approaches to judicial administration and court performance evaluation.
- Increase transparency and accountability of courts and judicial institutions through bridging the information and cooperation gaps between judiciary and community.
- Increase awareness of the rights of persons with disabilities, SGBV survivors, IDPs, veterans, and other vulnerable groups among judges, judicial personnel and advocates.
- Development of innovative justice programs aimed at improving access to justice.
- Support the elimination discrimination of against LGBTI communities and ensure better protection of their rights through the courts.
- Support the Ministry of Education and Science, Ministry of Justice, and/or law schools in strengthening the quality of legal education.
- Raise awareness about successful implementation of automated solutions in courts, as well as other innovations in the field of court administration and management among judges and court staff.
- Strengthen the use of Alternative Dispute Resolution (ADR) mechanisms including mediation.
- Raising public awareness on the status of the judicial reform.

### **IB. BACKGROUND**

New Justice Program is a four year and four-month program financed by USAID and implemented by Chemonics International. 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:

- Develop a training curriculum for women judges on increasing leadership skills and gender awareness together with the National School of Judges.
- Support the High Qualifications Commission of Judges in developing and implementing a public outreach campaign regarding judicial selection and qualifications evaluation.
- Monitor processes of judicial selection and qualifications evaluation, including monitoring judicial tests and interviews with candidates, as well as analyzing financial asset and lifestyle declarations.
- Monitor decisions in judicial disciplinary cases, including providing the High Council of Justice with recommendations on how to improve the quality of disciplinary decisions.
- Design and implement public awareness campaign on the judiciary and judicial reform.
- Monitor the implementation of Justice Sector Reform Strategy (JSRS)<sup>1</sup> and related implementation plans by the government.
- Develop policy papers with recommendations on promoting judicial reform for submission to the government for consideration.
- Monitor and analyze financial asset declarations submitted by judges and court staff, including providing recommendations on how to improve compliance or content on forms and procedures.
- Monitor implementation of the Court Performance Evaluation (CPE) Framework by courts, develop recommendations for courts and judicial institutions, including the High Council of Justice and Council of Judges on strengthening the overall effectiveness of CPE.
- Provide training and certification of sign language court interpreters.
- Monitor access to the courts and court services for persons with disabilities (PWDs) and advocate for legislative changes aimed at increasing access to justice for PWDs.
- Design and implement a program for judges to increase their awareness of the rights of PWDs and ability to communicate effectively with PWDs.
- Raise awareness of the rights of sexual and gender-based violence (SGBV) survivors, internally displaced persons (IDPS), veterans and other vulnerable groups among judges, judicial personnel and advocates.

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<sup>1</sup> Link to the Strategy <http://zakon3.rada.gov.ua/laws/show/276/2015>

- Support the judiciary in implementing the Council of Europe Istanbul Convention on Elimination of Domestic Violence<sup>2</sup>.
- Design and implement activities on eliminating discrimination against LGBTI communities to ensure better protection of their rights in courts.
- Develop and improve referral networks among judges, judicial personnel, advocates, social and health workers, police, and community leaders to ensure better human rights protection.
- Monitor human rights violations and provide legal assistance to victims of the conflict.
- Advocate government, judiciary and legal aid centers for improved policies on human rights protection in courts.
- Develop policy papers on legal education reform based on international standards of legal education quality assurance and comparative best practices for submission to government for consideration.
- 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 between law schools and professional associations of lawyers in promoting the establishment of a Law School Boards of External Advisors aimed at ensuring quality legal education, promoting and enabling an independent, public accreditation/ranking of law schools, and developing legal education standards based on standards for the legal profession.
- Conduct training program for law school administrators, faculty and students on Standards and Guidelines for Quality Assurance in the European Higher Education Area<sup>3</sup>.
- Conduct regional events involving judges and court staff to promote innovations in court administration, including automated solutions for courts, and prepare recommendations to roll out best practices nationwide.
- Develop policy papers and recommendations to promote of court-annexed mediation and conduct regional discussions involving judges and mediators to develop a mechanism of cooperation in implementing court-annexed mediation.

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 an additional regulatory document 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)

<sup>2</sup> Link to the Convention <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=60492&pf35401=406658>

<sup>3</sup> Link to the Standards [http://www.enqa.eu/wp-content/uploads/2015/11/ESG\\_2015.pdf](http://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf)

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). 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**

New Justice Program anticipates awarding approximately 6.5 million UAH (six million five hundred thousand UAH) through up to 18 anticipated grant awards. It is anticipated 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 negotiation and may be lower or higher than that range.

Budget of grants on raising public awareness at the national level may be higher and will be considered but he Program.

The duration of any grant award under this solicitation is expected to be no more than **12 months**. The estimated start date of grants awarded under this solicitation is May 3, 2017 or later. 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
- The following are required to be submitted as part of the application package in response to an RFA found in 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
- Successful applicants will be requested to submit a paper and electronic copy of their full application in Ukrainian and English.
  - The project will work with the successful applicants to draft a marking and branding plan which will be annexed to the grant agreement.
  - 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>

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 (Burma (Myanmar), 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 application should consist of the following documents:

- Grant Concept Form (see Annex A)
- Applicant Self-Assessment form (see Annex B)
- Signed and dated Required Certifications (see Annex C)
  - o Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation (April 2015)
  - o Certification Regarding Terrorist Financing
  - o Certification of Recipient
- Supporting documents:
  - o copy of registration certificate (on registration of the legal entity in the Unified Register of Enterprises and Organizations of Ukraine);
  - o 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-2017-01**. 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-2017-01**.

The first round of concept papers must be submitted no later than 18:00 pm local time, on March 28, 2017. New Justice Program will continue to accept concept papers through 18:00 pm local time, **on September 25<sup>th</sup>, 2017** 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 Project Name 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?
- Is the product or service sustainable?

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 as described in Section IV.

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
- **Annex B** – Applicant Self-Assessment Form
- **Annex C** – Required Certifications:
  - Prohibition on Providing Federal Assistance to Entities that Require Certain Internal Confidentiality Agreements – Representation (April 2015)
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