

Request for Proposals (RFP)

RFP # 30-NJ-11-2020

Analysis of business processes of courts and preparing recommendations on their improvements

Contracting Entity:

Chemonics International Inc., USAID Nove Pravosuddya Justice Sector Reform Program

36 Ivana Franka Street, 3rd floor, Kyiv, 01054, Ukraine

Funded by:

United States Agency for International Development (USAID)

Funded under:

USAID Nove Pravosuddya Justice Sector Reform Program, Ukraine

Prime Contract Number AID-OAA-I-13-00032

**\*\*\*\*\* ETHICAL AND BUSINESS CONDUCT REQUIREMENTS \*\*\*\*\***

Chemonics is committed to integrity in procurement, and only selects suppliers based on objective business criteria such as price and technical merit. Chemonics expects suppliers to comply with our Standards of Business Conduct, available at <https://www.chemonics.com/our-approach/standards-business-conduct>

Chemonics does not tolerate fraud, collusion among offerors, falsified proposals/bids, bribery, or kickbacks. Any firm or individual violating these standards will be disqualified from this procurement, barred from future procurement opportunities, and may be reported to both USAID and the Office of the Inspector General.

Employees and agents of Chemonics are strictly prohibited from asking for or accepting any money, fee, commission, credit, gift, gratuity, object of value or compensation from current or potential vendors or suppliers in exchange for or as a reward for business. Employees and agents engaging in this conduct are subject to termination and will be reported to USAID and the Office of the Inspector General. In addition, Chemonics will inform USAID and the Office of the Inspector General of any supplier offers of money, fee, commission, credit, gift, gratuity, object of value or compensation to obtain business.

Offerors responding to this RFP must include the following as part of the proposal submission:

* Disclose any close, familial, or financial relationships with Chemonics or project staff. For example, if an offeror’s cousin is employed by the project, the offeror must state this.
* Disclose any family or financial relationship with other offerors submitting proposals. For example, if the offeror’s father owns a company that is submitting another proposal, the offeror must state this.
* Certify that the prices in the offer have been arrived at independently, without any consultation, communication, or agreement with any other offeror or competitor for the purpose of restricting competition.
* Certify that all information in the proposal and all supporting documentation are authentic and accurate.
* Certify understanding and agreement to Chemonics’ prohibitions against fraud, bribery and kickbacks.

Please contact New Justice Program Chief of Party David M.Vaughn with any questions or concerns regarding the above information or to report any potential violations. Potential violations may also be reported directly to Chemonics at to BusinessConduct@chemonics.com or by phone/Skype at 888.955.6881.

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**List of Acronyms**

|  |  |  |  |
| --- | --- | --- | --- |
| CFR | Code of Federal Regulations | КФП | Кодекс федеральних правил |
| CO | USAID Contracting Officer |  | Посадовець USAID, відповідальний за контракти |
| COJ | Council of Judges of Ukraine | РСУ | Рада суддів України |
| COP | Chief of Party |  | Керівник програми/проекту |
| COR | USAID Contracting Officer’s Representative |  | Представник посадовця USAID, відповідального за контракти |
| CV | Curriculum Vitae |  | Резюме |
| FAR | Federal Acquisition Regulations | ФПЗ | Федеральні правила закупівель |
| HCJ | High Council of Justice | ВРП | Вища рада правосуддя |
| M&E | Monitoring and Evaluation | МО | Моніторинг та оцінювання |
| NICRA | Negotiated Indirect Cost Rate Agreement |  | Угода про договірні норми непрямих витрат |
| NGO | Nongovernmental organization | НУО | Неурядова організація |
| CSO | Civil society organization | ОГС | Організація громадянського суспільства |
| RFP | Request for Proposals | ЗНП | Запит на подання пропозицій |
| SAF | Strategic Activities Fund | ФСД | Фонд стратегічної діяльності |
| U.S. | United States | США | Сполучені штати Америки |
| USAID | U.S. Agency for International Development | USAID | Агентство США з міжнародного розвитку |
| USAID/Ukraine | USAID Mission in Ukraine |  | Місія USAID в Україні |
| USG | U.S. Government |  | Уряд США |
| VAT | Value Added Tax | ПДВ | Податок на додану вартість |
| AIDAR  | Agency for International Development (USAID) Acquisition Regulation | ППААМР | Правила Агентства США з міжнародного розвитку щодо придбання  |
| DBA | Defense Base Act | АБЗ | Акт про базовий захист |
| DUNS | Data Universal Numbering System | DUNS | Універсальна система нумерації даних |
| FAR  | Federal Acquisition Regulations | ПФП | Положення про федеральні придбання |
| LPTA  | Lowest Price Technically Acceptable  | НТПЦ | Найнижча технічно прийнятна ціна |
| MEDEVAC | Medical Evacuation | МЕДЕВАК | Медична евакуація |
| SAM | System for Award Management | СУГ | Система управління грантами |
| SOW | Scope of work | ТЗ | Технічне завдання |

# **Section I. Instructions to Offerors**

## I.1. Introduction

Chemonics International Inc. (hereinafter referred to as the “Chemonics”), the Buyer, acting on behalf of the U.S. Agency for International Development (USAID) and the USAID Nove Pravosuddya Justice Sector Reform Program, USAID Contract , under contract number AID-OAA-I-13-00032 (hereinafter referred to as the “New Justice” or the “Program”) is soliciting offers from companies and organizations to submit proposals to participate with “New Justice” to carry out a set of works on the analysis of business processes of courts and preparation of recommendations for their improvement in the framework of the project "Improving the efficiency of business processes of courts of Ukraine".

The New Justice is a five-year program that is designed to support the judiciary, government, parliament, bar associations, 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 focuses on the following five key objectives:

Objective 1: Judicial Independence and Self-Governance Strengthened;

Objective 2: Accountability and Transparency of the Judiciary to Citizens and the Rule of Law Increased;

Objective 3: Administration of Justice Enhanced;

Objective 4: Quality of Legal Education Strengthened; and

Objective 5: Access to Justice Expanded and Human Rights Protected

The efficient operation of the judiciary and the use of modern automated tools are crucial to ensuring the proper functioning of all its institutions and the proper administration of the judiciary, which contributes to the efficiency, transparency and accountability of the judicial branch. Thus, the USAID New Justice Program plans to support business process analysis in Ukrainian courts as part of the Project "Court Business Process Analysis and Recommendations for Improvement".

The abovementioned activities directly contribute to the implementation of such tasks of the Program 3.1.1. Judicial administration bodies function more consistently and in a coordinated manner; 3.1.2. Strategies, rules and procedures for managing the work of courts and providing quality services for citizens have been implemented; 3.1.3. Courts are equipped with IT and electronic justice systems and use them for faster processing of cases, increasing the efficiency of office work and availability of services; 3.1.11. The analysis of business processes of courts and judicial institutions of Ukraine is carried out.

Following the competitive selection process, Chemonics will issue an award to one company or organization. The award will be in the form of a firm fixed price subcontract (hereinafter referred to as “the Subcontract”. The successful Offeror shall be required to adhere to the statement of work and terms and conditions of the Subcontract. The Fixed Price Subcontract template is available from USAID Nove Pravosuddya Program upon request. Please e-mail your request at saf@new-justice.com.

Offerors are invited to submit proposals in response to this RFP in accordance with **Section I Instructions to Offerors**, whichwill not be part of the subcontract. The instructions are intended to assist interested Offerors in the preparation of their offer. Any resulting subcontract will be guided by Sections II and Fixed Price Subcontract template.

This RFP does not obligate Chemonics to execute a subcontract, nor does it commit Chemonics to pay any costs incurred in the preparation and submission of the proposals. Furthermore, Chemonics reserves the right to reject any and all offers, if such action is considered to be in the best interest of Chemonics.

Unless otherwise stated, the periods named in the RFP shall be consecutive calendar days.

## I.2 Chronological List of Proposal Events

The following calendar summarizes important dates in the solicitation process. Offerors must strictly follow these deadlines.

RFP announcement November 25, 2020

Deadline for written questions December 11, 2020

Answers provided to questions/clarifications December 15, 2020

Proposal due date December 17, 2020

Subcontract award (estimated) January 15, 2021

The dates above may be modified at the sole discretion of Chemonics. Any changes will be published in an amendment to this RFP.

**Written Questions and Clarifications.** All questions or clarifications regarding this RFP must be in writing and submitted to saf@new-justice.com no later than December 11, 2020. Questions and requests for clarification, and the responses thereto, will be circulated to all RFP recipients who have indicated an interest in this RFP.

Only written answers from Chemonics will be considered official and carry weight in the RFP process and subsequent evaluation. Any answers received outside the official channel, whether received verbally or in writing, from employees or representatives of Chemonics International, the New Justice Program, or any other party, will not be considered official responses regarding this RFP.

**Proposal Submission Date.** All proposals must be received by the date and time and complying with the instructions as provided in Section I.3.

**Oral Presentations.** Chemonics reserves the option to have select offerors participate in oral presentations with the technical evaluation committee. Interviews may consist of oral presentations of offerors’ proposed activities and approaches. Offerors should be prepared to give presentations to the technical evaluation committee at the New Justice office within 2 days of receiving notification.

**Subcontract Award (estimated).** Chemonics will select the proposal that offers the best value based upon the evaluation criteria stated in this RFP.

## I.3 Submission Requirements

Offerors shall submit their offers electronically.

Emailed offers must be received no later than 06:00 PM on December 17, 2020 at the following address:

saf@new-justice.com

Faxed offers will not be considered.

Offerors are responsible for ensuring that their offers are received in accordance with the instructions stated herein. Late offers may be considered at the discretion of Chemonics. Chemonics cannot guarantee that late offers will be considered.

Proposals must be submitted electronically. Late offers will be considered at the discretion of Chemonics.

Offerors wishing to respond to this RFP must submit proposals in Ukrainian, A4 sized format, 12-point Times New Roman font, single-spaced, in accordance with the following instructions.

All proposals must be submitted in two volumes, consisting of:

* Volume 1: Technical proposal
* Volume 2: Cost proposal

Separate technical and cost proposals must be submitted by email no later than the time and date specified in I.2. The proposals must be submitted to the point of contact designated in I.2.

The Offeror must submit the proposal electronically with up to 3 attachments (5 MB limit) per email compatible with MX Word, MS Excel, readable format, or Adobe Portable Document (PDF) format in a Microsoft XP environment. Offerors must not submit zipped files. Those pages requiring original manual signatures should be scanned and sent in PDF format as an email attachment or signed be using e-signatures.

Technical proposals must not make reference to pricing data in order that the technical evaluation may be made strictly on the basis of technical merit.

## I.4. Eligibility Requirements

To be determined responsive, an offer must include all of documents and sections included in I.4 and I.8.

Chemonics anticipates issuing a subcontract to a Ukrainian or international company or organization provided it is legally registered and recognized under the laws of Ukraine and is in compliance with all applicable civil, fiscal, and other applicable regulations. Such a company or organization could include a private firm, non-profit, civil society organization, or university.

The award will be in the form of a firm fixed price subcontract (hereinafter referred to as “the subcontract”. The successful Offeror shall be required to adhere to the statement of work and terms and conditions of the subcontract, which are incorporated in Section III herein.

Companies and organizations that submit proposals in response to this RFP must meet the following requirements:

1. Companies or organizations, whether for-profit or non-profit, must be legally registered under the laws of Ukraine upon award of the subcontract.
2. Firms operated as commercial companies or other organizations or enterprises (including nonprofit organizations) in which foreign governments or their agents or agencies have a controlling interest are not eligible as suppliers of commodities and services.
3. Companies or organizations must have a local presence in Ukraine at the time the subcontract is signed.
4. Companies or organizations, whether for-profit or non-profit, shall be requested to provide a DUNS number if selected to receive a subaward valued at USD $30,000 or more, unless exempted in accordance with information certified in the Evidence of Responsibility form included in the required certifications in Annex 3.[[1]](#footnote-2) If an offeror already has a DUNS number, they must indicate it in the application. The USAID New Justice Program assists applicants in obtaining a DUNS number. The DUNS number can be obtained online at <http://fedgov.dnb.com/webform/pages/CCRSearch.jsp>.

## I.5 VAT Exemption Requirements

As Chemonics International Inc. is implementing international technical assistance programs and projects in Ukraine in accordance with the Agreement between the Government of the United States of America and the Government of Ukraine about Humanitarian and Technical Economic Cooperation of May 7, 1992 (hereinafter referred to as “Agreement”) and has to purchase the offeror’s goods, works and services in order to carry out the abovementioned international technical assistance project, in accordance with the abovementioned Agreement and Procedure of engaging, using and monitoring international technical assistance approved by the Cabinet of Ministers of Ukraine Resolution no. 153 (153-2002-п) as of February 15, 2002, “On creating a unified system for engaging, using and monitoring international technical assistance”, the cost of such goods (works, services) is exempt from Value Added Tax (VAT).

Procurement of goods, works and services shall be made at the cost of the international technical assistance project and is relevant to the category (type) of goods, works and services mentioned in the procurement plan. According to par. 197.11 art. 197 of the Tax Code of Ukraine subject to tax exemption are transactions in supply of goods and services on the customs territory of Ukraine and in shipping to the territory of Ukraine the goods funded under international technical assistance provided according to international agreements of Ukraine to the binding nature of which the consent was given in line with the procedure established by legislation.

Therefore, Chemonics shall pay for the cost of services exclusive of VAT. The Project shall provide the successful offeror with a copy of the registration card of the Project purchasing the goods, works and services, issued by the Ministry of Economic Development and Trade and certified by the Project stamp, and a copy of the procurement plan or an extract from the procurement plan certified by the Project stamp.

The offeror shall submit a fiscal bill for goods (works, services) completed in accordance with the procedure set forth below and marked “Without VAT”. A fiscal bill shall include the grounds for VAT exemption (Project name, number and date of the relevant contract). The subcontractor shall submit the declaration to the state tax authority at its location taking into account the abovementioned operations and mentioning VAT exemption code according to the Tax Exemptions Directory.

## I.6 Source of Funding, Authorized Geographic Code, and Source and Origin

Any subcontract resulting from this RFP will be financed by USAID funding and will be subject to U.S. Government and USAID regulations.

All goods and services offered in response to this RFP or supplied under any resulting award must meet USAID Geographic Code 110 and 937 in accordance with the United States Code of Federal Regulations (CFR), 22 CFR §228, available at: <http://www.gpo.gov/fdsys/pkg/CFR-2012-title22-vol1/pdf/CFR-2012-title22-vol1-part228.pdf>.

The cooperating country for this RFP is Ukraine.

Offerors may not offer or supply any products, commodities or related services that are manufactured or assembled in, shipped from, transported through, or otherwise involving any of the following countries: Cuba, Iran, North Korea, Syria. Related services include incidental services pertaining to any/all aspects of this work to be performed under a resulting contract (including transportation, fuel, lodging, meals, and communications expenses).

## I.7 Validity Period

Offerors’ proposals must remain valid for 60 calendar days after the proposal deadline.

## I.8 Instructions for the Preparation of the Proposal

Cover Letter

The offeror shall use the cover letter copy provided in Annex 1 of this RFP, which confirms organizational information and consent to the validity of this proposal.

Offerors cannot submit applications in partnership with other organizations or companies.

Technical Proposal

The technical proposal shall comprise the parts below. Please note that the proposal must be responsive to the detailed information set out in Section II of this RFP, which provides the background, states the scope of work, describes the deliverables, and provides a deliverables schedule.

* Part 1: Technical Approach, Methodology and Detailed Work Plan. This part shall be between 5 and 15 pages long but may not exceed 15 pages.

The project "Analysis of the Business Processes of Courts and Preparing Recommendations for their Improvement" includes tasks that will help implement the expected changes and improve the efficiency of the judiciary, as well as form the basis for the implementation of modern IT solutions in courts.

The following tasks shall be completed in the course of the project:

* Description of business processes of courts of different instances and jurisdictions "as is";
* Defining goals and criteria for process improvement;
* Development of proposals for changes in processes based on the results of the analysis;
* Modeling of business processes "as it should be";
* Assistance in creating a plan for the transition to new business processes;
* Development of regulations and organizational and administrative documentation for updated processes;
* Assistance in creating a terms of reference for the automation of priority court processes identified at the business process modeling stage.

Expected effect of business process analysis:

* increase in productivity per court employee;
* reduction of the timeframes to pass court decisions;
* reducing the complexity of processes;
* support for future changes in processes.

The applicant must present the proposed procedure and scope of work (compiled taking into account the Terms of Reference contained in the section "Terms of Reference" of this RFP), including the succinct description of the content of the work to be carried out during the analysis of business processes.

* Part 2: Management, Key Personnel, and Staffing Plan. This part shall be between 2 and 5 pages long but may not exceed 5 pages. CVs for key personnel may be included in an annex to the technical proposal and will not count against the page limit.

Offerors shall propose staff for the following key personnel positions necessary for the implementation of the scope of work.

* Part 3: Corporate Capabilities, Experience, and Past Performance. This part shall be between 2 and 7 pages long but may not exceed 7 pages.

Part 3 must include a description of the company and organization, with appropriate reference to any parent company and subsidiaries. Offerors must include details demonstrating their experience and technical ability in implementing the technical approach/methodology and the detailed work plan.

Additionally, offerors must include 4-5 past performance references of similar work (under contracts or subcontracts) previously implemented as well as contact information for the companies for which such work was completed. Contact information must include at a minimum: name of point of contact who can speak to the offeror’s performance, name and address of the company for which the work was performed, and email and phone number of the point of contact. Chemonics reserves the right to check additional references not provided by an offeror.

Cost Proposal

The cost proposal is used to determine which proposals represent the best value and serves as a basis of negotiation before award of a subcontract.

The price of the subcontract to be awarded will be an all-inclusive fixed price. Nevertheless, for the purpose of the proposal, offerors must provide a detailed budget showing major line items as well as a budget narrative. All cost information must be expressed in Ukrainian hryvnia. Please refer to Annex 2 for detailed instructions and a sample cost structure.

No profit, fees, taxes, or additional costs may be added after award. Because New Justice is a USAID funded project and is implemented under a bilateral agreement between Ukraine and the U.S. Government, offerors must not include VAT and customs duties in their cost proposal.

## I.9 Evaluation and Basis for Award

This RFP will use the tradeoff process to determine best value as set forth in FAR 15.101-1. That means that each proposal will be evaluated and scored against the evaluation criteria and evaluation sub-criteria, which are stated in the table below. Chemonics will award a subcontract to the offeror whose proposal represents the best value to Chemonics and the USAID Nove Pravosuddya Justice Sector Reform Program. Chemonics may award to a higher priced offeror if a determination is made that the higher technical evaluation of that offeror merits the additional cost/price.

Evaluation points will not be awarded for cost, but for overall evaluation purposes of this RFP, technical evaluation factors other than cost, when combined, are considered approximately equal to cost factors. Cost will primarily be evaluated for realism and reasonableness. If technical scores are determined to be nearly equal, cost will become the determining factor.

In evaluating proposals, Chemonics will use the following evaluation criteria and sub-criteria:

|  |  |  |
| --- | --- | --- |
| **Evaluation Criteria** | **Evaluation Sub-criteria** | **Maximum Points** |
| Technical Approach, Methodology, and Detailed Work Plan |  |
|  | Technical know-how – Chemonics will assess whether the proposal explains, understands, and responds to the objectives of the project as stated in the Scope of Work, and commitment to achieve those. | 20 points |
|  | Approach and Methodology – Chemonics will assess whether the proposed program approach and detailed activities and suggested timeline fulfill the requirements of executing the Scope of Work effectively and efficiently? | 30 points |
|  | Sector Knowledge – Chemonics will assess whether the proposal demonstrates the offeror’s knowledge related to technical sectors required by the SOW? (Experience of work with judiciary or other state institutions). | 10 points |
| **Total Points – Technical Approach** | 60 points |
|  |
| Management, Key Personnel, and Staffing Plan |  |
|  | Personnel Qualifications – Chemonics will evaluate the curriculum vitaes (CVs) of the proposed team members and evaluate if the offer has the experience and capabilities carry out the Scope of Work? | 20 points |
| **Total Points – Management** | 20 points |
|  |
| Corporate Capabilities, Experience, and Past Performance |  |
|  | Company Background and Experience – Chemonics will evaluate whether the company experience is relevant to the project Scope of Work? | 20 points |
| **Total Points – Corporate Capabilities** | 20 points |
| **Total Points** | 100 points |

## I.10 Negotiations

Best offer proposals are requested. It is anticipated that a subcontract will be awarded solely on the basis of the original offers received. However, Chemonics reserves the right to conduct discussions, negotiations and/or request clarifications prior to awarding a subcontract. Furthermore, Chemonics reserves the right to conduct a competitive range and to limit the number of offerors in the competitive range to permit an efficient evaluation environment among the most highly-rated proposals. Highest-rated offerors, as determined by the technical evaluation committee, may be asked to submit their best prices or technical responses during a competitive range. At the sole discretion of Chemonics, offerors may be requested to conduct oral presentations. If deemed an opportunity, Chemonics reserves the right to make separate awards per component or to make no award at all.

## I.11 Terms of Subcontract

This is a request for proposals only and in no way obligates Chemonics to award a subcontract. In the event of subcontract negotiations, any resulting subcontract will be subject to and governed by the terms and clauses detailed in the Fixed Price Subcontract Template. Terms and clauses are not subject to negotiation. By submitting a proposal, offerors certify that they understand and agree to all of the terms and clauses contained in the said template. The Fixed Price Subcontract Template is available at request to be sent at saf@new‑justice.com.

## I.12 Insurance and Services

Within two weeks of signature of this subcontract, the Offeror at its own expense (except that DBA shall be reimbursable to the Offeror at cost), shall procure and maintain in force, on all its operations, insurance in accordance with the charts listed below. The policies of insurance shall be in such form and shall be issued by such company or companies as may be satisfactory to Chemonics. Upon request from Chemonics, the Supplier shall furnish Chemonics with certificates of insurance from the insuring companies which shall specify the effective dates of the policies, the limits of liabilities there under, and contain a provision that the said insurance will not be canceled except upon thirty (30) days' notice in writing to Chemonics. The Supplier shall not cancel any policies of insurance required hereunder either before or after completion of the work without written consent of Chemonics.

DEFENSE BASE ACT (DBA) INSURANCE

a) FAR 52.228-3 WORKER’S COMPENSATION INSURANCE (DEFENSE BASE ACT INSURANCE) (APR 1984) [Updated by AAPD 05-05 — 02/12/04]

The Subcontractor shall (a) provide, before commencing performance under this Subcontract, such workers’ compensation or security as the Defense Base Act (DBA) (42 U.S.C. 1651, et seq.) requires and (b) continue to maintain it until performance is completed. The Subcontractor shall insert, in all lower-tier subcontracts authorized by Chemonics under this Subcontract to which the Defense Base Act applies, a clause similar to this clause imposing upon those lower-tier subcontractors this requirement to comply with the Defense Base Act. DBA insurance provides critical protection and limits on liability. The Subcontractor shall provide a proof of DBA insurance coverage to Chemonics upon request. Chemonics will verify coverage for, at least, projects in high risk environments and where Chemonics may be providing security.

(b) AIDAR 752.228-3 WORKERS’ COMPENSATION (DEFENSE BASE ACT) [Updated by AAPD 05-05 — 02/12/04] As prescribed in AIDAR 728.308, the following supplemental coverage is to be added to the clause specified in FAR 52.228-3.

(b)(1) The Subcontractor agrees to procure DBA insurance pursuant to the terms of the contract between USAID and USAID’s DBA insurance carrier unless the Subcontractor has a DBA self-insurance program approved by the U.S. Department of Labor or has an approved retrospective rating agreement for DBA.

(b)(2) If USAID or Subcontractor has secured a waiver of DBA coverage (See AIDAR 728.305-70(a)) for Subcontractor’s employees who are not citizens of, residents of, or hired in the United States, the Subcontractor agrees to provide such employees with worker’s compensation benefits as required by the laws of the country in which the employees are working, or by the laws of the employee’s native country, whichever offers greater benefits.

(b)(3) The Subcontractor further agrees to insert in all lower-tier subcontracts hereunder to which the DBA is applicable a clause similar to this clause, including the sentence, imposing on all lower-tier subcontractors authorized by Chemonics a like requirement to provide overseas workmen’s compensation insurance coverage and obtain DBA coverage under the USAID requirements contract.

(b)(4) USAID’s DBA insurance carrier. Pursuant to the clause of this Subcontract entitled "Worker's Compensation Insurance (Defense Base Act)" (AIDAR 752.228 03), the Subcontractor shall obtain DBA coverage from USAID's current insurance carrier for such insurance. This insurance carrier as of the effective date of this Subcontract is AON Risk Insurance Services West, Inc. Address is: AON, 2033 N. Main St., Suite 760, Walnut Creek, CA 94596-3722. Point of contact is Fred Robinson: (o) 925-951-1856, fax: 925-951-1890, E-Mail: Fred.Robinson@aon.com. Subcontractor must apply for coverage directly to AON Risk Insurance Services Inc., the agent for AWAC DBA Insurance. For instructions on the required application form and submission requirements, please refer to AAPD 17-01. Pursuant to AIDAR 752.228-70, medical evacuation is a separate insurance requirement for overseas performance of USAID funded subcontracts; the Defense Base Act insurance does not provide coverage for medical evacuation. The costs of DBA insurance are allowable and reimbursable as a direct cost to this Subcontract.

(c) AIDAR 752.228-7 INSURANCE ON PRIVATE AUTOMOBILES Pursuant to the clause of this Subcontract entitled “Insurance Liability to Third Persons” (AIDAR 752.228-07), if the Subcontractor or any of its employees, consultants, or their dependents transport or cause to be transported (whether or not at Subcontract expense) privately owned automobiles to the Cooperating Country, or if any of them purchase an automobile within the Cooperating Country, the Subcontractor shall, during the period of this Subcontract, ensure that all such automobiles during such ownership within the Cooperating Country will be covered by a paid-up insurance policy issued by a reliable company providing minimum coverage of US$10,000/US$20,000 for injury to persons and US$5,000 for property damage, or such other minimum coverages as may be set by the cognizant Mission Director, payable in U.S. dollars or its equivalent in the currency of the Cooperating Country. The premium costs of such insurance shall not be a reimbursable cost under this Subcontract.

(d) AIDAR 752.228-70 Medical Evacuation Services (MEDEVAC) Services (JULY 2007) [Updated by AAPD 06-01].

(1) The Subcontractor shall provide MEDEVAC service coverage to all U.S. citizen, U.S. resident alien, and Third Country National employees and their authorized dependents (hereinafter “individual”) while overseas under a USAID-financed direct contract. Chemonics will reimburse reasonable, allowable, and allocable costs for MEDEVAC service coverage incurred under this Subcontract. The USAID Contracting Officer through Chemonics will determine the reasonableness, allowability, and allocability of the costs based on the applicable cost principles and in accordance with cost accounting standards.

(2) Exceptions: (i) The Subcontractor is not required to provide MEDEVAC insurance to eligible employees and their dependents with a health program that includes sufficient MEDEVAC coverage as approved by Chemonics. (ii) The USAID Mission Director through Chemonics, may make a written determination to waive the requirement for such coverage. The determination must be based on findings that the quality of local medical services or other circumstances obviate the need for such coverage for eligible employees and their dependents located at post.

(3) If authorized to issue lower-tier subcontracts, the Subcontractor shall insert a clause similar to this clause in all lower-tier subcontracts that require performance by Subcontractor employees

e) In addition to the foregoing insurance requirements, the Supplier shall, as a minimum, obtain the following insurance in form and substance satisfactory to Chemonics that are covered by the standard fixed rates in Section 3.

|  |  |
| --- | --- |
| **TYPE** | **MINIMUM LIMIT** |
| (a) Defense Base Act or equivalent for waived nationals per FAR 52.228-3 and 52.228-4. The coverage shall extend to Employers Liability for bodily injury, death, and for occupational disease. | As required by DBA |
| (b) Comprehensive General Liability Each Occurrence Combined Single Limit for Personal Injury and/or Property Damage. | $1,000,000$2,000,000 |
| (c) Automobile Liability Combined Single Limit each occurrence | As per AIDAR 752.228-7 and$1,000,000 |
|  (d) Other Required Insurance- Umbrella Insurance additive to (b) and (c) above | $1,000,000/ $2,000,000 |

## I. 13 Privity

By submitting a response to this request for proposals, offerors understand that USAID is NOT a party to this solicitation and the offeror agrees that any protest hereunder must be presented—in writing with full explanations—to Chemonics International for consideration, as USAID will not consider protests made to it under USAID-financed subcontracts. Chemonics, at its sole discretion, will make a final decision on the protest for this procurement

# **Section II Background, Scope of Work, Deliverables, and Deliverables Schedule**

## II.1. Background

The New Justice is a five year program that is designed to support the judiciary, government, parliament, bar associations, 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 combats corruption in Ukraine. In achieving this overarching goal, New Justice focuses on the following five key objectives:

Objective 1: Judicial Independence and Self-Governance Strengthened;

Objective 2: Accountability and Transparency of the Judiciary to Citizens and the Rule of Law Increased;

Objective 3: Administration of Justice Enhanced;

Objective 4: Quality of Legal Education Strengthened; and

Objective 5: Access to Justice Expanded and Human Rights Protected

The efficient operation of the judiciary and the use of modern automated tools are crucial to ensuring the proper functioning of all its institutions and the proper administration of the judiciary, which contributes to the efficiency, transparency and accountability of the judicial branch. Thus, the USAID New Justice Program plans to support business process analysis in Ukrainian courts, the results of which will be used in the future to develop the Unified Judicial Information and Telecommunication System (UCITS).

The above activities directly contribute to the implementation of such tasks of the Program 3.1.1. Judicial administration bodies function more consistently and in a coordinated manner; 3.1.2. Strategies, rules and procedures for managing the work of courts and providing quality services for citizens have been implemented; 3.1.3. Courts are equipped with IT and electronic justice systems and use them for faster processing of cases, increasing the efficiency of office work and availability of services; 3.1.11. The analysis of business processes of courts and judicial institutions of Ukraine is carried out.

## II.2. Scope of Work

**2.1. Purpose.** Within the framework of the implementation of the national project of the State Judicial Administration of Ukraine on creation of the Unified Judicial Information and Telecommunication System (UCITS) it is planned to systematically review and re-engineer existing processes, create new business processes that will be integrated with digital technologies into a single information system.

Key principles of business process analysis are the following:

* Formalization of processes, definition of business logic;
* clarity and transparency of processes;
* defining the roles of employees and fulfilling their functional responsibilities;
* standardization of operations;
* simplification of workflows of interaction of structural divisions, optimization of processes;
* optimization of resource use;
* creation of document templates;
* systematization of process control points;
* process automation.

Approaches to be used as a foundation while planning the new business processes:

* **Several operations are merged into one**. One person is identified who is responsible for all steps of the process from start to finish. Due to this, there will be a person who can answer all the questions that may be of interest to the client. Where one person can not cope with all the work in the process, a group with similar functions and responsibilities is organized.
* **Employees make their own decisions**. Unlike sporadic taking of independent decisions, which is natural in any real work, decision-making in this case is included in the functional responsibilities of the employee. (This approach applies to both workers and managers).
* **Steps in the process are performed in their natural sequence**. This procedure is not fixed by an instruction, but is determined by employees in the course of work and in accordance with the actual circumstances. Many steps can be performed simultaneously.
* **Processes have many versions**. This is important for service conditions.
* Work is done where it makes the most sense. The works do not necessarily concentrate on the relevant steps around the relevant specialists, which are located in different places (premises, buildings).
* **Inspections and governance are reduced**, introduced only in those areas of work where it makes economic sense (creates a "value chain").
* For a similar reason, **approvals are minimized**.
* Both centralized and decentralized operations are mainly used. The goal is to take advantage of both approaches, anticipating the potential role of future IT processes.

**2.2. Goal and tasks.** The purpose of the analysis of business processes of courts is to introduce a methodology for describing and improving processes, developing proposals for the key processes improvement, as well as developing regulations and organizational and administrative documentation for the changing processes.

The main objectives of the business process analysis project are to perform the following types of work in the courts:

* Description of business processes "as is" of the first and second instance court of general jurisdiction;
* Assessment of differences in the "as is" business processes in the first and second instance courts of general jurisdiction and the relevant courts of specialized (commercial, administrative) jurisdictions;
* Defining goals and criteria for process improvement;
* Development of proposals for changes in processes based on the results of the analysis;
* Modeling of business processes "as it should be" of the first and second instance court of general jurisdiction, assessment of the feasibility of unification or maintaining the specifics of business processes of the relevant courts of specialized (commercial, administrative) jurisdictions;
* Assistance in creating a plan for the transition to new business processes;
* Development of regulations and organizational and administrative documentation for updated processes;
* Assistance in creating a ToR for the automation of priority court processes identified at the business process modeling stage.

Business process optimization criteria are as follows:

* significant reduction of process runtime;
* reduction of manual operations;
* use of knowledge base to prepare decision-making.

**2.3. Facility features.** Courts of Ukraine are established and operate on the basis of the Constitution of Ukraine, the Law of Ukraine "On the Judiciary and the Status of Judges", as well as the relevant Procedural Codes of Ukraine. The processes of the courts, which are subject to description, documentation and improvement within the framework of this project, are conditionally divided into two groups.

А) **Processes to support case consideration work (paper and electronic documents):**

* Receipt and registration of procedural documents.
* Transfer of procedural documents (court cases) for consideration.
* Movement of procedural documents in court (consideration of court cases and passing of court decisions).
* Recording the trial by technical means.
* Acceptance, accounting and storage of physical evidence.
* Organizing and forwarding summons and notices.
* Referral of court cases outside the court.
* Providing a court case for review.
* Certification and issuance of copies of court decisions and documents.
* Accounting, use and storage of seals, stamps and court forms.
* Processing and sending of original procedural documents.
* Enforcement of court decisions.
* Compilation of the nomenclature of cases in court.
* Organization of archival work with procedural documents in court.
* Preparation of statistical and analytical reporting.

**B) Processes to ensure the organization of court management work (paper and electronic documents):**

* Reception and registration of incoming documents (correspondence).
* Transfer of incoming documents for processing.
* Movement of documents in court.
* Processing and sending source documents.
* Transfer and enforcement of documents.
* Enforcement of documents. Control over the enforcement of documents.
* Completion of tasks. Monitoring the performance of tasks.
* Preparation of organizational and administrative documents and other internal documents in court.
* Organization of archival work with administrative documents in court.

The above list of processes is not exhaustive, and can be adjusted upon agreement of the parties during the project implementation. It is expected that during the project implementation the applicant will research and describe all business processes of the court related to the organization of court proceedings, as well as processes that ensure the organization of administrative work in court to the extent sufficient to form recommendations for optimizing the key document management processes. The analysis of business processes should be carried out in courts of general jurisdiction of the first and second instance of the city of Kyiv, namely:

* Shevchenkivskyi Court of Kyiv
* Kyiv City Court of Appeals

It is also expected that as part of the business process analysis, the applicant will perform study visits to other first instance courts of general jurisdiction, as well as to specialized first and second instance courts of economic and administrative jurisdiction, in order to assess the peculiarities and differences in business processes, and their consideration during the preparation of optimization recommendations[[2]](#footnote-3). Study visits should be made to the following courts:

* Darnytskyi Court of Kyiv
* Obolonskyi Court of Kyiv
* Pivnichnyi Economic Court of Appeals
* Economic Court of the City of Kyiv
* The Sixth Appellate Administrative Court
* District Administrative Court of the City of Kyiv

**All these works will be carried out with the support of the chief judges of the relevant courts, with the general coordination and assistance of the State Judicial Administration (SJA) of Ukraine.**

**2.4. Requirements to the outcomes of business process analysis.**

The joint works under the Project must yield the following results:

* Modeling agreement;
* Models of processes of the higher level judiciary activities and definition of a place of "as is" processes of courts;
* "As is" higher level court products model;
* Models of the "as is" organizational structure of higher level courts;
* Models of the structure of "as is" processes allocated for pilot modeling;
* List of weaknesses of "as is" business processes and areas for improvement. Estimation of time and cost of business processes;
* eEPC (BPMN) models of detailed processes selected for pilot modeling, "as is" and "as should be";
* Terms of reference for Reporting Scripts from the system;
* Reporting Scripts from the system;
* Plan for transition to the "as it should be" processes.

***2.4.1. Requirements to the Modeling Agreement***

The Modeling Agreement (MA) should provide a description of the models, objects and attributes used to model the activities of the courts, as well as examples of models. The Modeling Agreement defines the rules for modeling the activities of courts.

The Modeling Agreement should take into account the following:

* The higher level of courts activity is described by means of higher level processes models (Value Added Chain Diagram) and model of products and services tree (Product/Service tree);
* Process groups are described in detail on the process structure model (Process Selection Diagram);
* Process structures are detailed on the eEPC (BPMN) or BPMN models, which reflect the sequence of functions, input and output documents, business roles, information systems used;
* The organizational structure model reflects the units involved in the processes, the jobs in the unit, and the business roles.
* During Stage 1 of the Project, the requirements for the Modeling Agreement are finalized and clarified.

***2.4.2. Requirements to the subject area modeling***

The models developed in the course of modeling should not contradict to the Modeling Agreements.

The subject area of the modeling includes:

* Higher level of court processes
* Detailed processes.

The subject area of the modeling shall be described and improved in compliance to the following requirements:

* The total scope of the higher level modeling is limited to one VAD (Value Added Chain Diagram) type model, number of Function type items is 15-30;
* The total scope of product/service tree modeling is limited to one Product / Service tree type model, number of Product/Service type items - 10-30;
* The total scope of the organization workflow modeling is limited to one Organization Char type model, number of Organization Department type objects is 10-30;
* The total scope of the process structure modeling (Process Selection Diagram) is limited to one Process Selection Diagram type model with 5х15 dimension, that is, the total number of blocks reflected on these models (function type objects) shall not exceed 75;
* A detailed description of the business processes of each court should not exceed 25 detailed eEPC (BPMN) models (detailed eEPC (BPMN) models contain 3 to 10 functions), ie the total number of “function” objects displayed on these models must be in the range from 75 to 250. When developing models of detailed business processes, SJA / court experts should assess the time to fulfill each function and the ability to perform a particular branch of the process, this information should be included in the attributes of functions and relationships envisaged by the Modeling Agreement;

The court's regulatory documentation may serve as the initial information for the work of the Contractor's Project Team specialist; however, the availability of such information does not preclude the need to involve an expert in the subject area.

***2.4.3. Requirements to the analysis and outputs***

Fulfillment, control and acceptance of works on the analysis of business processes is carried out on each developed model compliant to the following conditions:

1. The customer ensures the selection of an expert (experts) from among the employees of the courts in the subject area for each created model; the fact of selection of an expert (experts) for a specific model should be reflected in the minutes of the working meeting (selection of experts is carried out during Stage 2).
2. The customer undertakes to allocate at least 6 (six) hours of working time of the expert (experts) in the subject area for the analysis of each "as is" detailed model of the eEPC type (BPMN).
3. The Contractor's Project Team staff, together with the SJA/Court expert(s), analyzes the "as is" detailed eEPC (BPMN) models.
4. Weaknesses identified in the processes and directions for their improvement shall be agreed with the Client's expert (experts) and signed by them. In case of disagreement of the Client's expert (experts) with the identified weaknesses and directions of their improvement, the Contractor reserves the right to include these weaknesses and improvement area in the general list before further decision-making by the Client's management on expediency of elimination of these weaknesses.

The following documents must be developed on the basis of "as is" analysis:

* List of weaknesses of "as is" business processes with a description of the current situation and areas for improvement;
* Report on the results of calculating the time of the business process and its cost based on the cost of personnel involved in the business process

To assess the value of the business process, the Customer undertakes to provide the Contractor with information on the average cost of the HCJ personnel for the positions involved in the selected process. In case of failure to provide such information, the Contractor may not be responsible for assessing the value of business processes.

***2.4.4. Requirements to the development of "as it should be" process***

Fulfillment, control and acceptance of works on improvement of business processes and development of "as it should be" business processes models is carried out on each developed model compliant to the following conditions:

1. The Customer ensures the selection of an expert (experts) from the staff of courts in the subject area for each created model; the fact of selection of expert (experts) for a specific model should be reflected in the minutes of the working meeting (selection of experts is carried out during Stage 3).
2. The Customer undertakes to allocate at least 6 (six) hours of working time of the expert (experts) in the subject area to develop measures for improvement and the "as it should be" process for each detailed "as is" model of the eEPC type (BPMN).
3. The Contractor's Project Team(s) together with the SJA/Court expert (s) shall develop actions to improve the "as it should be" process for each detailed "as is" eEPC (BPMN) model.
4. Developed measures to improve business processes are consolidated in the Plan for the transition to "as it should be" processes.

The following deliverables must be created on the basis of "as is" analysis:

* "As it should be" business process models, if the implementation of actions to improve the process will affect the process itself;
* Plan for the transition to the "as it should be" processes.

***2.4.5. Requirements to the system reports***

Reports from the ARIS system are generated using the developed Scripts.

In accordance with the Schedule, the Contractor and the Customer specify the following requirements for the report on the system, based on the tasks on documenting and analyzing of processes. These requirements are summarized in the Terms of Reference for the development of reporting scripts from the system.

It is envisaged to create a Terms of Reference for the development of Reporting Scripts from the system for the implementation of the following Reports from the system:

* + 1. Technological process map - to present a detailed business process in the form of a table. The output format provides a display of process logic, presentation of detailed descriptions of each process operation, as well as the environment of operations: performers, input and output information used by the system. The Technology Map script is run from a Function or group of functions located on the Process Selection Diagram (PSD) model.
		2. Job description of the employee - to create a reporting form containing a set of operations performed at the workplace of employees of the unit; the reporting form consists of the general part specifying all processes in which the given position is involved, the list of the business roles performed by this position, the table with the list of all performed operations (functions); for each workplace, the table lists the functions grouped by business role in alphabetical order.

**2.6. List of works**

The project requires implementation technology, which contains at least the following stages and basic steps:

STAGE 1. Preparatory

1. formation of a team of project participants;
2. determination of priorities in the processes under study;
3. detailed scheduling;
4. training of project participants;

STAGE 2. Description of processes "as is"

1. description of "as is" processes;
2. goal setting and KPI optimization;
3. measurement of process evaluation indicators;
4. creation of an internal knowledge base of the project;
5. involvement of stakeholders to create a project community.

STAGE 3. Description of "as it should be" processes

1. creation of proposals on amending the processes;
2. description of "as it should be" processes;
3. search for control and measurement points;
4. identification of procedures to be automated.

STAGE 4. Process piloting and update

1. obtaining procedural regulations;
2. obtaining instructions from implementers;
3. development of a library of business process systems.
4. pilot application of new processes;
5. updating of the proposed processes based on the results of the pilot application.

**2.7. Procedure of control and acceptance of works on business process analysis**

* + 1. *Approval and adoption of the project documents*

The results are transferred by the Contractor to the Customer, who organizes their review within 2 working days. In case of significant claims to the transferred results of works, the Customer puts presents written requirements to completion of results within the above deadline.

Variants of remarks to the materials on the basis of which revisions are made:

* Non-compliance with the goals and objectives of the Project established in the Project Task;
* Materials contain obvious errors;
* Grammatical and spelling corrections.

After the Contractor's Project Team makes changes to this output, the document is submitted for reconsideration to the Customer. If the output and the amendments meet the above requirements, or within 2 working days no comments are made on the inconsistency of the amendments to the requirements for revision, the document is considered accepted by the Parties after 2 working days. The Contractor transfers all documents of the Project to the Customer by cover letters.

* + 1. *Approval and adoption of "as is" models*

The procedure for agreeing the created "as is" models with court / SJA experts includes 2 meetings (taking into account the requirements for the time of the expert's availability for interviews):

* initial examination (the expert examines the draft model and formulates the requirements for its change or helps to form a draft on paper);
* secondary consideration (if the model meets the final requirements specified at the previous meeting, the expert approves the model with their signature).

The actual meetings are recorded by the Contractor's Project Team staff and experts in a meeting schedule developed before the models are built.

The constructed models should be approved and validated by experts who provided information for the construction of models.

If the expert is not available for more than 2 days between meetings, the model is considered approved and signed by the Project Manager from the Customer.

*2.7.3. Change in the composition of outputs and working meetings minute-taking*

The composition and quality of the results obtained, as well as the related work schedule and the distribution of responsibilities between the Contractor and the Customer may be reviewed by the parties. All changes are fixed by the protocols agreed by the Contractor and the Customer. Amendments must be made in accordance with the Contractor's labor resources and deadlines specified in this document.

Protocols must be developed, agreed and signed by the parties within no more than 1 (one) working day from the date of reaching the relevant agreements. In case of violation of this condition, the parties have the right to suspend work on the Project until the signing of the relevant protocol.

* 1. **Organization of interaction in the course of work**

*2.8.1. Use of the specialized software*

Project work should be performed using the environment of description and analysis of business processes, which includes a methodological basis for modeling business processes and its software implementation in the form of software products that are present and supported in the Ukrainian market.

*2.8.2. Procedure of joint works under the Project*

The technology of the Project implementation envisages joint implementation of works by the Contractor/SJA and the Customer.

Work interaction with courts/SJA follows the principle of organization of a single information space, including the use of electronic data exchange. Decisions during the working meetings of the Customer, SJA and Contractor employees are registered in the minutes and endorsed by the Project Team Leaders.

*2.8.3. Project infrastructure requirements*

The Supervisory Council shall be formed before the Project start, which will comprise the following participants:

* + representatives of senior (in relation to Project Managers from the SJA and the Contractor) management from the SJA and the Contractor;
	+ Project Managers from the SJA and the Contractor;
	+ project architect from the Contractor;
	+ Administrator nominated by the SJA, whose task is to resolve organizational issues related to ensuring the meetings of the Supervisory Board, recording the meetings and decisions taken, addressing the urgent needs of the Project Team members during the Project.

In the normal course of the Project implementation, the Supervisory Board may meet after the end of the Project stages to perform the following actions:

* + consideration of the obtained results;
	+ decision-making on the possibility of further joint work, based on the results obtained.

In case of conflict situations or accumulation of a number of issues that cannot be resolved in a working process, one of the parties has the right to initiate the convening of the Supervisory Board.

Prior to the start of the Project, the Contractor's Project Team and the SJA Project Team are formed. The Head of the Project Team is appointed on each side (Contractor, SJA), who is responsible for organizing the work of its specialists. The Contractor and the SJA should nominate Project Managers who will be responsible for organizing the work of the Project Team. The Contractor must nominate a Project Architect, who is responsible for the comprehensive methodology of the project.

The SJA and the Contractor shall notify each other in writing of the composition of the Supervisory Board.

SJA ensures that the created SJA Project Team selects the following role positions in the Project:

I Operational management of the Project:

* + - SJA Project Team Leadership;
		- Coordination of decisions on the developed documents (Agreement on modeling, templates of reports from the system, etc.);
		- Coordination of Project results (may be in the areas of content and methodology of models).

II Project works implementation:

* + - Co-implementation (may be in such areas as the Modeling Agreement, Reporting Scripts, etc.);
		- Modeling (may be in such areas as the organizational structure, knowledge, authority, IS, documents, process structures, processes, etc.);
		- Expert in the subject area (may be in such areas as the organizational structure, knowledge, authority, IS, documents, process structures, processes, etc., as well as product lines, departments, etc.).

III Project facilitation:

* + - Formulation of requirements (may be in such areas as the Modeling Agreement, report templates from the system).
		- Organization of working meetings with SJA / court staff - experts in subject areas.

**2.9. Requirements to the content of works on preparing to the subsequent automation of processes**

* + 1. *Use of the software applicable to the development of the Project systems*

The implementer of the project "Improvement of the Performance of the High Council of Justice Processes" should use software that allows to support all researched business processes in a single database architecture, create unified directories, check models for errors, make complex queries from the database using scripts and receive structured reports in the form of standard documents (regulations, job descriptions). The description of detailed business processes should be performed in a convenient format using one of the common notations, such as eEPC, BPMN.

* + 1. *Ensuring the sufficient level of process details*

The level of detail of process models should allow for further integration of the proposed ready-made solution or development of a new information system for partial or full automation of business processes of courts.

* + 1. *Assessment of the "as is" processes on the price/duration/quality parameters*

The project implementer should enter into the "as is" process model such parameters of detailed operations of the studied processes as time, involved staff. When creating a task for automation, these parameters will allow to assess the effect of automation of business processes.

* + 1. *Determining the process optimization criteria*

When describing the "as is" business processes of the courts and performing the analysis, the Contractor must agree with the representatives of the SJA/courts on the criteria by which the processes will be redesigned in search of optimization. These criteria must be taken into account for the design of the information system.

* + 1. *Transfer of the models base and the business processes support competences to the Contractor*

The Contractor shall provide the Customer with a database of business process models and prepare a person who will be able to support changes in the process model and organizational and administrative documentation. If necessary, trained persons will be able to provide access to models, directories, architecture of processes for preparation of the technical task for the automated system of management of processes of courts.

## II.3. Deliverables

The successful offeror shall deliver to Chemonics the following deliverables, in accordance with the schedule set forth in II.4 below.

**Deliverable No. 1**. The report on the results of the preparatory stage of works is submitted by the Contractor and approved by the Customer.

At this stage, a team of project participants should be formed from the SJA / courts - process experts, priorities in the processes under study have been identified, a detailed work schedule shall be agreed with the SJA / courts in compliance with the general project timeframe, and project participants are trained.

**Deliverable No. 2.** The report on the results of the "as is" processes description is submitted by the Contractor and approved by the Customer.

Processes are described as they are, goals and KPI optimizations are defined, process evaluation indicators are measured, an internal project knowledge base is created, and stakeholders are involved in creating a project community.

**Deliverable No. 3.** The report on the results of the "as it should be" processes description is submitted by the Contractor and approved by the Customer.

Proposals for changes in processes have been created, a description of "as it should be" processes has been prepared, control and measurement points have been identified, procedures that need to be automated have been identified.

**Deliverable No. 4**. The report on the results of piloting and updating of processes is submitted by the Contractor and approved by the Customer.

Process regulations and instructions for implementers are developed, the library of system of business processes is developed, pilot application of new processes is carried out and their updating by results of pilot application is carried out.

**Deliverable No. 5**. The final report on the results of the work is submitted by the Contractor and approved by the Customer.

A detailed written report on the results of the work was prepared and submitted to USAID New Justice Program

Each of the deliverable is made in the form of a written interim report containing information on the work carried out to achieve the result, the developed documents, instructions, forms, etc. The deliverable No. 5 is made in the form of a final report, which contains detailed information on the results of all work carried out under this project. Detailed requirements for the results of business process analysis are described in paragraph 2.4. of the "Terms of Reference" section of this RFP.

## II.4. Deliverables Schedule

The successful offeror shall submit the deliverables described above in accordance with the following deliverables schedule:

|  |  |  |
| --- | --- | --- |
| **Deliverable Number** | **Deliverable Name** | **Due Date** |
| Deliverable No. 1. | The report on the results of the preparatory stage of works is submitted by the Contractor and approved by the Customer | X after signing a Subcontract, not later than XX XX of 2021  |
| Deliverable No.2.  | The report on the results of the "as is" processes description is submitted by the Contractor and approved by the Customer | X after signing a Subcontract, not later than XX XX of 2021  |
| Deliverable No.3. | The report on the results of the "as it should be" processes description is submitted by the Contractor and approved by the Customer. | X after signing a Subcontract, not later than XX XX of 2021  |
| Deliverable No.4. | The report on the results of piloting and updating of processes is submitted by the Contractor and approved by the Customer | X after signing a Subcontract, not later than XX XX of 2021  |
| Deliverable No.5. | The final report on the results of the work is submitted by the Contractor and approved by the Customer. | X after signing a Subcontract, not later than XX XX of 2021  |

\*Deliverable numbers and names refer to those fully described in II.3 above.

# **Annex 1 Cover Letter**

[Offeror: Insert date]

[Insert name of point of contact for RFP]

[Insert designation of point of contact for RFP]

[Insert project name]

[Insert "Chemonics International Inc." or if there is a locally registered entity, use that name]

[Insert project office address]

Reference: RFP #30-NJ-11-2020

Subject: [Offeror: Insert name of your organization]’s technical and cost proposals

Dear Sir/Madam:

[Offeror: Insert name of your organization] is pleased to submit its proposal in regard to the above- referenced request for proposals. For this purpose, we are pleased to provide the information furnished below:

Name of Organization’s Representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Offeror \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Type of Organization \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Taxpayer Identification Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DUNS Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Official bank account information \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

As required by section I.7, we confirm that our proposal, including the cost proposal will remain valid for 60 calendar days after the proposal deadline.

We are further pleased to provide the following annexes containing the information requested in the RFP.:

[Offerors: It is incumbent on each offeror to clearly review the RFP and its requirements. It is each offeror's responsibility to identify all required annexes and include them]

1. Copy of registration or incorporation in the public registry, or equivalent document from the government office where the offeror is registered.
2. Copy of company tax registration, or equivalent document.
3. CVs of the key experts;
4. Evidence of Responsibility Statement
5. Subcontractor Size Self-Certification Form.

Sincerely yours,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

[Offeror: Insert name of your organization's representative]

[Offeror: Insert name of your organization]

# **Annex 2 Guide to Creating a Financial Proposal for a Fixed Price Subcontract**

The purpose of this annex is to guide offerors in creating a budget for their cost proposal. Because the subcontract will be funded under a United States government-funded project, it is important that all offerors’ budgets conform to this standard format. It is thus strongly recommended that offerors follow the steps described below.

Under no circumstances may cost information be included in the technical proposal. No cost information or any prices, whether for deliverables or line items, may be included in the technical proposal. Cost information must only be shown in the cost proposal.

Step 1: Design the technical proposal. Offerors should examine the market for the proposed activity and realistically assess how they can meet the needs as described in this RFP, specifically in Section II.

Offerors should present and describe this assessment in their technical proposals.

Step 2: Determine the basic costs associated with each deliverable. Offerors should consider best estimate of the costs associated with each deliverable, which should include labor and all non-labor costs, e.g. other direct costs, such as fringe, allowances, travel and transport, etc.

Step 3: Create a budget for the cost proposal. Each offeror must create a budget using a spreadsheet program compatible with MS Excel. The budget period should follow the technical proposal period. A sample budget is shown on the following page. All items and services must be clearly labeled and include the total offered price. The detailed budget must show major line items, including, for example:

1. Salaries
2. Indirect costs
3. Any other costs applicable to the work
4. DBA – see clause I. 11

All cost information must be expressed in Ukrainian hrivna.

Step 4: Write Budget Narrative. The spreadsheets shall be accompanied by written notes in MS Word that explain each cost line item and the assumption why a cost is being budgeted as well as how the amount is reasonable. Supporting information must be provided in sufficient detail to allow for a complete analysis of each cost element or line item. Chemonics reserves the right to request additional cost information if the evaluation committee has concerns of the reasonableness, realism, or completeness of an offeror’s proposed cost.

If it is an offeror’s regular practice to budget indirect rates, e.g. overhead, fringe, G&A, administrative, or other rate, Offerors must explain the rates and the rates’ base of application in the budget narrative. Chemonics reserves the right to request additional information to substantiate an Offeror’s indirect rates.

A sample budget is provided in a separate document in the MS Excel format. Adhere to it, please. The cost proposals may not include customs duties and VAT.

# **Annex 3 Required Certifications**

EVIDENCE OF RESPONSIBILITy

1. Information on the Offeror's Company

**Company Name**: Full legal name

**Address**: Address

DUNS number (if any): Enter the Data Universal Numbering System reference (DUNS) assigned to the company

2. Authorized Negotiators

Company Name proposal for Proposal Name may be discussed with any of the following individuals. These individuals are authorized to represent Company Name in negotiation of this proposal.

List names of authorized signatories

These individuals can be reached at Company Name office:

Address

Telephone/Fax

Email address

3. Availability of Adequate Financial Resources

Company Name has adequate financial resources to manage this contract, as established by our audited financial statements (OR list what else may have been submitted) submitted as part of our response to this proposal.

If the offeror is selected for an award valued at $30,000 or above, and is not exempted based on a negative response to Section 3(a) below, any first-tier sub-award to the organization may be reported and made public through FSRS.gov in accordance with The Transparency Acts of 2006 and 2008. Therefore, in accordance with FAR 52.240-10 and 2CFR Part170, if the offeror positively certifies below in Sections 3.a and 3.b and negatively certifies in Sections 3.c and 3.d, the offeror will be required to disclose to Chemonics for reporting in accordance with the regulations, the names and total compensation of the organization’s five most highly compensated executives. By submitting this proposal, the offeror agrees to comply with this requirement as applicable if selected for a sub-award.

In accordance with those Acts and to determine applicable reporting requirements, Company Name certifies as follows:

1. In the previous tax year, was your company’s gross income from all sources above $300,000?

[ ]  Yes [ ]  No

1. In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which the DUNS number belongs) receive (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; **and** (2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?:

[ ]  Yes [ ]  No

1. Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? (FFATA § 2(b)(1)):

[ ]  Yes [ ]  No

1. Does your business or organization maintain an active registration in the System for Award Management ([www.SAM.gov](http://www.SAM.gov))?

[ ]  Yes [ ]  No

4. Ability to Comply

Company Name is able to comply with the proposed delivery of performance schedule having taken into consideration all existing business commitments, commercial as well as governmental.

5. Record of Performance, Integrity, and Business Ethics

Company Name record of integrity is … (Instructions: Offeror should describe their record. Text could include example such as the following to describe their record: "outstanding, as shown in the Representations and Certifications. We have no allegations of lack of integrity or of questionable business ethics. Our integrity can be confirmed by our references in our Past Performance References, contained in the Technical Proposal.")

6. Organization, Experience, Accounting and Operational Controls, and Technical Skills

(Instructions: Offeror should explain their organizational system for managing the subcontract, as well as the type of accounting and control procedure they have to accommodate the type of subcontract being considered.)

7. Equipment and Facilities

(Instructions: Offeror should state if they have necessary facilities and equipment to carry out the contract with specific details as appropriate per the subcontract SOW.)

8. Eligibility to Receive Award

(Instructions: Offeror should state if they are qualified and eligible to receive an award under applicable laws and regulation and affirm that they are not included in any list maintained by the US Government of entities debarred, suspended or excluded for US Government awards and funding. The Offeror should state whether they have performed work of similar nature under similar mechanisms for USAID.)

9. Commodity Procurement

(Instructions: If the Offeror does not have the capacity for commodity procurements - delete this section. If the Offeror does have the capacity, the Offeror should state their qualifications necessary to support the proposed subcontract requirements.)

10. Cognizant Auditor

(Instructions: The Offeror should provide the names, addresses, and telephone numbers of its auditors – whether it is a government audit agency or an independent CPA.)

11. Acceptability of Contract Terms

(Instructions: Offeror should state its acceptance of the proposed contract terms.)

12. Recovery of Vacation, Holiday, and Sick Pay

(Instructions: Offeror should explain whether it recovers vacation, holiday, and sick leave through a corporate indirect rate (e.g. Overhead or Fringe rate) or through a direct cost. If the Offeror recovers vacation, holiday, and sick leave through a corporate indirect rate, it should state in this section the number of working days in a calendar year it normally bills to contracts to account for the vacation, holiday, and sick leave days that will not be billed directly to the contract since this cost is being recovered through the corporate indirect rate.)

13. Organization of the Offerors' Operations

(Instructions: Offeror should explain how their firm is organized on a corporate level and on practical implementation level, for example regionally or by technical practice.)

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

One of the authorized negotiators listed in Section 2 above should sign.

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SUBCONTRACTOR SIZE SELF-CERTIFICATION FORM

**Request for Proposal**  RFP №30-NJ-11-2020

**Project Name:** USAID Nove Pravosuddya Justice Sector Reform Program, Ukraine

**Primary NAICS Code**: 541614

**Company Name**: Full legal name

**Address**: Street address

**City, State, Zip**: City, State Zip

**DUNS Number**: [enter the [Data Universal Numbering System (DUNS)](http://fedgov.dnb.com/webform) here. Subcontractors must have a DUNS, unless exempted, as a part of receiving a subcontract with Chemonics]

**Contact Person**: Name, Title

**Contact Phone Number**: (555) 555-5555

**Type of Entity**

If you have difficulty ascertaining the business size status, please refer to SBA’s website ([www.sba.gov/size](http://www.sba.gov/size)) or contact your local SBA office.

[ ]  Small Business [ ]  Large Business [ ]  Nonprofit/Educational [ ]  Government [ ]  Non-US

If “Small Business” is checked above, and if applicable, please identify any additional small business designations under which the company qualifies. You may wish to review the definitions for the below categories in the Federal Acquisition Regulation 19.7 or 52.219-8 ([www.acquisition.gov/far/](http://www.acquisition.gov/far/)) to determine applicability.

[ ]  Small Disadvantaged Business [ ]  8(a)

[ ]  HUBZone [ ]  Woman Owned Small Business

[ ]  Veteran Owned [ ]  Service Disabled Veteran Owned

[ ]  Alaskan Native Corporation [ ]  Indian Tribe

By signature below, I hereby certify that the business type and designation indicated above is true and accurate as of the date of execution of this document, and I further understand that under 15 U.S.C. 645(d), any person who misrepresents a business’ size status shall (1) be punished by a fine, imprisonment, or both; (2) be subject to administrative remedies; and (3) be ineligible for participation in programs conducted under the authority of the Small Business Act.

Signature and Title (required) Date

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*CHEMONICS INTERNAL USE ONLY\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

HUBZone Status has been verified in the [System for Award Management database](https://www.sam.gov/portal/SAM/?portal:componentId=9615a076-c195-44d7-9bf4-ff1d3d101e6c&interactionstate=JBPNS_rO0ABXc0ABBfanNmQnJpZGdlVmlld0lkAAAAAQATL2pzZi9uYXZpZ2F0aW9uLmpzcAAHX19FT0ZfXw**&portal:type=action#1) or [Dynamic Small Business Database Search](http://dsbs.sba.gov/dsbs/dsp_searchhubzone.cfm)  as of / / conducted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

# **Annex 4. Firm Fixed Price Subcontract (Terms and Clauses)**

The Fixed Price Subcontract template is available from USAID Nove Pravosuddya Program upon request. Please e-mail your request at saf@new-justice.com.

# **Annex 5 DUNS and SAM Registration Guidance**

**What is DUNS?**

The Data Universal Numbering System (DUNS) is a system developed and regulated by Dun & Bradstreet (D&B) - a company that provides information on corporations for use in credit decisions - that assigns a unique numeric identifier, referred to as a DUNS number, to a single business entity. The DUNS database contains over 100 million entries for businesses throughout the world, and is used by the United States Government, the United Nations, and the European Commission to identify companies. The DUNS number is widely used by both commercial and federal entities and was adopted as the standard business identifier for federal electronic commerce in October 1994. The DUNS number was also incorporated into the Federal Acquisition Regulation (FAR) in April 1998 as the Federal Government's contractor identification code for all procurement-related activities.

**Why am I being requested to obtain a DUNS number?**

U.S. law – in particular the Federal Funding Accountability and Transparency Act of 2006 (Pub.L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub.L. 110-252) - make it a requirement for all entities doing business with the U.S. Government to be registered, currently through the System for Award Management, a single, free, publicly- searchable website that includes information on each federal award. As part of this reporting requirement, prime contractors such as Chemonics must report information on qualifying subawards as outlined in FAR 52.204-10 and 2CFR Part 170. Chemonics is required to report subcontracts with an award valued at greater than or equal to $30,000 under a prime contract and subawards under prime grants or prime cooperative agreements obligating funds of $25,000 or more, whether U.S. or locally based. Because the U.S. Government uses DUNS numbers to uniquely identify businesses and organizations, Chemonics is required to enter subaward data with a corresponding DUNS number.

**Is there a charge for obtaining a DUNS number?**

Obtaining a DUNS number is absolutely free for all entities doing business with the Federal government. This includes current and prospective contractors, grantees, and loan recipients.

**How do I obtain a DUNS number?**

DUNS numbers can be obtained online at <http://fedgov.dnb.com/webform/pages/CCRSearch.jsp> or by phone at 1-800-234-3867 (for US, Puerto Rico and Virgin Island requests only).

**What information will I need to obtain a DUNS number?**

To request a DUNS number, you will need to provide the following information:

* Legal name and structure
* Tradestyle, Doing Business As (DBA), or other name by which your organization is commonly recognized
* Physical address, city, state and Zip Code
* Mailing address (if separate)
* Telephone number
* Contact name
* Number of employees at your location
* Description of operations and associated code (SIC code found at <https://www.osha.gov/pls/imis/sicsearch.html>)
* Annual sales and revenue information
* Headquarters name and address (if there is a reporting relationship to a parent corporate entity)

**How long does it take to obtain a DUNS number?**

Under normal circumstances the DUNS is issued within 1-2 business days when using the D&B web form process. If requested by phone, a DUNS can usually be provided immediately.

**Are there exemptions to the DUNS number requirement?**

There may be exemptions under specific prime contracts, based on an organization’s previous fiscal year income when selected for a subcontract award, or Chemonics may agree that registration using the D&B web form process is impractical in certain situations. Organizations may discuss these options with the Chemonics representative.

**What is CCR/SAM?**

Central Contractor Registration (CCR)—which collected, validated, stored and disseminated data in support of agency acquisition and award missions—was consolidated with other federal systems into the System for Award Management (SAM). SAM is an official, free, U.S. government-operated website. There is NO charge to register or maintain your entity registration record in SAM.

**When should I register in SAM?**

While registration in SAM is not required for organizations receiving a grant under contract, subcontract or cooperative agreement from Chemonics, Chemonics requests that partners register in SAM if the organization meets the following criteria requiring executive compensation reporting in accordance with the FFATA regulations referenced above.  SAM.gov registration allows an organization to directly report information and manage their organizational data instead of providing it to Chemonics. Reporting on executive compensation for the five highest paid executives is required for a qualifying subaward if in your business or organization's preceding completed fiscal year, your business or organization (the legal entity to which the DUNS number belongs):

(1) received 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; **and**

(2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; **and**,

(3) The public have **does not** have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the US Internal Revenue Code of 1986.

If your organization meets the criteria to report executive compensation, the following sections of this document outline the benefits of and process for registration in SAM.gov. Registration may be initiated at [https://www.sam.gov](https://www.sam.gov/portal/SAM/#1). There is NO fee to register for this site.

**Why should I register in SAM?**

Chemonics recommends that partners register in SAM to facilitate their management of organizational data and certifications related to any U.S. federal funding, including required executive compensation reporting. Executive compensation reporting for the five highest paid executives is required in connection with the reporting of a qualifying subaward if:

1. In your business or organization's preceding completed fiscal year, your business or organization (the legal entity to which the DUNS number belongs) received (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and,
2. The public have does not have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

**What benefits do I receive from registering in SAM?**

By registering in SAM, you gain the ability to bid on federal government contracts. Your registration does not guarantee your winning a government contract or increasing your level of business. Registration is simply a prerequisite before bidding on a contract. SAM also provides a central storage location for the registrant to supply its information, rather than with each federal agency or prime contractor separately. When information about your business changes, you only need to document the change in one place for every federal government agency to have the most up-to-date information.

**How do I register in SAM?**

Follow the step-by-step guidance for registering in SAM for assistance awards (under grants/cooperative agreements) at: <https://www.sam.gov/sam/transcript/Quick_Guide_for_Grants_Registrations.pdf>

Follow the step-by-step guidance for contracts registrations at:

<https://www.sam.gov/sam/transcript/Quick_Guide_for_Contract_Registrations.pdf>

*You must have a Data Universal Numbering System (DUNS) number in order to begin either registration process.*

If you already have the necessary information on hand (see below), the online registration takes approximately one hour to complete, depending upon the size and complexity of your business or organization.

**What data is needed to register in SAM?**

SAM registrants are required to submit detailed information on their company in various categories. Additional, non-mandatory information is also requested. Categories of required and requested information include:

\* General Information - Includes, but is not limited to, DUNS number, CAGE Code, company name, Federal Tax Identification Number (TIN), location, receipts, employee numbers, and web site address.

\* Corporate Information - Includes, but is not limited to, organization or business type and SBA-defined socioeconomic characteristics.

\* Goods and Services Information - Includes, but is not limited to, NAICS code, SIC code, Product Service (PSC) code, and Federal Supply Classification (FSC) code.

\* Financial Information - Includes, but is not limited to, financial institution, American Banking Association (ABA) routing number, account number, remittance address, lock box number, automated clearing house (ACH) information, and credit card information.

\* Point of Contact (POC) Information - Includes, but is not limited to, the primary and alternate points of contact and the electronic business, past performance, and government points of contact. \* Electronic Data Interchange (EDI) Information\* - Includes, but is not limited to, the EDI point of contact and his or her telephone, e-mail, and physical address. (\*Note: EDI Information is optional and may be provided only for businesses interested in conducting transactions through EDI.)

1. If Offeror does not have a DUNS number and is unable to obtain one before proposal submission deadline, Offeror shall include a statement in their Evidence of Responsibility Statement noting their intention to register for a DUNS number should it be selected as the successful offeror or explaining why registration for a DUNS number is not possible. Contact Dun & Bradstreet through this webform to obtain a number: <https://fedgov.dnb.com/webform> Further guidance on obtaining a DUNS number is available from Chemonics upon request [↑](#footnote-ref-2)
2. We point the applicants' attention to the fact that as a result of the introduction of new procedural codes in Ukraine, the processes in the courts of different instances and jurisdictions have been significantly unified. Similar unification is also envisaged by the creation of the UCITS. Thus, the applicant is required to conduct a detailed study of business processes in the additional courts referred to in paragraph 2.3. only to the extent that they differ from the proceedings to be the subject of detailed analysis in the first and second instance courts of general jurisdiction. [↑](#footnote-ref-3)