

Request for Proposals (RFP)

RFP # 31-NJ-02-2021

Updated on March 3, 2021!

**Production of Public Awareness Videos Devoted to High Anti-Corruption Court  
and Online Dispute Resolution SOLUTION FINDER Platform**

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.

**RFP Table of Contents**

[Section I. Instructions to Offerors 5](#_Toc50476710)

[I.1. Introduction 5](#_Toc50476711)

[I.2 Chronological List of Proposal Events 5](#_Toc50476712)

[I.3 Submission Requirements 6](#_Toc50476713)

[I.4. Eligibility Requirements 8](#_Toc50476714)

[I.5 VAT Exemption Requirements 8](#_Toc50476715)

[I.6 Source of Funding, Authorized Geographic Code, and Source and Origin 9](#_Toc50476716)

[I.7 Validity Period 9](#_Toc50476717)

[I.8 Instructions for the Preparation of the Proposal 10](#_Toc50476718)

[I.9 Evaluation and Basis for Award 11](#_Toc50476719)

[I.10 Negotiations 12](#_Toc50476720)

[I.11 Terms of Subcontract 13](#_Toc50476721)

[I.12 Insurance and Services 13](#_Toc50476722)

[I. 13 Privity 15](#_Toc50476723)

[Section II Background, Scope of Work, Deliverables, and Deliverables Schedule 16](#_Toc50476724)

[II.1. Background 16](#_Toc50476725)

[II.2. Scope of Work 16](#_Toc50476726)

[II.3. Deliverables 16](#_Toc50476727)

[II.4. Deliverables Schedule 17](#_Toc50476728)

[Annex 1 Cover Letter 18](#_Toc50476729)

[Annex 2 Guide to Creating a Financial Proposal for a Fixed Price Subcontract 19](#_Toc50476730)

[Annex 3 Required Certifications 20](#_Toc50476731)

[EVIDENCE OF RESPONSIBILITy 20](#_Toc50476732)

[SUBCONTRACTOR SIZE SELF-CERTIFICATION FORM 24](#_Toc50476733)

[Annex 4. Firm Fixed Price Subcontract (Terms and Clauses) 25](#_Toc50476734)

[Annex 5 DUNS and SAM Registration Guidance 26](#_Toc50476735)

**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 works associated with production of public awareness videos devoted to the High Anti-Corruption Court and online dispute resolution SOLUTION FINDER platform.

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

Promotion of SOLUTION FINDER online platform in Internet by means of public awareness videos produced under this Subcontract will facilitate Ukraine to improve access to justice for people and implement modern and innovative solutions in providing judicial services to individual according to Expected Result 3.1.3 “Courts equipped with and use IT and e-justice systems to improve efficiency of workflow, case managements, and accessibility of services” and Expected Result 3.3.1 “Comprehensive analyses of current context, barriers, and opportunities for developing medication and other ADR processes in Ukraine completed”.

Regular and proactive communications of the judiciary with the public and media concerning court judgments (especially in high-profile cases), available court services, and progress in implementing the judicial reform is one of key factors of building the public and investors’ trust in the judiciary. Therefore, executing this Subcontract with regard to production of the public awareness video about the High Anti-Corruption Court, which is an essential component of the judiciary and judicial reform, will facilitate the Program to attain its goals of improving transparency and accountability of the judiciary to the society and strengthening rule of law including those under Activity 2.1.3.1 “Support media projects aimed at celebrating positive trends in the judiciary to build legal culture and increase the buy-in for reform”. Besides, it is planned under this Subcontract to engage a professional photographer in order to create a collection of photo materials for the High Anti‑Corruption Court so that its communications and publications could be accompanied by a high quality visual component.

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](mailto: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 February 17, 2021

Deadline for written questions March 3, 2021

Answers provided to questions/clarifications March 5, 2021

Proposal due date March 10, 2021

Subcontract award (estimated) April 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](mailto:saf@new-justice.com) no later than March 3, 2021. 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 March 10, 2021 at the following address:

[saf@new-justice.com](mailto: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, 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.

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.

Applicants should demonstrate availability of a team of contributors with adequate experience of script writing and production of high quality public education and public awareness products videos distinguished by creativity and interesting approaches. Besides, applicants should provide evidence of their technical capacities including availability of necessary technical resources, tools, and know‑how as well as a detailed work plan with a timeline, specific activities, and commitments to produce high quality public education and public awareness products (videos); describe an approach to developing plots and creating video materials which would ensure that information is communicated to target audiences in an efficient, interesting, and understandable manner.

* 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.

The project team should engage the following specialists: director-and-scriptwriter, sound designer, cameraman, designer/animator, video editor, and photographer with no less than five-year experience in panoramic and portrait photography. The applicant will nominate candidate for positions which are key (essential) for successful completion of the project tasks.

* 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 significantly more important than 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? | 20 points |
|  | Sector Knowledge – Chemonics will assess whether the proposal demonstrates the offeror’s knowledge related to technical sectors required by the SOW? (Availability of authorial capacities, understanding of approaches to covering socially important topics, awareness of key aspects of government policies in the sphere of counteracting corruption, in the first place those associated with creation and operations of the High Anti-Corruption Court as well as in the sphere of improving individual access to justice and implementing innovative solutions in provision of judicial services to people). | 5 points |
|  | Proposed timeframe of the project implementation (reasonable, optimal, and substantiated) | 15 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](mailto:saf@newjustice.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

Rule of law serves a basis for development of a modern rule of law state. One of its key task is to provide individuals and businesses with means of fast and fair resolution of disputes for a reasonable price, thus facilitating social stability and economic growth.

One of the USAID New Justice Program's tasks is to facilitate the processes of enhancing court administration and deploying programs for improving individual access to justice and ensuring sustainability of human rights protection. The Program facilitates promotion of people-centered services that are associated with important aspects of justice which are of great concern to people and communities. To speed up accomplishment of these tasks, the Program facilitated automation of the Ukrainian judicial system, implementation of the E-court project, and automation of operational process at Ukrainian judicial institutions. Besides, the USAID New Justice Program facilitates promotion of alternative dispute resolution mechanisms in Ukraine including arbitration and mediation. The Program's experience demonstrates that alternative dispute resolution speeds up the dispute resolution process, raises parties' satisfaction with outcomes, and reduces the courts workload, thus releasing judicial resources. This Subcontract aims to attain Expected Result 3.1.3 "Courts equipped with and use IT and e-justice systems to improve efficiency of workflow, case managements, and accessibility of services" and Expected Result 3.3.1 "Comprehensive analyses of current context, barriers, and opportunities for developing medication and other ADR processes in Ukraine completed".

Modern approaches to alternative dispute resolution include promotion of online methods of dispute resolution (ODR) which are fast and cost saving. Thanks to technological advancements, many countries have already created online courts, thus bringing justice closer to people. This is particular important at the time of pandemic. ODR enables an ordinary individual to solve a simple but important for him/her legal problem using a smartphone, tablet or home computer. That is why the USAID New Justice Program supported the judiciary's initiative for implementing online dispute resolution in Ukraine. The Program fostered sharing of best practices and lessons learned in the process of using ODR in other countries with Ukrainian partners at the 2017 conference. In 2018, Shennon Salter, Chair of the [Civil Resolution Tribunal](https://bit.ly/37g5yQE) (CRT) in British Columbia, Canada, [assessed](https://bit.ly/37WrvUc) available capacities and options for implementing ODR in Ukrainian courts. Current challenges faced by the judiciary including quarantine measures, critical lack of funding, shortage of cadre, excessive workload on judges call for accelerated implementation of online operations and digital technologies.

On December 17, 2020, after two-year development with support from the High Council of Justice and participation of judges from Kyiv Raion Court of Odesa City, the USAID New Justice Program presented the [SOLUTION FINDER Platform](https://poshuk-rishen.it-artel.ua:88/wab/). This innovative online platform, which is based on the CRT model, enables people to access legal information in a fast and convenient manner as well as to prepare and file legal documents with relevant government authorities or courts in cases that concern minor violations of traffic regulations, divorce (by both parties' consent) or child support.

SOLUTION FINDER Platform has been developed by the Program experts in cooperation with judges, lawyers, mediators, and other specialists. It features a user's friendly interface and simple navigation and help Ukrainians:

* To obtain systemized legal information, which is adapted automatically to circumstances of specific case, on available ways to resolve disputes associated with minor violations of traffic regulations, divorce (by both parties' consent) or child support;
* To make an informed decision on further actions;
* Using provided models, to prepare relevant documents (applications etc.) needed to recourse to a court or another authority depending on the selected way to resolve the disputes;
* To file documents with a court using the electronic digital signature.

Categories of disputes, information on which is currently available on the platform, have been selected based on such criteria as frequency of cases of specific categories, possibility to resolve dispute extrajudicially, and simplicity.

Use of the platform will not only ensure adjudication of justice in a fast manner, but also raise the public trust in courts and other government authorities as people will receive high quality judicial services on time. In addition, all parties' willingness to execute jointly agreed decisions will help reduce the number of unexecuted decisions in Ukraine.

Kyiv Raion Court in Odesa City was selected as pilot court for the purpose of implementing the ODR project. Lawyers from Odesa region piloted the system, and now it is ready for launching. The State Judicial Administration (SJA) approved posting of information with a reference to the online platform on the website of the pilot court. SJA does not oppose posting such information on websites of other courts. Later, SJA will decide whether the platform could be used on the web portal of the Ukrainian judiciary. There are plans to roll out the SOLUTION FINDER at the national level, use it to resolve disputes of other categories, integrate it with the judiciary system (e-court), cooperate with the Antimonopoly Committee of Ukraine when challenging public procurement procedures, create users' profiles, supplement the platform with new procedures and document types, introduce a format of parties' communications/reconciliation, and make sure that the platform could facilitate the medication process. Video record of the SOLUTION FINDER presentation is available [here](https://www.youtube.com/watch?v=EkXjKLlNToY&t=3188s).

The USAID New Justice Program supports the Parliament, Government, judiciary, and other partners in creating the conditions for operation of the justice system which would be independent, accountable, and corruption-free. To this end, the Program assisted Ukraine with setting up the High Anti-Corruption Court (HACC) as an essential component of the Ukrainian anti-corruption architecture and judicial reform. In June 2018, the Ukrainian Parliament passed the Law on Anti-Corruption Court. In March 2019, the High Qualifications Commission of Judges of Ukraine announced 38 winners of the competitive selection of HACC judges. In September 2019, the newly created court started operations in administering justice. In view of the competence of this court, specifically, consideration of high-profile corruption-related cases, its activity drew significant attention of the public and media from the very beginning. In view of the above, the USAID New Justice Program assists the High Anti-Corruption Court in developing its institutional capacities including the communication component in order to ensure the court's transparency and accountability and build up the public trust to the court. Beside a number of media training events for the HACC Press Service and speaker judges and other communications events, the Program assisted the court with design and printing of information materials about the court, specifically, the information [booklet](https://newjustice.org.ua/wp-content/uploads/2020/03/Brochure_HACC_UKR.pdf) on HACC and [poster](https://newjustice.org.ua/wp-content/uploads/2020/11/HACC_Poster_Values_UKR.pdf) on judicial values. At the same time, the public [survey](https://newjustice.org.ua/uk/lib/doslidzhennya-ta-zviti/natsionalni-opituvannya/#library-5178) data evidence a need to raise the public awareness of the mission and operations of the High Anti-Corruption Court. This, in turn, will build the trust to this specific court as well as to the judicial system on the whole as High Anti-Corruption Court is an integral part thereof. Execution of this Subcontract will also help attain goals under Activity 2.1.3.1 "Support of media projects intended to highlight positive trends in the judiciary towards development of the legal culture in the society and public awareness of the judicial reform".

## II.2. Scope of Work

**Public Awareness Videos on SOLUTION FINDER Platform**

Public awareness videos on the online SOLUTION FINDER Platform should – in an easily understandable form – inform prospective partners (courts, other government authorities, mediators' professional organizations) and users (ordinary citizens, lawyers, mediators, business community representatives) on the following:

(1) Promo public awareness video (Video # 1) – on advantages, functionality, and ways to use the online SOLUTION FINDER Platform. The goal is to engage more prospective partners and users and encourage them to use the platform. Key messages: SOLUTION FINDER helps customers to select the best way to protect their rights (there is no need to recourse to the court); enables them to solve simple but important for people legal problems in an easy, accessible, and understandable way which does not require possession of special legal knowledge; all what you need is a smartphone, tablet or home computer. Duration of the public awareness video: 1.0 to 1.5 minutes with allowance for requirements of the social media (Facebook, YouTube etc.). To be posted on websites, social media and to be demonstrated during subject online events, such as webinars, presentations, conferences etc.

(2) Public awareness video featuring step-by-step demonstration of the platform functionality (video # 2) is intended to teach visitors how to use the platform and to demonstrate that this is easy and accessible. Duration: five to seven minutes (possibly longer depending on how detailed the instruction is). To be posted on websites, social media and to be demonstrated during subject online events, such as webinars, presentations, conferences etc.

It is expected that the public awareness videos, together with the platform, will be made available on all stakeholders' resources. Besides, the promo public awareness videos will be disseminated in the social media and internet.

A proposal should contain two script concept options for both public awareness videos on the above mentioned topics. These are to be developed after review of similar public awareness videos including examples provided by the Program for further discussion and agreeing on with representatives of the USAID New Justice Program.

According to the selected (approved) concept of the script (out of two proposed for each public awareness video), the Subcontractor will discuss and agree on the scripts and content of the expected public awareness videos with representatives of the USAID New Justice Program. Then the Subcontract will propose to refine them in order to improve and rationalize the content and, possible innovative approaches to implementation of the project.

The Subcontractor will ensure preparation and production of full public awareness videos – animation with possible video recording of the platform functionality, **without shooting people**, for example (examples are hypothetical):

Public awareness video # 1

* <https://www.kyiv.yasno.com.ua/cabinet>
* <https://www.youtube.com/watch?v=5865xTP9NO8&feature=emb_logo>
* <https://www.youtube.com/watch?v=1uAml879mqg>
* <https://www.youtube.com/watch?v=Fn-YDVtYBto&feature=emb_logo>
* <https://www.youtube.com/watch?v=9pyOe1Vrch4&feature=emb_logo>
* <https://www.youtube.com/watch?v=UDcsZ0B5Jo0>)
* <https://www.youtube.com/watch?v=4k-l-cnZA2M>

Public awareness video # 2

* Video record of the [Presentation of the SOLUTION FINDER Platform](https://www.youtube.com/watch?v=EkXjKLlNToY&t=3188s) (1:19:00 – 1:33:30)
* <https://www.youtube.com/watch?v=L1Rjqx8TjPI&feature=youtu.be>
* <https://www.youtube.com/watch?v=ABajnVRHtdw>
* <https://www.youtube.com/watch?v=BX-EIzIr-Hw&list=PLQCyS3bbFoFcTpxBqovd9LpWpml7lJEMe>

The Subcontractor will produce the video in an appropriate format using the background music corresponding the subject, harmonic animation, and high quality dubbing. Besides, to sparkle viewers' interest, it is expected that compliance with the above criteria will be combined with dynamics and modern technical capacities of video production. For each public awareness video, the Subcontractor should carry out pre‑production works (script designing and writing, development of a storyboard and graphic concept, technical preparation for shooting), production (public awareness video development), and post-production (editing, infographic, color correction, soundtrack, credits, subtitles). The Subcontractor will provide the Program with two versions of Public awareness video # 1: one with a narration, titles/captions, and subtitles in Ukrainian and the other with a narration, titles/captions, and subtitles in English , as well as with Video # 2 with a narration, titles/captions, and subtitles in Ukrainian. The Program will provide translation for titles/captions and subtitles.

Chemonics will facilitate consultations between the Subcontractor and Program representatives in order to help develop the concept, content, and script of the video.

**Public awareness video on the High Anti-Corruption Court**

The public awareness video about the High Anti-Corruption Court should in an easy-to-understand way inform the public oh the following:

(1) Video # 1 should educate the public on why the High Anti-Corruption Court is essential to fight corruption efficiently; cover the history of court’s establishment; familiarize the audience with the organizational structure of the court and its jurisdiction so that people understand what categories of cases the High Anti-Corruption Court considers; and demonstrate achievements of the court for the initial 18 months of operation. Public awareness video # 1 is intended to expose the public to this newly-created institution and to show the court's "human face" (to present a team of dedicated professionals as opposed to the image of bureaucratic institution as people often perceive government authorities including courts). It is proposed to engage a well-known journalist or media representative with a positive reputation in the society who would be interviewing judges and court staff members to make the video dynamic and spark the interest of a wider audience. Format: "live shooting" combined with animation. Duration: five to seven minutes with allowance for requirements of the court's website and YouTube channel. To be posted to the websites of the court and Program and on the court's YouTube channel.

(2) Video # 2 should be developed on the basis of Public awareness video # 1 and communicate key messages thereof as well as awake people's interest to learn more about the High Anti-Corruption Court. Tentative duration: one minute. To be posted on the court's Facebook page; to be demonstrated during subject online events, such as webinars, presentations, conferences etc.

A proposal should contain two script concept options for Public awareness video # 1 with a relevant explanation/description how each concept will be realized also in the short version (Public awareness video # 2). These are to be developed after review of the information materials on the High Anti-Corruption Court and analysis of similar public awareness videos including examples provided by the Program for further discussion and agreeing on with representatives of the USAID New Justice Program and High Anti-Corruption Court. Besides, the proposal should nominate at least five candidates from among well-known journalists or media representatives with a positive reputation in the society whom the applicant is planning to engage in the capacity of interviewer and who would interview judges and court staff members in the video.

According to the approved concept of the script (out of two proposed for each video), the Subcontractor will discuss and agree on the scripts and content of the expected public awareness videos with representatives of the USAID New Justice Program and Press Service of the High Anti-Corruption Court. Then the Subcontractor will propose to refine them in order to improve and rationalize the content and possible innovative approaches to implementation of the project.

The Subcontractor will ensure preparation and production of the full and short public awareness videos with engagement of a journalist and video-shooting of judges, court staff members, and, possibly, attorneys, prosecutors, law school students. This will be supplemented with animation or other graphic materials so that the audience perceives the video better. The video about the United Kingdom Supreme Court may serve a model for Public awareness video # 1 (<https://bit.ly/2N3J2mA>).

To ensure preparation of a high quality proposal and, later, public awareness video scripts, it is recommended that the Applicant study informational materials about the High Anti-Corruption Court on the court's website, YouTube channel and Facebook page; on informational resources of non-government organizations which monitor High Anti-Corruption Court activities (for example, those of Transparency International Ukraine, Anti-Corruption Action Center, Center of Policy and Legal Reform); on platforms of the media which cover High Anti-Corruption Court activities (for example, Українська правда, Новое время, Ліга, Цензор etc.).

The Subcontractor will produce the video in an appropriate format using the background music corresponding the subject, harmonic animation, and high quality dubbing. Besides, to sparkle viewers' interest, it is expected that compliance with the above criteria will be combined with dynamics and modern technical capacities of video production. For each public awareness video, the Subcontractor should carry out pre‑production works (conducting negotiations and receiving conformation from the journalist who will be interviewing judges and court staff members in the process of shooting video; designing and writing scripts and texts which are to be agreed on with all stakeholders (the journalist, representatives from the Program and High Anti-Corruption Court); developing a storyboard and graphic concept, technical preparation for shooting; visiting the court premises in order to choose the best location(s) for shooting); production (public awareness video development), and post-production (editing, infographic, color correction, soundtrack, credits, subtitles). The Subcontractor will provide the Program with two versions of Public awareness video # 1: one with a narration, titles/captions, and subtitles in Ukrainian and the other with a narration in Ukrainian, titles/captions and subtitles in English as well as two versions of Public awareness video # 2: one with a narration, titles/captions, and subtitles in Ukrainian and the other with a narration in Ukrainian, titles/captions and subtitles in English. The Program will provide translation for titles/captions and subtitles.

Chemonics will facilitate consultations between the Subcontractor and representatives from the Program and High Anti-Corruption Court in order to help develop the concept, content, and script of the video.

The process of taking pictures of judges, staff members and premises of the High Anti-Corruption Court should include the following components (tentatively):

* Taking pictures of 38 judges of the High Anti-Corruption Court (out of all picture taken, at least three pictures of each judge must be selected: portrait in the robe, portrait in business attire, and full-length photo; taking pictures of two chiefs of staff of the court's first and appellate instances (out of all pictures taken, at least two picture of each chief of staff should be selected: portrait in business attire and full-length photo); taking picture of two directors of press services of the court's first and appellate instances (out of all pictures taken, at least two picture of each press service director should be selected: portrait in business attire and full-length photo);
* Taking group photos of the entire staff of the court's first and appellate instances (at least three photos for each instance);
* Taking pictures of the first and appellate instance staff members "at work" (at least 20 photos for each instance, for example, "at work" photos of court security service, court reporters, press service, media representatives, court processes);
* Taking pictures of three premises of the court (located at different addresses): exterior, interior, courtrooms together with elements/attributes of justice (at least 15 photos for each premises).

The Press Service of the High Anti-Corruption Court will use the above mentioned photo materials to illustrate the court's communications and publications in the social media and on its website.

## 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 1: Two concept options for each of two public awareness videos about SOLUTION FINDER online platform and public awareness videos about the High Anti-Corruption Court are provided. They are developed after analysis of relevant information materials and similar public awareness videos including model videos provided by the Program.

Deliverable 2: The final script of each public awareness video is approved. Besides, all stakeholders (the applicant, journalist, Program, and High Anti-Corruption Court) have approved the candidature from among journalists or media representatives with a positive reputation in the society who will be interviewing judges and court staff members in the public awareness video about the High Anti-Corruption Court. The Subcontractor has provided the final script of the full version of each public awareness video with specification of the format, timeline, narrative text, journalist's text and his/her questions to judges and court staff members, options for the narrator's voice, list of sound tracks accompanying the animation/video, animation/video style, and storyboard.

Deliverable 3: Dates and scripts for shooting judges, court staff members, court process and premises of the High Anti-Corruption Court and the expected number of photographs of each type are approved.

Deliverable 4: Preliminary editing is completed. Pilot versions of the public awareness videos are provided for approval by Chemonics.

Deliverable 5: Pictures of judges, court staff members, court processes, and premises of High Anti-Corruption Court are taken. The photo materials are provided to the Program and High Anti-Corruption Court Press Service for the purpose of selecting the best ones.

Deliverable 6: The final edited versions of the public awareness videos are produced (in the format approved by Chemonics).

Deliverable 7: Preliminary selected pictures are corrected / retouched. The final versions of photographs are provided in two formats – high quality (definition) for printing purposes and small size for posting on web sites and in the social media.

## II.4. Deliverables Schedule

The applicant must specify deadlines for proving the deliverable assuming that implementation of the Subcontract will begin in mid-April 2021 and end in May or June 2021. Therefore, the last two – the 6th and 7th – deliverables must be provided to the Program no later than in June 2021.

|  |  |  |
| --- | --- | --- |
| **Deliverable Number** | **Deliverable Name** | **Due Date** |
| 1 | Two concept options for each public awareness video are provided. They are developed after analysis of relevant information materials and similar public awareness videos including model videos provided by the Program. Besides, at this stage the Subcontractor nominates at least five candidates from among well-known journalists or media representatives with a positive reputation in the society who will be interviewing judges and court staff members when shooting the video about HACC. The nominees have confirmed their readiness to take part in the project subject to approval by the Program and HACC. | *To specify the date or number of days after the day of signing the Subcontract* |
| 2 | The final script of each public awareness video is approved. The Subcontractor has provided the final script of the full version of each public awareness video with specification of the format, timeline, narrative text, journalist's text and his/her questions to judges and court staff members, options for the narrator's voice, list of sound tracks accompanying the animation/video, animation/video style, and storyboard. | *To specify the date or number of days after the day of signing the Subcontract* |
| 3 | Dates and scripts for shooting judges, court staff members, court process and premises of the High Anti-Corruption Court and the expected number of photographs of each type are approved. | *To specify the date or number of days after the day of signing the Subcontract* |
| 4 | Preliminary editing is completed. Pilot versions of the public awareness videos are provided for approval by Chemonics. | *To specify the date or number of days after the day of signing the Subcontract* |
| 5 | Pictures of judges, court staff members, court processes, and premises of High Anti-Corruption Court are taken. The photo materials are provided to the Program and High Anti-Corruption Court Press Service for the purpose of selecting the best ones. | *To specify the date or number of days after the day of signing the Subcontract* |
| 6 | The final edited versions of the public awareness videos are produced (in the format approved by Chemonics). | *To specify the date or number of days after the day of signing the Subcontract* |
| 7 | Preliminary selected pictures are corrected / retouched. The final versions of photographs are provided in two formats – high quality (definition) for printing purposes and small size for posting on websites and in the social media. | *To specify the date or number of days after the day of signing the Subcontract* |

\*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 #31-NJ-02-2021

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 №31-NJ-02-2021

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

**Primary NAICS Code**: 51210

**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](mailto: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)