

Request for Proposals

Conduct a study to review results of regulatory stock-taking and propose solutions to reduce and simplify business regulations in accordance with Resolution No. 68 of the Government

Issue Date:	5 August 2021
Closing Date For Proposals:	19 August 2021
Closing Time:	5:30 p.m. Hanoi time
Project Title:	Proposing solutions for regulatory reforms
Bid Reference Number:	LINKSME-RFP-006-2021

1. Disclaimer

The information contained in this request for proposals (hereinafter referred to as RFP) document is provided to the Offeror(s) by the International Executive Service Corps (IESC) for the USAID Linkages for Small and Medium Enterprises (LinkSME) project.

IESC desires to receive proposals from Vietnamese companies or organizations who are interested in, and capable of, reviewing and proposing reform measures that would reduce and simplify business regulations.

The purpose of this RFP document is to provide potential Offerors with information to assist them in the preparation of their proposals for the services that IESC seeks to source. This RFP document does not claim to contain all the information each potential Offeror may require. Each potential Offeror should conduct its own assessment and should check the accuracy, reliability, and completeness of the information in this RFP document, and where necessary obtain independent advice from appropriate sources.

IESC may cancel this RFP and is under no obligation to make an award as a result of this RFP, although IESC fully anticipates doing so.

Note that the selected Offeror may be subject to USAID's approval. Any activities under a final award are subject to and shall be carried out in accordance with the regulations promulgated by USAID, the Federal Acquisition Regulations (FAR), and any other subsequently published rule or regulation governing USAID programs. Please see the attached flow-down clauses that will be incorporated into the final award.

IESC may, at its own discretion, but without being under any obligation to do so, update, amend, or supplement the information in this RFP document.

Interested offerors are responsible for all costs associated with preparation and submission of proposals and will not be reimbursed by IESC. IESC, at its own discretion, may award a company to conduct only a part of the activities in the RFP.

2. Background

The USAID LinkSME project, funded by the United States Agency for International

Development (USAID), supports the Government of Vietnam (GVN) in its efforts to develop, adopt, and implement policy and regulatory reforms to provide a more favorable environment for small and medium enterprises (SMEs). It also works with business support organizations and the GVN to improve the performance of SMEs and integrate them into lead-firm supply chains. The project is implemented by the International Executive Service Corps (www.iesc.org), under a contract with USAID and an operating license issued by the People's Aid Coordinating Committee. Click [here](#) for more information.

The project's work on policy and regulatory reforms consists of two components. The first focuses on streamlining regulations and administrative procedures, reducing compliance costs, and enhancing the competitiveness of SMEs. The second focuses on supporting efforts to improve the effectiveness of government to business interactions, for instance enhancing government information available to enterprises and improving the government's mechanisms for handling feedback from the business sector. The lead agency for these two components is the Administrative Procedures Control Agency (APCA) under the Office of the Government (OOG). The group within LinkSME supporting this work is known as the Business Enabling Environment (BEE) Team.

In 2020, the Government of Vietnam issued Resolution No. 68 on an action plan to reduce and simplify business regulations during the 2020-2025 period (hereinafter "Resolution 68" or "the Resolution"). The Resolution requires line ministries to take stock of existing business regulations under their responsibility, then calculate compliance costs and develop proposals that would reduce and simplify business regulations in their areas of responsibility on an annual basis. In addition, OOG is tasked with reviewing and commenting on submitted reform packages, and studying and proposing independent reform measures. Under OOG, APCA is the lead department to carry out these tasks.

3. Scope Statement

IESC is seeking a qualified Vietnamese company or organization to: (i) review and report on the stock-taking of business-related regulations and the calculation of compliance costs conducted by line ministries according to Resolution 68; and (ii) research, develop, and propose independent reform measures.

All proposals must be valid for one hundred and twenty (120) days from the date of submission.

4. Subcontract Objectives

Support OOG/APCA to carry out their duties under Resolution 68 to review and report on the progress of implementation of Resolution 68 to ensure high-quality and timely fulfillment of duties by line ministries, and to independently propose reform measures to reduce and simplify business regulations for improving the business environment in Vietnam.

5. Period of Performance

The company or organization awarded the subcontract under this RFP would begin reviewing

stock-taking results and conducting regulatory reviews within two weeks of signing the subcontract (anticipated in late September 2021). The estimated period of performance for these tasks will continue through the end of June 2022.

6. Statement Of Work

6.1. Contract Oversight

The selected Offeror will report to a Technical Assistance Manager within the BEE Team. The Technical Assistance Manager will review contract deliverables and invoices and give direction to the selected Offeror in the performance of their work. Additional contractual oversight and final approval of deliverables will be provided by the BEE Team Leader.

6.2. Activities

The selected Offeror is expected to undertake the following tasks in close cooperation with APCA and USAID LinkSME:

No.	Activities	Timeline
1	Develop a report on stock-taking of regulations and cost calculation results	September- November 2021
2	Develop 02 independent review reports for reforming business-related regulations in the selected priority sector(s)	September- December 2021
3	Conduct 04 consultation workshops for reports (02 for stock-taking report on line ministries' review and 02 for independent review reports)	September- December 2021
4	Develop 05 independent review reports for reforming business-related regulations in selected priority sector(s)	December 2021 – June 2022
5	Conduct 06 consultation workshops for reports	December 2021 – June 2022

Please note that the priority sectors will be selected during implementation of the activity and in consultation with APCA and USAID LinkSME, taking into account current GVN priorities and opportunities for realization by the new legal instruments.

7. Subcontract Type and Deliverables

The arrangement governing the contemplated work and payment therefore will be a **fixed-priced, deliverables-based** contract. The list of deliverables for use in preparing proposals can be found below; costs per each deliverable in the table below shall be proposed by the Offeror. Payment will be made based on the achievement of each milestone.

Note that all figures included in this RFP are in Vietnamese Dong (VND) and that proposals are expected to be received in VND.

Deliverables	Requirements	Expected Due date
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<p>1. A report on stock taking of regulations and cost calculation results</p>	<p>A document of at least 30 A4 pages in Vietnamese to report on the progress of stock-taking (inventorying) of regulations and calculation of compliance cost by line ministries as required by Resolution 68 and guided by APCA guidance documents. The report will have a summary in both English and Vietnamese with key findings and recommendations.</p> <p>Relevant inputs from consultation workshops with stakeholders will be attached.</p>	<p>November 2021</p>
<p>2. 02 independent review reports for reforming business-related regulations in selected business sectors¹</p>	<p>Each report is a document of at least 30 pages in Vietnamese to review a selected regulatory area and make recommendations for reform. A summary in English and Vietnamese with key policy points and recommendations will be provided as part of the report.</p> <p>Relevant inputs from consultation workshops with stakeholders will be attached.</p>	<p>December 2021</p>
<p>3. 05 independent review reports for reforming business-related regulations in selected business sectors</p>	<p>Each report is a document of at least 30 pages in Vietnamese to review a selected regulatory area and make recommendations for reform. A summary in English and Vietnamese with key policy points and recommendations will be provided as part of the report.</p> <p>Relevant inputs from consultation workshops with stakeholders will be attached.</p>	<p>June 2022</p>

8. Instructions to Potential Offerors

8.1. Submission

1. Offers received after the closing date may not be considered.
2. Cost proposal must be in VND (with possible reference to US Dollars).
3. Technical and cost proposals must be submitted as two separate documents. Cost

¹ A business sector is defined as a sector subject to conditions specified in the Law on Investment 2020 (listed in the Appendix 4).

information must not be included in the technical proposal.

Offerors would submit their proposals in either English or Vietnamese by the closing date and time, as listed on page one, to the following: Procurement@linksme.org

8.2. Clarifications and Amendments

Potential Offerors may request clarifications in English or Vietnamese via email to procurement@linksme.org. These must be submitted no later than **5:30 PM Hanoi time, on the date specified below**. IESC will post answers to the questions and requests for clarification asked by all Offerors and received by the deadline on the IESC website with the RFP before the close of business on the date specified below. IESC may not answer questions before the proposal submission deadline outside of the allotted response period for clarifications. No questions will be answered over the phone or in person.

8.3. Chronological List of Proposed Events

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

RFP published	5 August 2021
Deadline for written questions	9 August 2021
Answer provided to questions/clarifications	12 August 2021
Proposal due date	19 August 2021
Contract award (estimated)	Late September 2021

9. Cover Page and Markings

In addition to the required proposal documents listed in sections 12 and 13 below, please include a cover page with your submission for the technical and the cost proposals (separate cover pages). The cover page should be on company letterhead and should contain the following information:

- 1) Project or Title (from the front page of this RFP document)
- 2) Bid Reference Number (from the front page of this RFP document)
- 3) Company Name
- 4) Company Address
- 5) Name of Company's authorized representative
- 6) Contact person if different than Company's representative
- 7) Telephone #, Cellular/Mobile Phone #, Email address
- 8) Duration of Validity of proposal
- 9) Total Proposed Price (**cover page of cost proposal only**)
- 10) Signature, date, and time

10. Eligibility Requirements

Offeror may be required to present a business registration and must have proved experience in conducting regulatory and policy reviews for the purpose of improving the business environment in Vietnam and in other countries and having excellent knowledge of necessary methodologies. The capabilities to conduct consultation workshops with relevant stakeholders, especially business communities, to connect and dialogue quickly with networks of line ministries, provinces, Vietnamese enterprises and business associations are also preferred. The offeror could be a private company, non-profit organization, or private civil society organization.

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. No governmental, quasi-governmental, or parastatal organizations are eligible to bid on this RFP or to be awarded a contract under this RFP.

Co-joint proposals are acceptable provided that the technical and cost proposals clearly identify the sub-contractor(s). Award may be contingent upon USAID's final approval.

11. Basis for Award

IESC anticipates that award will be based on best-value principles. Accordingly, award will be made to the technically acceptable Offeror(s) whose proposal(s) provides the greatest overall value to IESC and the USAID LinkSME project, price and other factors considered, and whose proposal(s) conforms to all solicitation requirements.

To determine the best value, proposals will be evaluated on the criteria below. The number of points assigned, totaling 100 points, indicates the relative importance of each individual criterion. Offerors should note that these criteria serve to: (a) identify the significant factors which Offerors should address in their proposals, and (b) set the standard against which all proposals will be evaluated.

12. Technical Proposal Evaluation

Please read carefully, the following are instructions for preparing proposals. Proposals must be organized into sections corresponding to the sections presented in **12.1 Technical Evaluation Criteria** and numbered accordingly. Please stay within the page limits given below.

Only include the requested information and avoid submitting extra content. Any pages exceeding the page limitation for each section of the proposal may not be evaluated.

Proposals shall be written in English or Vietnamese with each page numbered consecutively. Cover pages, dividers, and tables of contents are not subject to the page limit.

12.1. Technical Evaluation Criteria

Proposals will be evaluated according to the following criteria. Points will also reflect the overall presentation of the proposal, which should be clear, complete, well organized, and well written. Most importantly, proposals should address all the requirements listed in this RFP.

[1] Technical and management approach: 4-page limit; possible points 40

Proposals will be scored on the demonstration of the technical expertise and capabilities to conduct activities and deliver the deliverables as outlined in **Section 6.2 Activities and Section 7. Subcontract Type and Deliverables**, and will be reviewed based on:

- Outline of regulatory review methodology for the purpose of regulatory reform.
- Description of method to organize consultation workshops.
- Work plan to implement activities.

[2] Offeror's past performance and references: 2 pg. limit (not including samples of previous work, which may be attachments); possible points 20

The proposal must provide a detailed account of the Offeror's record in implementing similar activities to those outlined in the tasks and activities. This should include sufficient information to demonstrate the Offeror's performance for the above tasks and activities and include how the overall approach, including problem-solving, is based on extensive prior experience in conducting regulatory review studies and recommendations for reform.

Offerors should also provide a minimum of three (3) references for past and present clients for which the Offeror has completed a similar task. References must include contact information.

[3] Offeror's Personnel Experience and Capacities: 2 pg. limit (not including resumes or CVs, which are attachments); possible points 30

The technical proposal must include a description (biographical sketch acceptable) of at least two, but not more than five, personnel who would directly work on the methodology and review reports. Resumes or CVs must be submitted as attachments for individuals submitted in this section and do not count within the page limitations of this section.

This section will be marked on the extent to which the Offeror's or its personnel have experience in the design and implementation of relevant regulatory reviews.

[4] Local knowledge: 1 pg. limit; possible points 10

The technical proposal must demonstrate knowledge of the environment in which the activity will take place and their experience working with Vietnamese government entities and the business community. The offeror's demonstrated capabilities in connecting and dialoguing quickly with a network of line ministries, provinces, Vietnamese enterprises, and business associations should also be highlighted in this section.

13. Cost Proposal Evaluation

The Offeror shall submit a separate cost proposal that includes the project cost of performing

the activities as described above. These costs should be broken down to show the separate cost of each deliverable and the **total cost for all activities and deliverables**. The total cost of the activities must be included in a summary sheet. As noted above, IESC will pay a fixed price per approved completion of each deliverable listed in Section 7. Subcontract Type and Deliverables.

All proposed costs must be in accordance with the U.S. Government Cost Principles under FAR Part 31.

The cost proposal must include:

1. A spreadsheet that lists each deliverable per **Section 7. Subcontract Type and Deliverables** and the proposed payment price for each deliverable.
2. The offeror must provide either a detailed budget showing major line items such as Salaries, allowances, travel costs, other direct costs, or Activity budgets. The budget must show unit prices, quantities, and total price.
3. The cost proposal shall also include a budget narrative that explains the basis for the estimation of cost elements or line items. Supporting information must be provided in sufficient detail and include unit cost information to allow for a complete analysis of each cost element or item. IESC shall request additional cost information if the Evaluation Committee has concerns about the reasonableness, necessity, and realism of an offeror's proposed cost.
4. If it is an offeror's regular practice to budget an indirect rate for overhead costs, the offeror must explain the rate and the rate's base of application in the budget narrative. IESC reserves the right to request additional information to substantiate an offeror's indirect rate.

14. Source of Funding, Authorized Geographic Code, and Source and Origin

Any subcontract resulting from this RFP will be financed with 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 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 the Socialist Republic of Vietnam.

Offerors must 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, (North) Sudan, 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). Offerors also must not offer or supply telecommunications equipment or services prohibited by Section 889 of the U.S. Government's National Defense Authorization Act (NDAA). The list of prohibited companies as defined by the U.S. Government under Section 889 is as follows:

- Huawei Technologies Company
- ZTE Corporation
- Hytera Communications Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company
- And associated subsidiaries or affiliates

15. Deviations

IESC reserves the right to waive any deviations by offerors from the requirements of this solicitation that in IESC's opinion are considered not to be material defects requiring rejection or disqualification; or where such a waiver will promote increased competition.

16. Discrepancies

Please read the instructions carefully before submitting your proposal. Any discrepancy in following the instructions or award provisions may disqualify your proposal without recourse or an appeal for reconsideration at any stage.

17. Conflict of Interest Declaration

The following steps outline IESC's award selection process and should be understood by all Offerors to ensure the transparency of awards and avoid conflict of interest.

1. Requests for Proposals (RFPs) are posted on IESC's website. The offer is open to all qualified offerors;
2. Clarifications will be emailed to all offerors submitting questions, as well as posted on IESC's website, simultaneously;
3. Once the proposals are received, an evaluation committee scores them;
4. Cost proposals are evaluated for reasonableness, accuracy, and completeness;
5. The best value proposal is selected based on a combination of the technical score and the cost;
6. No activity can be started until USAID has approved the appointment of the subcontract if necessary and both IESC and the awardee have signed a formal contract; and,
7. IESC policy against fraud and code of business ethics exists throughout the life of the sub-award and beyond. Even if the sub-award is closed or has expired, if any party is found guilty of fraud, IESC will make a full report to the USAID Office of Inspector General, which may choose to investigate and prosecute guilty parties to the fullest extent of the law.

The selected offeror will be required to comply with all administrative standards and provisions required by USAID.

Attachment A

**U.S. Government Flow-Down Contract Clauses
Notice Listing Contract Clauses Incorporated by
Reference**

The following contract clauses pertinent to this section are hereby incorporated by reference as required by U.S. Government public contracting regulations. This list is subject to change as appropriate; for example, depending on final negotiated amount of subcontract (if less than \$250,000) and proposed technical approaches, some FAR and/or AIDAR clauses may be deleted.

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1)

NUMBER	TITLE	DATE
52.202-1	DEFINITIONS	NOV 2013
52.203-3	GRATUITIES	APR 1984
52.203-5	COVENANT AGAINST CONTINGENT FEES	MAY 2014
52.203-6	RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT	SEP 2006
52.203-7	ANTI-KICKBACK PROCEDURES	MAY 2014
52.203-8	CANCELLATION, RESCISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY	MAY 2014
52.203-10	PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY	MAY 2014
52.203-12	LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS	OCT 2010
52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT	OCT 2015
52.203-17	CONTRACTOR EMPLOYEE WHISTLER BLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS	APR 2014
52.204-4	PRINTED OR COPIED DOUBLE-SIDED ON RECYCLED PAPER	MAY 2011
52.204-7	CENTRAL CONTRACTOR REGISTRATION	APR 2008
52.204-8	ANNUAL REPRESENTATIONS AND CERTIFICATIONS	NOV 2011
52.204-10	REPORTING EXECUTIVE COMPENSATION AND FIRST TIER SUBCONTRACT AWARDS	OCT 2015
52.204-23	PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES	JUL 2018
52.204-25	PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT	AUG 2020
52.209-6	PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT	OCT 2015

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1) (continued)

NUMBER	TITLE	DATE
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52.215-2	AUDIT AND RECORDS--NEGOTIATION	OCT 2010
52.215-8	ORDER OF PRECEDENCE--UNIFORM CONTRACT FORMAT <i>(Subcontractor must use this order of precedence in any lower-tier subcontracts)</i>	OCT 1997
52.215-14	INTEGRITY OF UNIT PRICES	OCT 2010
52.215-19	NOTIFICATION OF OWNERSHIP CHANGES	OCT 1997
52.215-23	LIMITATIONS ON PASS THROUGH CHARGES	OCT 2009
52.216-7	ALLOWABLE COST AND PAYMENT	OCT 1995
52.217-2	CANCELLATION OF MULTIYEAR CONTRACTS	OCT 1997
52.222-2	PAYMENT FOR OVERTIME PREMIUMS <i>(\$0 authorized)</i>	JUL 1990
52.222-50	COMBATING TRAFFICKING IN PERSONS	MAR 201
52.223-18	ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING	AUG 2011
52.225-13	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES	JUN 2008
52.227-14	RIGHTS IN DATA—GENERAL	MAY 2014
52.228-3	WORKERS' COMPENSATION INSURANCE (DEFENSE BASE ACT)	JUL 2014
52.228-7	INSURANCE – LIABILITY TO THIRD PERSONS	MAR 1996
52.232-17	INTEREST	MAY 2014
52.232-18	AVAILABILITY OF FUNDS	APR 1984
52.232-23	ASSIGNMENT OF CLAIMS	MAY 2014
52.232-39	UNENFORCEABILITY OF UNAUTHORIZED OBLIGATIONS	JUN 2013
52.233-1	DISPUTES	MAY 2014
52.233-3	PROTEST AFTER AWARD	AUG 1996
52.233-4	APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM	OCT 2004

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1) (CONTINUED)

NUMBER	TITLE	DATE
52.242- 1	NOTICE OF INTENT TO DISALLOW COSTS	APR 1984
52.242-13	BANKRUPTCY	JUL 1995
52.244-2	SUBCONTRACTS ALTERNATE I	OCT 2010 JUN 2007
52.244-5	COMPETITION IN SUBCONTRACTING	DEC 1996
52.244-6	SUBCONTRACTS FOR COMMERCIAL ITEMS	SEP 2016
52.245-1	GOVERNMENT PROPERTY	APR 2012
52.245-9	USE AND CHARGES	APR 2012
52.246-23	LIMITATION OF LIABILITY	FEB 1997
52.247-63	PREFERENCE FOR U.S.-FLAG AIR CARRIERS	JUN 2003
52.249-14	EXCUSABLE DELAYS	APR 1984
52.253-1	COMPUTER GENERATED FORMS	JAN 1991

NUMBER	TITLE	DATE
752.202-1(B)	USAID DEFINITIONS CLAUSE - GENERAL SUPPLEMENT FOR USE IN ALL USAID CONTRACTS (ALTERNATE 70)	JAN 1990
752.202-1(D)	USAID DEFINITIONS CLAUSE – SUPPLEMENT FOR USAID	JUN 2009

CONTRACTS INVOLVING PERFORMANCE OVERSEAS
(ALTERNATE 72)

752.204-2	SECURITY REQUIREMENTS	FEB 1999
752.211-70	LANGUAGE AND MEASUREMENT	JUN 1992
752.227-14	RIGHTS IN DATA	OCT 2007
752.228-3	WORKERS' COMPENSATION INSURANCE (DEFENSE BASE ACT)	DEC 1991
752.228-7	INSURANCE – LIABILITY TO THIRD PERSONS	JUL 1997
I.2. AIDAR 48 CFR Chapter 7		
752.228-9	CARGO INSURANCE	DEC 1998
752.231-71	SALARY SUPPLEMENTS FOR HG EMPLOYEES	MAR 2015
752.245-70	GOVERNMENT PROPERTY-USAID REPORTING REQUIREMENTS	JUL 1997
752.245-71	TITLE TO AND CARE OF PROPERTY	APR 1984
752.247-70	PREFERENCE FOR PRIVATELY OWNED U.S. FLAG COMMERCIAL VESSELS	OCT 1996
752.7005	SUBMISSION REQUIREMENTS FOR DEVELOPMENT EXPERIENCE DOCUMENTS	SEP 2013
752.7008	USE OF GOVERNMENT FACILITIES OR PERSONNEL	APR 1984
752.7010	CONVERSION OF U.S. DOLLARS TO LOCAL CURRENCY (<i>IESC to provide Mission Director directives to Subcontractor</i>)	APR 1984
752.7013	CONTRACTOR-MISSION RELATIONSHIPS	OCT 1989
752.7018	HEALTH AND ACCIDENT COVERAGE FOR USAID PARTICIPANT TRAINEES	JAN 1999
752.7019	PARTICIPANT TRAINING	JAN 1999
752.7023	REQUIRED VISA FORM FOR USAID PARTICIPANTS	APR 1984
752.7025	APPROVALS	APR 1984
752.7034	ACKNOWLEDGEMENT AND DISCLAIMER	DEC 1991
752.7035	PUBLIC NOTICES	DEC 1991
752.7038	NONDISCRIMINATION AGAINST END-USERS OF SUPPLIES AND SERVICES	OCT 2016

FAR 52.204-1 APPROVAL OF CONTRACT (DEC 1989)

This subcontract may be subject to the written approval of the Contracting Officer.

(End of clause)

**AIDAR 752.209-71 ORGANIZATIONAL CONFLICTS OF INTEREST DISCOVERED
AFTER AWARD (JUN 1993)**

1. The Contractor agrees that, if after award it discovers either an actual or potential organizational conflict of interest with respect to this contract, it shall, subject to any confidentiality obligation owed to other parties, make an immediate and full disclosure in writing to the Contracting Officer which shall include a description of the action(s) which the Contractor has taken or proposes to take to avoid, eliminate or neutralize the conflict.
2. The Contracting Officer shall provide the contractor with written instructions concerning the conflict. USAID reserves the right to terminate the contract if such action is determined to be in the best interests of the Government.

(End of clause)

AIDAR 752.242-70 PERIODIC PROGRESS REPORTS (OCT 2007)

1. The Contractor shall prepare and submit progress reports as specified in the contract schedule. These reports are separate from the interim and final performance evaluation reports prepared by USAID in accordance with (48 CFR) FAR 42.15 and internal Agency procedures, but they may be used by USAID personnel or their authorized representatives when evaluating the contractor's performance.
2. During any delay in furnishing a progress report required under this contract, the contracting officer may withhold from payment an amount not to exceed US\$25,000 (or local currency equivalent) or 5 percent of the amount of this contract, whichever is less, until such time as the contractor submits the report or the contracting officer determines that the delay no longer has a detrimental effect on the Government's ability to monitor the contractor's progress.

(End of clause)

AIDAR 752.7013 CONTRACTOR-MISSION RELATIONSHIPS (JUNE 2018) (M/OAA-DEV-AIDAR-18-04c)

1. The Contractor acknowledges that this contract is an important part of the United States Foreign Assistance Program and agrees that its operations and those of its employees in the Cooperating Country will be carried out in such a manner as to be fully commensurate with the responsibility, which this entails. This responsibility includes the Contractor ensuring that employees act in a manner consistent with the standards for United Nations (UN) employees in Section 3 of the UN Secretary General's Bulletin - Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13).
2. The Mission Director is the chief representative of USAID in the Cooperating Country. In this capacity, the Mission Director is responsible for both the total USAID program in the cooperating country including certain administrative responsibilities set forth in this contract, and for advising USAID regarding the performance of the work under the contract and its effect on the United States Foreign Assistance Program. Although the Contractor will be responsible for all professional, technical, and administrative details of the work called for by the contract, it must be under the guidance of the Mission Director in matters relating to foreign policy. The Chief of Party must keep the Mission Director currently informed of the progress of the work under the contract.
3. If the Contractor determines that the conduct of any employee is not in accordance with the preceding paragraphs, the Contractor's Chief of Party must consult with the USAID contracting officer and the Mission Director and the employee involved and must recommend to the Contractor a course of action with regard to such employee.
4. The parties recognize the rights of the U.S. Ambassador to direct the removal from a country of any U.S. citizen or the discharge from this contract of any individual (U.S., third-country, or cooperating-country national) when, at the discretion of the Ambassador, the interests of the United States so require. Under these circumstances termination of an employee and replacement by an acceptable substitute must be at no cost to USAID.
5. If it is determined, under paragraphs (c) and (d) above, that the services of such employee must be terminated, the Contractor must use its best efforts to cause the return of such employee to the United States or third country point of origin as appropriate.

(End of clause)

AIDAR 752.7025 APPROVALS (APR 1984)

All approvals required to be given under the contract by the Contracting Officer or the Mission Director shall be in writing and, except when extraordinary circumstances make it impracticable, shall be requested by the Contractor sufficiently in advance of the contemplated action to permit approval, disapproval or other disposition prior to that action. If, because of existing conditions, it is impossible to obtain prior written approval, the approving official may, at his discretion, ratify the action after the fact.

(End of clause)

AIDAR 752.7101 VOLUNTARY POPULATION PLANNING ACTIVITIES (JUNE 2008)

1. Requirements for Voluntary Sterilization Program. None of the funds made available under this Contract shall be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any individual to practice sterilization.
2. Prohibition on Abortion-Related Activities.
 1. No funds made available under this Contract will be used to finance, support, or be attributed to the following activities: (i) procurement or distribution of equipment intended to be used for the purpose of inducing abortions as a method of family planning; (ii) special fees or incentives to any person to coerce or motivate them to have abortions; (iii) payments to persons to perform abortions or to solicit persons to undergo abortions; (iv) information, education, training, or communication programs that seek to promote abortion as a method of family Planning ; and (v) lobbying for or against abortion. The term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options.
 2. No funds made available under this Contract will be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilizations as a means of family planning. Epidemiologic or descriptive research to assess the incidence, extent or consequences of abortions is not precluded.

(c) The Contractor shall insert this provision in all subcontracts.

(End of clause)

AIDAR 752.222-71 NONDISCRIMINATION (JUNE 2012)

FAR part 22 and the clauses prescribed in that part prohibit contractors performing in or recruiting from the U.S. from engaging in certain discriminatory practices.

USAID is committed to achieving and maintaining a diverse and representative workforce and a workplace free of discrimination. Based on law, Executive Order, and Agency policy, USAID prohibits discrimination in its own workplace on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, disability, age, veteran's status, sexual orientation, genetic information, marital status, parental status, political affiliation, and any other conduct that does not adversely affect the performance of the employee. USAID does not tolerate any type of discrimination (in any form, including harassment) of any employee or applicant for employment on any of the above-described bases.

Contractors are required to comply with the nondiscrimination requirements of the FAR. In addition, the Agency strongly encourages all its contractors (at all tiers) to develop and enforce nondiscrimination policies consistent with USAID's approach to workplace nondiscrimination as described in this clause, subject to applicable law.

(End of clause)

AIDAR 752.231-72 CONFERENCE PLANNING AND REQUIRED APPROVALS (AUG 2013)

1. Definitions. Conference means a seminar, meeting, retreat, symposium, workshop, training activity or other such event that requires temporary duty travel of USAID employees. For the purpose of this policy, an employee is defined as a U.S. direct hire; personal services contractor, including U.S. PSCs, Foreign Service National (FSN)/Cooperating Country National (CCN) and Third Country National (TCN); or a Federal employee detailed to USAID from another government agency.

2. The contractor must obtain approval from the contracting officer or the contracting officer's representative (COR), if delegated in the Contracting Officer's Representative Designation Letter, as prescribed in 731.205-43, prior to committing costs related to conferences funded in whole or in part with USAID funds when:
 1. Twenty (20) or more USAID employees are expected to attend.
 2. The net conference expense funded by USAID will exceed \$100,000 (excluding salary of employees), regardless of the number of USAID participants.
3. Conferences approved at the time of award will be incorporated into the award. Any subsequent requests for approval of conferences must be submitted by the contractor to the USAID contracting officer representative (COR). The contracting officer representative will obtain the required agency approvals and communicate such approvals to the contractor in writing.
4. The request for conference approval must include:
 1. A brief summary of the proposed event;
 2. A justification for the conference and alternatives considered, e.g., teleconferencing and videoconferencing;
 3. The estimated budget by line item (e.g., travel and per diem, venue, facilitators, meals, equipment, printing, access fees, ground transportation);
 4. A list of USAID employees attending and a justification for each; and the number of other USAID- funded participants (e.g., institutional contractors);
 5. The venues considered (including government-owned facility), cost comparison, and justification for venue selected if it is not the lowest cost option;
 6. If meals will be provided to local employees (a local employee would not be in travel status), a determination that the meals are a necessary expense for achieving Agency objectives; and
 7. A certification that strict fiscal responsibility has been exercised in making decisions regarding conference expenditures, the proposed costs are comprehensive and represent the greatest cost advantage to the U.S. Government, and that the proposed conference representation has been limited to the minimum number of attendees necessary to support the Agency's mission.

(End of clause)

AIDAR 752.7036 IMPLEMENTING PARTNER NOTICES (IPN) FOR ACQUISITION

This is not applicable to the Subcontractor.

AIDAR 752.7037 CHILD SAFEGUARDING STANDARDS (AUG 2016)

1. Implementation of activities under this award may involve children, or personnel engaged in the implementation of the award may come into contact with children, which could raise the risk of child abuse, exploitation, or neglect within this award. The contractor agrees to abide by the following child safeguarding core principles:
 1. Ensure compliance with host country and local child welfare and protection legislation or international standards, whichever gives greater protection, and with U.S. law where applicable;
 2. Prohibit all personnel from engaging in child abuse, exploitation, or neglect;
 3. Consider child safeguarding in project planning and implementation to determine potential risks to children that are associated with project activities and operations;
 4. Apply measures to reduce the risk of child abuse, exploitation, or neglect, including, but not limited to, limiting unsupervised interactions with children; prohibiting exposure to pornography; and complying with applicable laws, regulations, or customs regarding the photographing, filming, or other image generating activities of children;

5. Promote child-safe screening procedures for personnel, particularly personnel whose work brings them in direct contact with children; and
 6. Have a procedure for ensuring that personnel and others recognize child abuse, exploitation, or neglect; mandating that personnel and others report allegations; investigating and managing allegations; and taking appropriate action in response to such allegations, including, but not limited to, dismissal of personnel.
2. The contractor must also include in the code of conduct for all personnel implementing USAID-funded activities, the child safeguarding principles in paragraphs (a)(1) through (6) of this clause.
 3. The following definitions apply for purposes of this clause:
 1. Child. A child or children are defined as persons who have not attained 18 years of age.
 2. Child abuse, exploitation, or neglect. Constitutes any form of physical abuse; emotional ill-treatment; sexual abuse; neglect or insufficient supervision; trafficking; or commercial, transactional, labor, or other exploitation resulting in actual or potential harm to the child's health, well-being, survival, development, or dignity. It includes, but is not limited to: Any act or failure to act which results in death, serious physical or emotional harm to a child, or an act or failure to act which presents an imminent risk of serious harm to a child.
 3. Emotional abuse or ill treatment. Constitutes injury to the psychological capacity or emotional stability of the child caused by acts, threats of acts, or coercive tactics. Emotional abuse may include, but is not limited to: Humiliation, control, isolation, withholding of information, or any other deliberate activity that makes the child feel diminished or embarrassed.
 4. Exploitation. Constitutes the abuse of a child where some form of remuneration is involved or whereby the perpetrators benefit in some manner. Exploitation represents a form of coercion and violence that is detrimental to the child's physical or mental health, development, education, or well-being.
 5. Neglect. Constitutes failure to provide for a child's basic needs within USAID-funded activities that are responsible for the care of a child in the absence of the child's parent or guardian.
 6. Physical abuse. Constitutes acts or failures to act resulting in injury (not necessarily visible), unnecessary or unjustified pain or suffering without causing injury, harm or risk of harm to a child's health or welfare, or death. Such acts may include, but are not limited to: Punching, beating, kicking, biting, shaking, throwing, stabbing, choking, or hitting (regardless of object used), or burning. These acts are considered abuse regardless of whether they were intended to hurt the child.
 7. Sexual abuse. Constitutes fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.
- (d) The contractor must insert this clause in all subcontracts under this award.

(End of clause)

FAR 52.203-99 PROHIBITION ON CONTRACTING WITH ENTITIES THAT REQUIRE CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS (APR 2015)

1. The Contractor shall not require employees or subcontractors seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
2. The contractor shall notify employees that the prohibitions and restrictions of any internal confidentiality agreements covered by this clause are no longer in effect.
3. The prohibition in paragraph (a) of this clause does not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

4. (1) In accordance with section 7 43 of Division E, Title VI I, of the Consolidated and Further Continuing Resolution Appropriations Act, 2015 (Pub. L. 113-235), use of funds appropriated (or otherwise made available) under that or any other Act may be prohibited, if the Government determines that the Contractor is not in compliance with the provisions of this clause.
(2) The Government may seek any available remedies in the event the contractor fails to comply with the provisions of this clause.

(End of clause)

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