



USAID | EAST AFRICA

FROM THE AMERICAN PEOPLE

Solicitation number: RFQ-623-KE-08-068
Issuance Date: September 17, 2008

Deadline for

Questions: September 25, 2008
10:00am, Kenya Time

RFQ Closing Date: October 22, 2008
RFQ Closing Time: 10:00am, Kenya Time

**SUBJECT: EVALUATION OF NORTH EASTERN PROVINCE PRIMARY SCHOOL
INFRASTRUCTURE**

Dear Sir/Madam,

The United States Government, represented by the U.S. Agency for International Development, (USAID) intends to award, subject to availability of funds, a firm-fixed-price contract for provision of services to conduct an evaluation of the North Eastern Province Primary School Infrastructure as more specifically described in Section B (Statement of Work). The authority for this RFQ is found in the Foreign Assistance Act of 1961, as amended and FAR Part 13 (Simplified Acquisition Procedures) and FAR Part 15 (Contracting by Negotiation).

For the purposes of this program, this RFQ is being issued and consists of the cover letter and the following:

1. Section A – Quotation Submission Format;
2. Section B – Statement of Work;
3. Section C – Evaluation Criteria; and
4. Section D – Representations and Certifications
5. Section E – Attachments

If you decide to submit a quote, it should be received via electronic submission to Christopher D. O'Donnell, Regional Acquisition and Assistance Officer (codonnell@usaid.gov) with copy to William Ndinya, Regional Acquisition and Assistance Specialist (wndinya@usaid.gov) by the closing date and time indicated on the cover letter.

Quotes received after the deadline will not be considered.

Delivery to the post office or air courier representative does not constitute meeting the statutory equipment that quotes are received at the designated office by the deadline. For purposes of recording the official receipt of quotations, the date/time stamp of the Regional Acquisition and Assistance Office at USAID/East Africa will govern. Offerors should retain for their records copies of any and all enclosures which accompany their quotations.

Any questions about this RFQ must be e-mail to Christopher D. O'Donnell, Regional Acquisition and Assistance Officer (codonnell@usaid.gov) and William Ndinya, Regional Acquisition and Assistance Specialist (wndinya@usaid.gov) and must reference the RFQ-623-KE-08-068. For all inquiries, provide a contact person's name, title, phone number and email address.

Issuance of this RFQ does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of a quotation. In addition, final award of any contract cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, the potential offeror is hereby notified of these requirements and conditions for award. Quotations are submitted at the risk of the offeror; should circumstances prevent award of a contract, all preparation and submission costs are at the offeror's expense.

Sincerely,

Christopher D. O'Donnell
Regional Acquisition and Assistance Officer
USAID/East Africa

REQUEST FOR QUOTATIONS (THIS IS NOT AN ORDER)			THIS RFQ <input type="checkbox"/> IS <input type="checkbox"/> IS NOT A SMALL BUSINESS SET-ASIDE		PAGE OF PAGES 3 32
1. REQUEST NO. RFQ-623-KE-08-068		2. DATE ISSUED September 17, 2008	3. REQUISITION/PURCHASE REQUEST NO. 615-MAARD615-0008-3-80075		4. CERT. FOR NAT. DEF. UNDER BDSA REG. 2 AND/OR DMS REG. 1
5A. ISSUED BY USAID/East Africa/RAAO Regional Acquisition & Assistance Office P.O. Box 629, Village Market 00621 Nairobi, Kenya 00621			6. DELIVER BY (Date) Close of Business, Kenya time 10.00 am October 22, 2008		
5B. FOR INFORMATION CALL: (No collect calls)			7. DELIVERY <input type="checkbox"/> FOB DESTINATION <input type="checkbox"/> OTHER (See Schedule)		
NAME William Ndinya		TELEPHONE NUMBER AREA CODE NUMBER 254-020-8622000 Ext 2828		9. DESTINATION	
8. TO: a. NAME)			b. COMPANY		
c. STREET ADDRESS			a. NAME OF CONSIGNEE USAID/East Africa/RAAO Regional Acquisition & Assistance Office		
d. CITY			b. STREET ADDRESS U.S. Embassy Compound United Nations Avenue, P.O. Box 629, Village Market, 00621		
e. STATE			c. CITY Nairobi, Kenya		
f. ZIP CODE		d. STATE KE		e. ZIP CODE 00621	
10. PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE ON OR BEFORE CLOSE OF BUSINESS (Date) June 10, 2008			IMPORTANT: This is a request for information, and quotations furnished are not offers. If you are unable to quote, please so indicate on this form and return it. This request does not commit the Government to pay any costs incurred in the preparation of the submission of this quotation or to contract for supplies or services. Supplies are of domestic origin unless otherwise indicated by quoter. Any representations and/or certifications attached to this Request for Quotations must be completed by the quoter.		

11. SCHEDULE (Include applicable Federal, State and local taxes)

ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)
	Evaluation of North Eastern Province Primary School Infrastructure				

12. DISCOUNT FOR PROMPT PAYMENT	a. 10 CALENDAR DAYS %	b. 20 CALENDAR DAYS %	c. 30 CALENDAR DAYS %	d. CALENDAR DAYS	
				NUMBER	PERCENTAGE

NOTE: Additional provisions and representations are are not attached.

13. NAME AND ADDRESS OF QUOTER			14. SIGNATURE OF PERSON AUTHORIZED TO SIGN QUOTATION		15. DATE OF QUOTATION
a. NAME OF QUOTER			16. SIGNER		
b. STREET ADDRESS					
c. COUNTY			a. Name (Type or print)		b. TELEPHONE
d. CITY			f. ZIP CODE		AREA CODE
e. STATE			c. TITLE (Type or print)		NUMBER

SECTION A

QUOTATION SUBMISSION FORMAT

PREPARATION GUIDELINES

Quotes shall be submitted electronically in two separate volumes – technical and cost/business proposal to Christopher D. O’Donnell, Contracting Officer on email (codonnell@usaid.gov) and to William Ndinya, Regional Acquisition & Assistance Specialist on email (wndinya@usaid.gov). Quotes should be prepared according to the format set forth below.

Interested parties are expected to comply with all requirements of the RFQ in submission of a quotation. The contractor shall sign the quote and print or type the contractor’s name on the cover page of the technical and cost/business proposals. Erasures or other changes must be initialed by the person signing the offer.

If you include data that you do not want disclosed to the public for any purpose or used by the U.S. Government except for evaluation purposes, you should mark the title page with the following legend:

“This quotation includes data that shall not be disclosed outside the U.S. Government and shall not be duplicated, used, or disclosed - in whole or in part - for any purpose other than to evaluate this quotation. If, however, a contract is awarded to this offeror as a result of - or in connection with - the submission of this data, the U.S. Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the U.S. Government’s right to use information contained in this data if it is obtained from another source without restriction.”

TECHNICAL QUOTATION

Transmittal Letter (maximum 2 pages). The letter must include the title of RFQ and the authorized representative to negotiate on behalf of the offeror, with address, phone number, fax number and e-mail.

Technical (maximum 20 pages). The offeror shall fully address the statement of work, deliverables and evaluation factors.

Resumes/Curriculum Vitae for proposed key personnel (not to exceed three pages each) (provide as an Annex).

Three references for each key personnel proposed who can be contacted regarding performance under similar type activities within the past three years. For each reference provide the name, title, e-mail address, phone number, and relationship to include the most recent supervisor. Note: USAID reserves the right to contact others who may be familiar with your performance – (provide as an Annex).

Three references for the offeror who can be contacted regarding the performance under similar type projects within the past three years. For each reference provide the name, title, e-mail address and phone number.

The offeror must provide the DUNS and TIN (Tax Identification Number). See enclosed guidance on obtaining a DUNS number.

COST QUOTATION

The Cost or Business offer, is to be submitted separately from the technical quotation. Certain documents are required to be submitted by an offeror for the Acquisition and Assistance officer to make a determination of

responsibility. However, it is USAID policy not to burden offerors with undue reporting requirements if that information is readily available through other sources.

The following sections describe the documentation that offerors must submit to USAID. While there is no page limit for this portion, offerors are encouraged to be as concise as possible, but still provide the necessary detail to address the following:

Include a detailed budget with an accompanying narrative which provides the rationale and the basis including sufficient information to determine the reasonableness of proposed salaries, equipment, other direct costs, etc. Provide the budget in Microsoft Excel and narrative in MS Word.

- a) complete form SF18;
- b) the breakdown of all costs associated with the quote to include, headquarters, regional and/or country offices;
- c) the costs associated with external, expatriate technical assistance and those associated with local in-country technical assistance;
- d) List of equipment/vehicles/supplies being proposed.

Explanation to Potential offeror - If the offeror desires an explanation or interpretation of this RFQ, the interested party must submit the question(s) by the deadline.

Authority to Obligate the Government - The Acquisition and Assistance Officer is the only individual who may legally commit the Government to the expenditure of public funds. No costs chargeable to the proposed Acquisition may be incurred before receipt of either a fully executed award document or a specific, written authorization from the Contracting Officer.

[END OF SECTION A]

SECTION B

STATEMENT OF WORK

PROGRAM OBJECTIVE

The objective of the North Eastern Province Primary School Infrastructure Project was to increase the North Eastern Province primary school infrastructure for increased access, retention, quality, completion and transition for education services in four districts (Wajir, Mandera, Garissa and Ijara).

PURPOSE

To evaluate North Eastern Province Primary School Infrastructure Project under the Memorandum of Understanding between the United States of America and the Republic of Kenya for the Kenya Enterprise Development Program: Fund for Economic Development Support.

BACKGROUND

The Ministry of Education through the Kenya Education Sector School Program stated that poor primary school infrastructure is a barrier to improving access to primary education in Kenya. Empirical data shows that physical facilities are an important factor in both school attendance and achievement. Improved primary school infrastructure is a high priority. Communities and parents over time have made substantial investments in school infrastructure. Development organizations, churches, NGOs and other organizations and individuals have also made investments, often in conjunction with communities.

However, in Kenya, there remains a major backlog of primary infrastructure requirements with a shortage of permanent classrooms, particularly in poorer districts. At the same time, existing infrastructures are generally in poor condition, due to lack of investment capital, poor construction standards and inadequate maintenance. Existing school infrastructures require renovation, while other schools need additional, classrooms, water and sanitation and other facilities.

Also, there is limited number of primary schools serving populations in isolated rural areas, those living in low-income areas within large urban centers and in other pockets of poverty with large primary school enrolments.

With the significant increase in primary school enrolment following the introduction of Free Primary Education (FPE) in 2003, additional pressure was placed on existing school infrastructure, leading to poor conditions and overcrowding that are not conducive to good learning environment.

In May 2004, in response to the increase need for primary schools, the GOK and USAID agreed to the support of the North Eastern Province Rehabilitation Project. The GOK and USAID signed the Memorandum of Understanding for the Kenya Enterprise Development Program, Fund for Economic Development Support (Attachment 1). The project was implemented in accordance with the following documents:

- a) Project Proposal, Education Sector GOK/USAID Free Primary Support Programme: Improvement of Physical Facilities in NEP (Attachment 2)
- b) GOK/USAID Phase III Project Proposal Dated August 2006 (Attachment 3)

- c) GOK/USAID Proposal For Phase III - Resubmission dated 25 August 2006 (Attachment 4)
- d) USAID Host Country Contracts (i.e. Implementation Letters 1 and 2)(Attachment 5 and 6).

USAID provided 280 million Kenya Shillings for the project with the following disbursements by district:

**Implementation Letters
Cost Information Summary**

	District	Implementation Letter 1		Implementation Letter 2	Total
		Phase 1	Phase 2	Phase 3	
1.	Wajir	23,976,729	23,976,729	41,575,920	47,953,458
2.	Mandera	23,847,707	23,847,707	40,087,140	47,695,414
3.	Garissa	15,193,812	15,193,812	25,178,400	30,387,623
4.	Ijara	9,556,895	9,424,895	18,962,000	18,849,789
5.	Monitoring support Hqs	2,556,857	2,556,857	2,696,540	7,810,254
TOTAL		75,000,000	75,000,000	130,000,000	280,000,000

Construction and procurements included the following: classrooms, administrative blocks, dining halls/community kitchens, dormitories, ablution blocks, toilets, water tanks, staff houses, bathrooms, ramps, administrative stores, classroom desks, double-decker beds and mattresses. Attachment 7 includes the complete list of projects by school and district funded under the project.

DELIVERABLES

The contractor shall:

1. Review the following documents and certify full comprehension of the program to USAID.
 - a) USAID Education Strategy
 - b) Education project activity in North Eastern Province i.e. Education for Marginalized Children of Kenya
 - c) MOE planning documents, particularly the KESSP
 - d) MOE monitoring and evaluations for the project
 - e) MOE financial & monitoring reports
 - f) MOE documents on education infrastructure in Kenya
2. Meet with USAID to review the statement of work and proposed work plan.
3. Conduct key interviews with the following (and document the results)
 - a) USAID staff
 - b) MOE staff to include the Permanent Secretary, Director for Basic Education, Director for School Infrastructure Management Finance Director
 - c) Other key players in education infrastructure to include private sector, foundations, development partners e.g. World Bank, DFID, Embassy, Ministry of Planning

4. Evaluate and determine to what extent the projects completed achieved the program objective stated in paragraph 1.0 above in accordance with the GOK/USAID Memorandum of Understanding for the Kenya Enterprise Development Program and implementing documents.
5. Evaluate and determine how the schools and communities benefited from the projects (to include their perceptions).
6. Assess the quality of workmanship of the projects to include architectural, structural and compliance with the construction requirements contained in the tender documents.
7. Provide a detailed evaluation of each project (i.e. bill of quantities) to include all defects. The evaluation shall include the appropriate costing and recommended specifications for materials appropriate, based on the geographical locations and local conditions of each school and if defects liability period was observed and whether make good defects were completed.
8. Inventory and verify assets purchased under the program (desks, beds etc.)
9. Provide digital photographs of each project on a CDROM disk.
10. Obtain approved architectural drawings (plans, elevations and section) for one of each type of project constructed under the program.
11. Evaluate and determine the requirement for any additional facilities at each project site.
12. Assess and document the community's perception of the USAID and GOK as a result of the projects.
13. Assess and document the extent the project (as implemented under USAID host-country contracts) complied with USAID Branding and Marking requirements per ADS 320.
14. Provide findings, lessons learned and best practices regarding the Ministry of Education Infrastructure Investment Program for the North Eastern Province.
15. Provide a presentation on the evaluation results at a USAID and MOE sponsored conference on the North Eastern Province Rehabilitation Program.
16. Prepare a final report (in accordance with paragraph 7.0) and provide (ten paper originals and ten CD ROM disks)

METHODOLOGY

This will be primarily a qualitative investigation using a combination of techniques including document reviews, key informant interviews, and rapid appraisal survey of assisted clients. Some quantitative analysis will be required, based on data already collected by the project and partially analyzed by USAID and GOK (data on number of schools assisted, School Management Committees, access, retention, completion rates increased). The evaluators will collect information from key informants in the target region. This will require site visits to Wajir, Garissa, Mandera, and Ijara Districts. Whenever possible, the evaluators will use data maintained by the Ministry of Education to respond to the deliverables set out under this section.

Conduct preparatory work involving: collaboration with USAID and GOK to confirm field sites; work with USAID to finalize logistics for field visits, including arranging all necessary meetings and interviews; review literature relevant to the evaluation, including documents provided by USAID and GOK; and finalize the roles and responsibilities of contractor, methodology for conducting the evaluation assessment, and communicating with the relevant authorities as needed.

KEY PERSONNEL

The following are designated key personnel and their qualifications and experience shall be an evaluation factor:

1. Project Director/Building Design and Construction Specialists

The candidate must have:

- a) Bachelors degree in building construction, architecture or quantity survey (include appropriate registration).
- b) More than ten years experience in construction, architecture and/or engineering.
- c) Demonstrated experience in similar evaluations (described in the statement of work).
- d) Demonstrated seven years management experience directing similar or related projects.

The candidates preferred qualifications and experience include:

- a) Strong interpersonal, written and oral presentations skills.
- b) Experience managing/implementing similar scope and size field projects.
- c) Experience in developing countries (Africa preferred).
- d) Experience in working in North East Province or in difficult and security prone environments is highly desirable.
- e) Implementing similar work in the past three years.

2. Education Specialist

The candidate must have:

- a) At least a Masters Degree in Education
- b) More than seven years experience in the field of Education
- c) More than three years experience in rural schools.

The candidates preferred qualifications and experience include:

- a) Strong interpersonal, written and oral presentations skills.
- b) Experience managing/implementing similar scope and size field projects.
- c) Experience in developing countries (Africa preferred)
- d) Experience in working in North East Province or in difficult and security prone environments is highly desirable.
- e) Implementing similar work in the past three years

3. Monitoring and Evaluation Specialist

The candidate must have:

- a) Must have a Bachelor of Science degree in monitoring and evaluation, economics, or sociology or related field.
- b) More than seven years experience monitoring and evaluations of donor and/or government projects.
- c) More than five years experience with participatory evaluation methods or rapid appraisal techniques.
- d) Field level experience with household surveys.

The candidates preferred qualifications and experience include:

- a) Strong interpersonal, written and oral presentations skills.
- b) Experience managing/implementing similar scope and size field projects.
- c) Experience in developing countries (Africa preferred)
- d) Experience in working in North East Province or in difficult and security prone environments is highly desirable.
- e) Implementing similar work in the past three years

LANGUAGE REQUIREMENTS

English is required and proficiency in Kiswahili is desirable.

LOGISTICS SUPPORT

The contractor shall be responsible for furnishing all logistics support in Kenya and worldwide (as applicable) to meet the terms and conditions of the contract.

TYPE OF CONTRACT

The Government contemplates award of a Firm Fixed Price contract resulting from this solicitation.

PAYMENT TERMS

The contractor will be provided:

- a) 30 percent on USAID approval of work plan and monitoring and evaluation tools.
- b) 30 percent at the USAID mid-term progress review.
- c) 30 percent on USAID approval of the draft report and completion of all deliverables.
- d) 10 percent on submission and acceptance of the final report.

PERIOD OF PERFORMANCE

The period of performance is _____ to _____.

FINAL REPORT FORMAT (minimum requirement)

1. Executive summary
2. Introduction
 - a) Background of the problem
 - b) Statement of the problem
 - c) Purpose of the evaluation
 - d) Specific objectives
 - e) Justification of the evaluation
 - f) Scope of the evaluation
3. Literature Reviewed
4. Methodology
 - a) The methodology should include the following subsections:
 - b) Design methodology
 - c) Population and sample
 - d) Data collection methods
 - e) Evaluation procedures
 - f) Data analysis methods**
5. Results and Findings

The findings should be presented and analyzed on the basis of the evaluation specific objectives. Tables, charts or graphs should be used to present quantitative data when appropriate with a brief description. A summary or synopsis of the major findings of the study should be provided.
6. Discussion, Conclusions and Recommendations
 - a) Discussion
 - b) Conclusions
 - c) Recommendations
7. Comments from USAID and MOE

SECTION C EVALUATION CRITERIA

Technical, cost and other factors will be evaluated relative to each other, as described herein.

A technical evaluation committee established by the Regional Contracting Officer will evaluate the quotation. The committee and the Regional Contracting Officer will use “Best Value” criteria to determine the quotation most advantageous to the U.S. Government. All evaluation factors other than cost/price, when combined, are more important than cost/price factors.

The contract award shall be made to the responsive and responsible offeror whose combined technical and cost/price factor offer the best value to the U.S. Government.

USAID may evaluate and score quotations higher when the quotation’s technical understanding and approach; mobilization plan and work plan, key personnel and other staff qualifications and past performance are similar or otherwise address conditions and challenges to those of the North Eastern Province.

Evaluation Factors

1. Demonstrated Technical Understanding and Approach (50 points)

- a) Extent the offeror has demonstrated a complete understand to provide the detailed evaluation of each project (i.e. Bill of Lading), to include defects, appropriate costing and recommended specifications. (10 points)
- b) Extent the offeror has the technical understanding to determine whether the completed projects achieved the program objective. (10 points)
- c) Extent the offeror has the understanding to evaluate and determine how the schools and communities benefited from the projects (to include their perceptions). (10 points)
- d) Proposed procedures for evaluation to include: data collection, gathering instruments/procedures, tools to be employed (specific software tools, programming languages, hardware devices or other appropriate technologies) to guarantee a successful evaluation. (20 points)

2. Key Personnel and Other Staff Qualifications (30 points)

- a) Key Personnel: the extent to which the proposed key personnel meet the specific required, preferred qualifications and experience. (15 points)
- b) Proposed Staffing Plan: the extent the proposed staffing and roles demonstrate a mix of practical technical, experience and skills necessary to implement the evaluation as described in the statement of work. (15 points)

3. Mobilization Plan and Work plan (10 points)

Extent the offeror’s mobilization and work plan demonstrate ability to rapid start-up field work and to complete all work in timely manner. (10 points)

4. Past Performance (10 points)

- a) Quality of product or service, including consistency in meeting goals and targets. (2 points)
- b) Cost control, including forecasting costs as well as accuracy in financial reports. (2 points)

- c) Timeliness of performance, including adherence to contract schedules and other time-sensitive project conditions, and effectiveness. (2 points)
- d) Business relations, addressing the history of professional behavior with the customer, attitude in remedying problems, and timely completion of all administrative requirements. (2 points)
- e) Customer satisfaction with performance. (2 points)

[END OF SECTION C]

SECTION D: REPRESENTATIONS AND CERTIFICATIONS

REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS

K.1 NOTICE LISTING SOLICITATION PROVISIONS INCORPORATED BY REFERENCE

The following solicitation provisions pertinent to this section are hereby incorporated by reference (by Citation Number, Title, and Date) in accordance with the FAR provision at FAR “52.252-SOLICITATION PROVISIONS INCORPORATED BY REFERENCE” in Section L of this solicitation. See FAR 52.252-1 for an internet address (if specified) for electronic access to the full text of a provision.

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE</u>
	FAR (48 CFR Chapter 1)	
52.203-11	CERTIFICATION AND DISCLOSURE REGARDING APR 1991 PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS	

K.2 52.204-3 TAXPAYER IDENTIFICATION (OCT 1998)

(a) Definitions.

Common parent, as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

Taxpayer Identification Number (TIN), as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

© The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror’s relationship with the Government (31 U.S.C. 7701©(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror’s TIN.

(d) Taxpayer Identification Number (TIN).

[] TIN: _____

[] TIN has been applied for.

[] TIN is not required because:

Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

Offeror is an agency or instrumentality of a foreign government;

Offeror is an agency or instrumentality of the Federal Government.

(e) Type of organization.

Sole proprietorship;

Partnership;

Corporate entity (not tax-exempt);

Corporate entity (tax-exempt);

Government entity (Federal, State, or local);

Foreign government;

International organization per 26 CFR 1.6049-4;

Other _____

(f) Common parent.

Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

Name and TIN of common parent:

Name _____

TIN _____

K.3 52.209-5 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (DEC 2001)

(a)(1) The Offeror certifies, to the best of its knowledge and belief, that -

(i) The Offeror and/or any of its Principals -

(A) Are are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have have not , within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property; and

(C) Are are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.

(ii) The Offeror has has not , within a 3-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) “Principals,” for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE.

(b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror’s responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror non-responsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

K.4 52.215-6 PLACE OF PERFORMANCE (OCT 1997)

(a) The offeror or respondent, in the performance of any contract resulting from this solicitation, intends, does not intend [check applicable block] to use one or more plants or facilities located at a different address from the address of the offeror or respondent as indicated in this proposal or response to request for information.

(b) If the offeror or respondent checks “intends” in paragraph (a) of this provision, it shall insert in the following spaces the required information:

Place of performance (street address, city, state, county, code)	Name and address of owner and operator of the plant or facility if other than offeror or respondent

**K.5 52.219-1 SMALL BUSINESS PROGRAM REPRESENTATIONS
(APR 2002)**

- (a)(1) The North American Industry Classification System (NAICS) code for this acquisition is-- 541611.
- (2) The small business size standard is 6.0 million [average annual receipts for 3 preceding fiscal yrs].
- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations. (1) The offeror represents as part of its offer that it is, is not a small business concern.

(2) (Complete only if the offeror represented itself as a small business concern in paragraph (b) (1) of this provision.) The offeror represents, for general statistical purposes, that it is, is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

- (3) (Complete only if the offeror represented itself as a small business concern in paragraph (b) (1) of this provision.) The offeror represents as part of its offer that it is, is not a women-owned small business concern.
- (4) [Complete only if the offeror represented itself as a small business concern in paragraph (b) (1) of this provision.] The offeror represents as part of its offer that it is, is not a veteran-owned small business concern.
- (5) [Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (b)(4) of this provision.] The offeror represents as part of its offer that it is, is not a service-disabled veteran-owned small business concern.
- (6) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, as part of its offer, that—

- (i) It is, is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126; and
- (ii) It is, is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:_____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Definitions. As used in this provision—

Service-disabled veteran-owned small business concern—

- (1) Means a small business concern-- (i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.
- (2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

Small business concern, as used in this provision, means a concern, including its affiliates that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

Veteran-owned small business concern means a small business concern—

- (1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and
- (2) The management and daily business operations of which are controlled by one or more veterans.

Women-owned small business concern, as used in this provision, means a small business concern—

- (1) That is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.

(d) Notice. (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

- (2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women- owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a),8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall—

- (i) Be punished by imposition of fine, imprisonment, or both;
- (ii) Be subject to administrative remedies, including suspension and debarment; and
- (iii) Be ineligible for participation in programs conducted under the authority of the Act.

K.652.219-22 SMALL DISADVANTAGED BUSINESS STATUS (OCT 1999) ALTERNATE I (OCT 1998)

(a) General. This provision is used to assess an offeror’s small disadvantaged business status for the purpose of obtaining a benefit on this solicitation. Status as a small business and status as a small disadvantaged business for general statistical purposes is covered by the provision at FAR 52.219-1, Small Business Program Representation.

(b) Representations.

(1) General. The offeror represents, as part of its offer, that it is a small business under the size standard applicable to this acquisition; and either—

(i) It has received certification by the Small Business Administration as a small disadvantaged business concern consistent with 13 CFR 124, Subpart B; and

(A) No material change in disadvantaged ownership and control has occurred since its certification;

(B) Where the concern is owned by one or more disadvantaged individuals, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

© It is identified, on the date of its representation, as a certified small disadvantaged business concern in the database maintained by the Small Business Administration (PRO-Net); or

(ii) It has submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(2) For Joint Ventures. The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements at 13 CFR 124.1002(f) and that the representation in paragraph (b)(1) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. [The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture: _____.]

(3) Address. The offeror represents that its address is, is not in a region for which a small disadvantaged business procurement mechanism is authorized and its address has not changed since its certification as a small disadvantaged business concern or submission of its application for certification. The list of authorized small disadvantaged business procurement mechanisms and regions is posted at <http://www.arnet.gov/References/sdbadjustments.htm>. The offeror shall use the list in effect on the date of this solicitation. “Address,” as used in this provision, means the address of the offeror as listed on the Small Business Administrations register of small disadvantaged business concerns or the address on the completed application that the concern has submitted to the Small Business Administration or a Private Certifier in accordance with 13 CFR part 124, subpart B. For joint ventures, “address” refers to the address of the small disadvantaged business concern that is participating in the joint venture.

© Penalties and Remedies. Anyone who misrepresents any aspects of the disadvantaged status of a concern for the purposes of securing a contract or subcontract shall:

(1) Be punished by imposition of a fine, imprisonment, or both;

(2) Be subject to administrative remedies, including suspension and debarment; and

(3) Be ineligible for participation in programs conducted under the authority of the Small Business Act.

K.7 52.222-18 CERTIFICATION REGARDING KNOWLEDGE OF CHILD LABOR FOR LISTED END PRODUCTS (FEB 2001)

(a) Definition.

Forced or indentured child labor means all work or service—

- (1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or
- (2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

(b) Listed end products. The following end product(s) being acquired under this solicitation is (are) included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, identified by their country of origin. There is a reasonable basis to believe that listed end products from the listed countries of origin may have been mined, produced, or manufactured by forced or indentured child labor.

Listed End Product

Listed Countries of Origin

(c) Certification. The Government will not make award to an offeror unless the offeror, by checking the appropriate block, certifies to either paragraph ©(1) or paragraph ©(2) of this provision.

(1) The offeror will not supply any end product listed in paragraph (b) of this provision that was mined, produced, or manufactured in a corresponding country as listed for that end product.

(2) The offeror may supply an end product listed in paragraph (b) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture such end product. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

K.8 52.227-15 STATEMENT OF LIMITED RIGHTS DATA AND RESTRICTED COMPUTER SOFTWARE (MAY 1999)

(a) This solicitation sets forth the work to be performed if a contract awards results, and the Government's known delivery requirements for data (as defined in FAR 27.401). Any resulting contract may also provide the Government the option to order additional data under the Additional Data Requirements clause at 52.227-16 of

the FAR, if included in the contract. Any data delivered under the resulting contract will be subject to the Rights in Data—General clause at 52.227-14 that is to be included in this contract. Under the latter clause, a Contractor may withhold from delivery data that qualify as limited rights data or restricted computer software, and deliver form, fit, and function data in lieu thereof. The latter clause also may be used with its Alternates II and/or III to obtain delivery of limited rights data or restricted computer software, marked with limited rights restricted rights notices, as appropriate. In addition, use of Alternate V with this latter clause provides the Government the right to inspect such data at the Contractor’s facility.

(b) As an aid in determining the Government’s need to include Alternate II or Alternate III in the clause at 52.227-14, Rights in Data—General, the offeror shall complete paragraph (c) of this provision to either state that none of the data qualify as limited rights data or restricted computer software, or identify, to the extent feasible, which of the data qualifies as limited rights data or restricted computer software. Any identification of limited rights data or restricted computer software in the offeror’s response is not determinative of the status of such data should a contract be awarded to the offeror.

© The offeror has reviewed the requirements for the delivery of data or software and states [offeror check appropriate block]--

[] None of the data proposed for fulfilling such requirements qualifies as limited rights data or restricted computer software.

[] Data proposed for fulfilling such requirements qualify as limited rights data or restricted computer software and are identified as follows:

Note: “Limited rights data” and “Restricted computer software” are defined in the contract clause entitled “Rights in Data—General.”

K.9 52.230-1 COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATION (JUNE 2000)

NOTE:

This notice does not apply to small businesses or foreign governments.

This notice is in three parts, identified by Roman numerals I through III.

If the offeror is an educational institution, Part II does not apply unless the contemplated contract will be subject to full or modified CAS coverage pursuant to 48 CFR 9903.201-2©(5) or 9903.201-2©(6), respectively.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

I. DISCLOSURE STATEMENT-COST ACCOUNTING PRACTICES AND CERTIFICATION

- (a) Any contract in excess of \$500,000 resulting from this solicitation will be subject to the requirements of the Cost Accounting Standards Board (48 CFR Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.
- (b) Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR, Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the offeror’s proposal under this solicitation unless the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this

proposal. If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

CAUTION: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(c) Check the appropriate box below:

(1) Certificate of Concurrent Submission of Disclosure Statement. The offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows: (i) original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal official), as applicable, and (ii) one copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASB DS-2, as applicable. Forms may be obtained from the cognizant ACO or Federal official and/or from the loose-leaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement:

Name and Address of Cognizant ACO or Federal Official Where Filed:

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

(2) Certificate of Previously Submitted Disclosure Statement. The offeror hereby certifies that the required Disclosure Statement was filed as follows:

Date of Disclosure Statement:

Name and Address of Cognizant ACO or Federal Official Where Filed:

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

(3) Certificate of Monetary Exemption. The offeror hereby certifies that the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling \$50 million or more in the cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

(4) Certificate of Interim Exemption. The offeror hereby certifies that (i) the offeror first exceeded the monetary exemption for disclosure, as defined in (3) of this subsection, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 48 CFR 9903.202-1, the offeror is not yet required to submit a Disclosure Statement. The offeror further certifies that if

an award resulting from this proposal has not been made within 90 days after the end of that period, the offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under subparagraphs ©(1) or ©(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

CAUTION: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of \$50 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90 day period following the cost accounting period in which the monetary exemption was exceeded.

II. COST ACCOUNTING STANDARDS—ELIGIBILITY FOR MODIFIED CONTRACT COVERAGE

If the offeror is eligible to use the modified provisions of 48 CFR subpart 9903.201-2(b) and elects to do so, the offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201- 2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the offeror received less than \$50 million in awards of CAS-covered prime contracts and subcontracts. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

CAUTION: An offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of \$50 million or more or if, during its current cost accounting period, the offeror has been awarded a single CAS-covered prime contract or subcontract of \$50 million or more.

III. ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING CONTRACTS

The offeror shall indicate below whether award of the contemplated contract would, in accordance with subparagraph (a)(3) of the Cost Accounting Standards clause, require a change in established cost accounting practices affecting existing contracts and subcontracts.

YES NO

K.10 INSURANCE - IMMUNITY FROM TORT LIABILITY

The offeror represents that it is, is not a State agency or charitable institution, and that it is not immune, is partially immune, is totally immune from tort liability to third persons.

K.11 AGREEMENT ON, OR EXCEPTIONS TO, TERMS AND CONDITIONS

The Offeror has reviewed the solicitation (Sections B through J of which will become the contract) and agrees to the terms and conditions set forth therein; or has the following exceptions (continue on a separate attachment page, if necessary):

K.12 COMPLIANCE WITH VETERANS EMPLOYMENT REPORTING REQUIREMENTS

- (a) The Offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d)(i.e., the VETS-100 report required by the Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has [] has not [] submitted the most recent report required by 38 U.S.C. 4212(d).
- (b) An Offeror who checks “has not” may not be awarded a contract until the required reports are filed. (31 U.S.C. 1354)

K.13 SIGNATURE

By signature hereon, or on an offer incorporating these Representations, Certifications, and Other Statements of Offerors, the offeror certifies that they are accurate, current, and complete, and that the offeror is aware of the penalty prescribed in 18 U.S.C. 1001 for making false statements in offers.

Solicitation No. _____
Offer/Proposal No. _____
Date of Offer _____
Name of Offeror _____
Typed Name and Title _____
Signature _____ Date _____

GUIDELINES ON OBTAINING DATA UNIVERSAL NUMBERING

SYSTEM (DUNS) NUMBER

- (a) “Data Universal Numbering System (DUNS) number,” is a nine-digit number assigned by Dun and Bradstreet Information Services.
- (b) Applicant/grantee identification is essential for complying with reporting requirements. Therefore, the applicant/grantee is requested to enter, in the space provided below, the DUNS number which identifies the applicant’s/grantee’s name and address exactly as stated in the application/award.
- (c) If the applicant/grantee does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. A DUNS number will be provided immediately by telephone at no charge to the applicant/grantee. For information on obtaining a DUNS number, the applicant/grantee should call Dun and Bradstreet at 1-800-333-0505. The applicant/grantee should be prepared to provide the following information:
 - i. Organization name.
 - ii. Organization address.
 - iii. Organization telephone number.
 - iv. Line of business.
 - v. Chief executive officer/key manager.
 - vi. Date the organization was started.
 - vii. Number of people employed by the organization.
 - viii. Organization affiliation.
- (d) Offerors located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at <http://www.dnb.com>. If an offeror is unable to locate a local service center, it may send e-mail to Dun and Bradstreet at globalinfo@dbisma.com.

DUNS Number: _____

END OF SECTION D

SECTION E: ATTACHMENTS

1. Memorandum of Understanding for Kenya Enterprise Development Program, Fund for Development Support
2. Project Proposal Education Sector GOK/USAID Free Primary Support Programme: Improvement of Physical Facilities in NEP Date September 2004
3. GOK/USAID Phase III Project Proposal Dated August 2006
4. GOK/USAID Proposal for Phase III – Resubmission Dated 25 August 2006
5. USAID Host Country Contract (Implementation Letters 1)
6. USAID Host Country Contract (Implementation Letters 2)
7. List of Projects by School and District