

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

BPA NO. 1. CONTRACT ID CODE PAGE 1 OF PAGES 7

2. AMENDMENT/MODIFICATION NO. 01
3. EFFECTIVE DATE 01-15-2009
4. REQUISITION/PURCHASE REQ. NO.
5. PROJECT NO. (If applicable)
6. ISSUED BY CODE 696
7. ADMINISTERED BY (If other than Item 6) CODE 696
USAID/RWANDA
OFFICE OF ACQUISITION & ASSISTANCE
AVENUE DE LA GENDARMERIE
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8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)
To all Offerors/Bidders
9A. AMENDMENT OF SOLICITATION NO.
(X) USAID-RWANDA-696-09-001-RFP
X
9B. DATED (SEE ITEM 11)
12-08-2008
10A. MODIFICATION OF CONTRACT/ORDER NO.
10B. DATED (SEE ITEM 13)

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
(a) By completing Items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required) N/A

**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

(X) A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
D. OTHER (Specify type of modification and authority)

**E. IMPORTANT:** Contractor is not, is required to sign this document and return copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

THIS RFP AMENDMENT NO. 01 IS BEING ISSUED TO PROVIDE ANSWERS TO THE QUESTIONS RECEIVED FROM POTENTIAL OFFERORS UNDER THE RFP (SEE ATTACHED).

Amendment cont'd.....

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)
15B. CONTRACTOR/OFFEROR
15C. DATE SIGNED
16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)
MARCUS A. JOHNSON, JR.
REGIONAL CONTRACTING OFFICER
16B. UNITED STATES OF AMERICA
BY
16C. DATE SIGNED

The purpose of this Amendment No. 01 is to answer questions received by the Issuing Office by Monday, December 22, 2008.

**PLEASE NOTE: The closing date for this RFP is extended to Tuesday, February 3, 2009, 3:00 p.m. Kigali Time.**

Below are USAID/Rwanda clarifications for questions arising from **RFP No. 696-RW-09-001 – USAID/Rwanda –“MCC Threshold Program - Strengthening the Rule of Law for Policy Reform in Rwanda”**

**Question 1** - Please confirm that the three references to "pending availability of funds" outlined as follows refer to new funds added beyond the current \$6 million ceiling.

**a)** Section VII. Activities of Objective 1, page 15, 'Other TA and/or Training Activities for Consideration' states that "Pending the availability of funds, the following activities may also be implemented: ...."

**USAID Response:** These activities will be implemented only if new funds become available.

**b)** Section VII. Activities of Objective 2, page 16, in regard to the support of drafting key laws related to HIV/AIDS.

**USAID Response:** This activity will be implemented only if new funds become available.

**c)** Section VII. Activities of Objective 2, page 17, subsection (b), in regard to IT equipment for the Minijust and Parliamentary LDUs.

**USAID Response:** This equipment will be procured using funds within the \$6 million ceiling.

**Question 2** - On page 17 of the RFP, under the fourth bullet point, the RFP states that “limited funds will be made available for select procurements specifically related to project objectives.” Does USAID have an overall plug figure for commodity/IT procurements for this project?

**USAID Response:** *Offerors are to propose* based on the following procurement budget, totaling \$1,145,000. The procurements are broken down as follows:

Institute for Legal Practice and Development

- Library Materials: \$400,000
- ICT Equipment & Training for ILPD: \$175,000
- ICT Equipment & Training for Selected Courts: \$300,000

Parliamentary Legislative Drafting Unit

- Library Materials: \$65,000
- ICT Equipment & Training: \$60,000

Ministry of Justice Legislative Drafting Unit

- Library Materials: \$65,000
- ICT Equipment & Training: \$80,000

**Question 3** - Section L.7(c) states that “proposals are limited to 27 pages,” while later in the paragraph it is stated that cover pages, etc “are not included in the 32-page limitation.” Please clarify the total page limit for the technical volume.

**USAID Response:** 27 pages for technical proposal (including 2-page executive summary), M&E plan five-page narrative attachment, plus three pages for M&E tables.

**Question 4** - In section L.7(d).2, the RFP states that the technical approach should be a maximum of 25 pages including the "bulleted sub-sections below." However there are no bulleted sub-sections. Please clarify.

**USAID Response:** There are no bulleted sub-sections.

**Question 5** - In section L, p. 64, the RFP states that the monitoring and evaluation plan should be included in the technical volume and be a maximum of five pages. It also states that this section should include explicit targets, benchmarks, and proposed indicators. Please clarify whether the five-page limit for this section applies only to the narrative description of the M&E plan, or also to the graphic representation of the plan normally presented as a substantial table (depicting targets and benchmarks). If the latter, is it USAID's intention that this table be included in the body of the technical approach or as an annex?

**USAID Response:** Five page limit for M&E plan narrative, plus three pages for M&E tables.

**Question 6** - In section M.2.3, the RFP states that "The project develops a detailed M&E Plan based on the anticipated results and M&E guidance presented in Section IX." It is unclear what Section IX refers to. Please clarify.

**USAID Response:** This refers to Section F.5.3.

**Question 7** - In Annex A, the *Rwanda Justice Sector Capacity and Training Needs Assessment Scope of Work*, no specific level of effort or timeline is specified. Please clarify the expected level of effort and anticipated timeline for this activity.

**USAID Response:** This activity should be implemented by successful applicant immediately upon arrival in Rwanda, dedicating approximately \$100,000 over a four week period.

**Question 8** - The cover letter states that the anticipated ceiling price "is over \$6,000,000", but the proposal section L.9 says that the "estimated costs, including fee shall not exceed \$6,000,000". Which is correct?

**USAID Response:** Offer must not exceed \$6,000,000.00 as stated in Section L.9.

**Question 9** - The second and third sentences in Section L.7 (c) says "proposals are limited to 27 pages". However, in that same section but a later sentence, reference is made to a 32 page limitation. Which is correct? And which parts have a limited page count and what are the page counts?

**USAID Response:** 27 pages for technical proposal (including 2-page executive summary), M&E plan five-page narrative attachment, plus three pages for M&E tables.

**Question 10** - We would like to receive a copy of the USAID/Rwanda FSN salary scales to budget our local personnel accordingly.

**USAID Response:** USAID will not provide the US Mission Local Compensation Plan. Offerors are to reference the appropriate information provided under Section H.15 PERSONNEL COMPENSATION, Item (g)(3) Local Employees.

**Question 11** - Considering the timing of the RFP (there is great difficulty connecting with personnel over the holiday season) and the response date, we request a 2-week extension to the proposal due date, from January 26, 2009, to February 9, 2009.

**USAID Response:** The closing is extended until February 3<sup>rd</sup> 2009.

**Question 12** - Objective 1 asks the contractor to provide information technology and communications equipment (p. 14) and Objective 2 asks the contractor to provide information technology equipment to both the Minijust and Parliamentary LDUs. Will USAID provide a plug figure for all offerors to use for this equipment?

**USAID Response:** See the response to Question 2 above.

**Question 13** - Clause L.7 *Instructions for the Preparation of the Technical Proposal, Technical Proposal Format*, paragraphs (c) and (d) are inconsistent. Paragraph (c) provides in part, "...Proposals are limited to 27 pages, OVER 27 PAGES WILL NOT BE EVALUATED.... Items such as...attachments (i.e. ... draft monitoring and evaluation plan...) are not included in the 32-page limitation. Paragraph (d), items 1-3 total 32 pages including the executive summary, technical approach, and the monitoring and evaluation plan. Please clarify.

**USAID Response:** 27 pages for technical proposal (including 2-page executive summary), M&E plan five-page narrative attachment, plus three pages for M&E tables.

**Question 14** - Clause L.7 *Instructions for the Preparation of the Technical Proposal, Technical Proposal Format*, (d)5(d)2 states in part, "As part of the evaluation of performance in Section M.2 of this solicitation, USAID will evaluate the extent you used and promoted the use of small business concerns under current and prior contracts..." Clause M.2.4 does not mention evaluation of small business performance. Please clarify.

**USAID Response:** U.S. Small business participation will be taken into consideration as a component under the both subfactors. Also see Sections M.5 and M.6.

**Question 15** - Clause L.7 *Instructions for the Preparation of the Technical Proposal, Technical Proposal Format*, (d)5(d)3 regarding small business past performance, please clarify whether any of the items listed on page 66 in subparagraphs (A), (B), and (C) are to be included in the 25 pages of the technical approach or whether all three items may be included as attachments.

**USAID Response:** A, B and C are not included in the referenced page limitation.

**Question 16** - The cover letter, paragraph 3, states in part, "...The anticipated ceiling price is over \$6,000,000 over a maximum 2-year period of performance..." Clause F.3 *Period of Performance* states "The period of performance for this contract is from the effective date until 24<sup>th</sup> month hence." Clause L.9 *Instructions for the Preparation of the Cost Proposal*, paragraph (b)(1) states in part, "...The estimated cost, including fee shall not exceed \$6,000,000 over a maximum year performance period..." We assume that the correct period of performance is two years and that the \$6,000,000 limitation applies to the entire period of performance. Is this correct?

**USAID Response:** The period of performance will be 24 months for a maximum amount of \$6,000,000.00 in USAID funding.

**Question 17** - In section H.2 the geographic code is defined as 000, while it is defined as 935 in section H.6. Our understanding is that geographic code 935 will be applicable for this award. Is that correct?

**USAID Response:** Yes, geographic code 935 will be applicable for this award.

**Question 18** - Page 44 provides a synopsis version of the LCP with basic information. Is it possible to get a full copy of the most recent LCP to better assist with cost proposal preparation?

**USAID Response:** See USAID response to question No. 10.

**Question 19** - Are we required to budget by CLIN?

**USAID Response:** Yes.

**Question 20** - Please clarify the total number of Past Performance References required for each Contractor and any Major Sub-Contractor (Section L.7,5).

**USAID Response:** In Section L.7 of the RFP at page 66 states the following.

**“5. “CONTRACTOR PERFORMANCE INFORMATION” [See Section M.2.]**

(a) The offeror (including all partners of a joint venture) must provide performance information for itself and each major subcontractor (one whose proposed cost exceeds 10%) of the offeror’s total proposed cost) in accordance with the following:

1. List in an annex to the technical proposal up to 5 of the most recent and relevant contracts for efforts similar to the work in the subject proposal. The most relevant indicators of performance are contracts of similar contract types, type of work, scope of work, complexity/diversity of tasks, skills and expertise required and the currency of the performance.”

**Question 21** - Page 27 F.2 Delivery Schedule states, “Offers shall propose an implementation calendar of the results, outputs in Section C.” Is this a timeline listing proposed results? Would this be annex? Please clarify.

**USAID Response:** Yes, proposed results. It is a part of the proposal subject to the page limitation. It is not appropriate as annex.

**Question 22** - The RFP (p. 64, L.7) says under (c) that “...Proposals are limited to 27 pages,” but also refers to a “32-page limitation.” Can you please clarify the page limits?

**USAID Response:** 27 pages for technical proposal (including 2-page executive summary), M&E plan five-page narrative attachment, plus three pages for M&E tables.

**Question 23** - We assume that the five page Monitoring and Evaluation Plan (p. 64, L.7) is in addition to the 27 page count (Executive summary and Tech). Can you confirm

**USAID Response:** This is correct (see previous response).

**Question 24** - On p. 64 in L.7 (c) there is a reference to a draft monitoring and evaluation plan as an attachment. On p. 64 in L.7 (d) 3 it is indicated that the Monitoring and Evaluation Plan should be part of the technical proposal text. What parts of the Monitoring and Evaluation Plan should be included in the text of the technical proposal, and what parts should be included in an annex or attachment to the technical proposal?

**USAID Response:** See response above.

**Question 25** - In the five page maximum Monitoring and Evaluation Plan (RFP, p. 64, L.7 (d) 3.), does the table of indicators count towards the page limit?

**USAID Response:** Five page limit for M&E plan narrative, plus three pages for M&E tables.

**Question 26** - The RFP (p. 65, L.7 (d) 5.) says under (a) 1. to list “up to five of the most recent and relevant contracts for efforts similar to the work in the subject proposal.” If we propose a subcontracting arrangement, does this mean five projects in total, or five projects per firm?

**USAID Response:** Five projects per firm.

**Question 27** - Should the subcontracting plan (RFP, p. 68, L.9 (e) Part 5) and report (p. 70, L.10 (a) 2.) be attached to the technical or the cost proposal?

**USAID Response:** Attached to the Cost proposal.

**Question 28** - Does USAID have an estimate for the portion of the budget that should be dedicated to technology, equipment and legal reference materials under component 1 and for similar expenses under component 2?

**USAID Response:** See the response to Question 2 above.

**Question 29** - Is it permissible under the proposed program to issue sub-grants to civil society organizations?

**USAID Response:** Yes.

**Question 30** - The MCC Threshold Plan description of the future MCC civic participation program refers to building CSOs' capacity and role in policy making and legislative reform. The current RFP describes a similar activity under Objective 2.d. (RFP, p. 19, C.1). How does USAID envision the activities under the current program fitting with this similar element of the planned civic participation program?

**USAID Response:** The implementing partners for both activities will be expected to coordinate their interventions to avoid duplication.

**Question 31** - For the purpose of the proposal, can we assume that the future civic participation and media programs (RFP, p. 19, C.1) will be consistent with the scope of work descriptions contained in the MCC Threshold Plan?

**USAID Response:** The RFP for the civic participation project was issued in draft form. See: <https://www.fbo.gov/index?s=opportunity&mode=form&id=cab227f850edd6caab4af1b6feae3052&tab=core&cview=1>

The RFA for the media project was issued as a formal solicitation. See: <http://www.grants.gov/search/search.do;jsessionid=r288JLrGKnSLQZppm1YvYhRGhP41b6pfSvPRYpDBJQ1LP14G2CQG!510160981?oppld=44468&flag2006=false&mode=VIEW>

**Question 32** - Part 9 on pg. 69 of the RFP refers to the need to present information to support consent to subcontractors as set forth in FAR 44.202-2, which contains a list of questions to be considered in approving a subcontract. Can you provide more guidance about what information to include with respect to proposed subcontractors?

**USAID Response:** A detail cost proposal for each firm in the prime's cost proposal. The budget must have the same level of detail as the prime's proposal.

**Question 33** - An assessment, Justice Sector Training and Skills Needs Assessment, is mentioned on page 13 of the RFP under objective 1 and described in Annex A of the RFP. Has this assessment already been contracted or is the assessment expected to be the first task of MCC Threshold Program – Strengthening Rule of Law for Policy Reform in Rwanda?

**USAID Response:** This activity should be implemented by successful offeror immediately upon arrival in Rwanda, dedicating approximately \$100,000 over a 30-day period.

**Question 34** - The RFP on page 64 under Section L.7 Instructions for the Preparation of the Technical Proposal appears to give two different page limits to the technical proposal, 27 pages and 32 pages. On page 64 the RFP states, "proposals are limited to 27 pages, over 27 pages will not be evaluated." On page 64 the RFP states that the proposal length is 32 pages and that the following items are not included in the 32-page restriction, "cover pages, dividers, table of contents, and attachments (key personnel resumes, table summarizing qualifications proposed personnel, technical assistance plan, past performance summary table, and past performance reports, draft monitoring and evaluation plan, charts

and graphs, and summaries of organizational policies and strategies).” Is the technical proposal limited to 27 pages or 32 pages?

**USAID Response:** 27 pages for technical proposal (including 2-page executive summary), M&E plan five-page narrative attachment, plus three pages for M&E tables.

**Question 35** - The RFP on page 64 states that the Monitoring and Evaluation Plan is a technical proposal attachment and as such is “not included in the 32-page limitation.” In the next paragraph on page 64 the RFP, item (d) states that the Monitoring and Evaluation Plan is part of the technical proposal and should be five pages maximum. Does the Monitoring and Evaluation plan count against the technical proposal page limit? If so, is the Monitoring and Evaluation Plan five pages of a 32 page technical proposal or a 27 page technical proposal? If the Monitoring and Evaluation plan is to be a technical proposal attachment, is the plan limited to five pages or shall bidders determine the plan’s length?

**USAID Response:** The M&E plan is considered an attachment. There is a five page limit for this narrative plan, plus three pages for M&E tables.

**Question 36** - The RFP on page 64 under item 2, “Technical Approach” states the section should be “25 page maximum total including bulleted sub-sections below.” However, no bulleted sub-sections are provided. Is the bidder to create technical approach subsections based upon the project scope of work or will USAID provide the bulleted sub-sections? If the latter, we kindly request the “bulleted sub-sections” be made available to bidders.

**USAID Response:** There are no bulleted sub-sections.

**Question 37** - The RFP on pages 64-65 lists “Key Personnel” as a technical proposal section but does not provide for pages in the technical proposal to provide key personnel and STTA descriptions (listed under the Key Personnel section on page 65). Are project personnel to only be described in technical proposal attachments, key personnel resumes and table summarizing qualifications of key personnel, or does USAID have a page limit for a technical proposal section describing project personnel and management plan? If the latter, we kindly request the page limit for the personnel section of the proposal.

**USAID Response:** See Section L7.c. There is no limit on the number of resumes that may be included as attachments. At a minimum, we clearly expect resumes, up to 3 pages, for all proposed Key Personnel. Resumes of other non-key personnel are encourage as it provides USAID a better understanding of the staff expertise proposed.

**Question 38** - The RFP on page 44, in section H.15 “Workweek” for Overseas Employees, states: “A six (6) day workweek is approved for this contract.” Can you please clarify if a 6-day workweek should be budgeted both for long-term and short-term overseas employees, or does this apply only to short-term technical assistance?

**USAID Response:** It applies only to short-term technical assistance (consultants) not long term personnel under the pending contract.