

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES 1 9
2. AMENDMENT/MODIFICATION NO. 1	3. EFFECTIVE DATE See block 16c	4. REQUISITION/PURCHASE REQ. NO	5. PROJECT NO. (If applicable)	
6. ISSUED BY United States Agency for International Development Office of Acquisitions and Assistance 1300 Pennsylvania Avenue, NW Washington, Dc 20523 USA	CODE	7. ADMINISTERED BY (IF OTHER THAN ITEM 6)		CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State, and Zip Code)		<input type="checkbox"/>	9A. AMENDMENT OF SOLICITATION NO. 1 391-09-010	
			9B. DATED (SEE ITEM 11) 4/6/2009	
		<input type="checkbox"/>	10A. MODIFICATION OF CONTRACT/ORDER NO.	
CODE:		FACILITY CODE:	10B. DATED (SEE ITEM 11)	

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)	
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO., AS DESCRIBED IN ITEM 14	
<input type="checkbox"/>	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.
<input type="checkbox"/>	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).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	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.)	
The purpose of this amendment is to revise sections of the solicitation and to provide answers to questions received. Accordingly, the solicitation is amended as follows:	
[Continued on Page 2]	
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		16A. NAME AND TITLE OF CONTRACTING OFFICER Rosalind Sika, Contracting Officer	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA Rosalind Sika (Signature of Contracting Officer)	16C. DATE SIGNED 4/13/2008

(1) Section J USEFUL LINKS: add the following:

“6. FREIGHT DELIVERY REQUEST FORM: <http://inside.usaid.gov/forms/a519-1.doc>“

(2) Section L.9 (11) Marking and Branding: delete the first three sentences and add the following in lieu thereof:

“Offerors must submit a Branding Implementation Plan (BIP) and Marking Plan (MP) to address the Branding Strategy described in Section D.2. Offerors must note that the BIP and MP are separate items that will not be scored. However, both the BIP and MP from the apparently successful Offeror will be reviewed and are subject to approval prior to contract award. They will be incorporated in the contract. Neither the BIP nor the MP will be counted in the page limitation.”

(3) Append the following questions and answers to the solicitation:

Question 1: To maximize involvement/development of indigenous technocratic expertise, could our US-based firm collaborate/team up with its affiliates in the country and/or the region?

Answer 1: Within the parameters of the authorized source, origin, and nationality code, collaborating/teaming up with affiliates in the country and/or the region is encouraged.

Question 2: As I am seeing some development happening in this fund mainly relating to RFP development and consultancy services etc. I wanted to check from you that moving forward, will there be a component for IT procurements as it mentions capacity building?

Answer 2: Yes, such procurements are anticipated. To make your interest in this area known, USAID encourages the use of the Interested Vendor List (IVL) on the Federal Business Opportunities website page (www.fbo.gov) so that firms can contact one another for consideration of teaming arrangements and/or small business subcontracting opportunities in response to this solicitation.

Question 3: The RFP refers to an enhanced security proposal that should be developed after project award. Please confirm that the technical and cost proposals should not include any information about project security arrangements (standard or enhanced).

Answer 3:

“Standard Security:” Offerors must consider any normal, significant costs foreseen for security equipment, communications and guards required for program implementation, and these costs must be included under “Other Direct Costs” in the Cost Proposal. For example, the Offeror may wish to rent a walled facility with security cameras as the primary office and staff it with six guards to provide reasonable security.

“Enhanced Security:” After contract award has been made, the Offeror shall submit an Enhanced Security Proposal in accordance with Section F.6. This proposal may include additional security of the premises, such as the installation of razor wire, security cameras with specialized motion sensors in darkened areas of the compound, as well as an increase in night security guards by two persons. Other examples of enhanced security costs are contained in Section F.6.

In short, costs for standard security arrangements must be included in the technical/cost proposals, whereas costs for enhanced security measures must not be included in the technical/cost proposals.

Question 4: Can offerors add additional appendices/annexes to the ones listed in Section L.8 of the RFP?

Answer 4: No, USAID will review only the appendices/annexes listed in Section L.8 of the RFP.

Question 5: Can USAID provide bidders with a copy of the local compensation plan referenced in the RFP?

Answer5: No, the local compensation is not available for distribution. In general, annual salaries for upper level/professional positions range from (local currency) 1,400,000 – 3,900,000, for mid-level positions from (local currency)400,000 – 1,300,000, and for lower level support positions from (local currency) 190,000 – 580,000

Question 6: Does USAID require a Marking Plan as part of the offeror's proposal, or only a Branding Implementation Plan as indicated in the RFP?

Answer 6: USAID requires both. See solicitation amendment above.

Question 7: I have a strong interest in this program. I am an attorney, listed on CCR as a small business, woman owned. I can offer a variety of skills, including but not limited to personal experience in the American Court system, female gender, legal research and writing support, extensive training in Mediation and ADR, among other things. My interest would be to work on this project primarily in the United States: I am not able to permanently relocate overseas. I speak and write in English only. I am writing to ask you if I should formally respond to the RFP and reflect this information, or instead, if I should NOT respond to the RFP and instead simply contact the other Vendors who are bidding and express this information to them.

Answer 7: See answer to Question 2 on IVL.

Question 8: Could USAID provide information with respect to any MoUs or other agreements related to the objectives of the SJP Project that have been made between USAID/USG and the Pakistani judiciary, the Government of Pakistan and the provincial governments?

Answer 8: No MOU's or any other agreements related to the SJP have been signed with any branches of the Government of Pakistan.

Question 9: Could USAID provide guidance on any work that the SJP Project is expected to do with the specialist courts?

Answer9: The SJP does not expect to work with specialist courts.

Question 10: With reference to p.14 (Activity 1.5): The RFP discusses cooperation with INL and DOJ. Could USAID make available their scopes of work?

Answer 10: INL and DOJ anticipate working with the Federal Judicial Academy (FJA) and intend to sign a Memorandum of Understanding (MOU) and develop a training schedule. Also, INL/DOJ intends to work with the Punjab Prosecutors Department (PPD) and plans to start training in June, provide

assistance for institutional development (performance standards etc) and establish "resource center" in Lahore (precursor to training component in house at PPD). No other information is available at this time regarding INL/DOJ's anticipated plans.

Question 11: With reference to p.13 (Activity 1.3): The RFP discusses coordination with AJDF and states that grants for equipment and renovation cannot exceed "the amount of single grants provided by the AJDF". Does this refer to a policy of AJDF of a maximum "single grant"? If so, does this refer to a "single grant" in the same court and what is the amount of an AJDF "single grant"?

Answer 11: Specific policy is not available at this time. The main point is that the contractor should coordinate with the AJDF on grant-making and commodity support.

Question 12: With reference to p.19 (Results for Component 2, Objective 1): The RFP states that "Disposition of total cases (new filings plus pendencies) [should be] increased by 30 percent. Number of cases three years or older [should be] decreased by 75%." How were these specific numbers arrived at, is there any precise rationale, and are there any calculations that were done on the actual number of cases these would represent? Could USAID provide any such rationale and calculations?

Answer 12: The targets for reduction in backlog (case disposition) are based on similar results that were achieved, on average, through the ADB Access to Justice Program during the initial pilot phase of the project in 2001-2003 through intensive work with the lower courts. These results were not sustained over time after the pilot phase ended and new practices were not maintained or rolled out to other courts. Current numbers on case disposition and backlog are available from the Law and Justice Commission Secretariat. For more information, see the following link:
<http://www.adb.org/Projects/project.asp?id=32023>.

Question 13: When the RFP indicates that the contractor is to work with "High Courts" (such as in Activities 2.2.1, 2.2.2, 2.2.4, 2.4.4), "courts" (such as in Activity 2.3.4), "Member Inspection Teams" or "Chief Justices" (such as in Activity 2.4.1), should offerors interpret these guidelines as applying only to those provinces where the "demonstration district" courts are functioning?

Answer 13: Yes, but the contractor also may work with some judicial bodies at the national level, including relevant ministries, the Law and Justice Commission, the National Judicial Policy Making Committee, and the Supreme Court.

Question 14: Could USAID provide more guidance regarding the timing and dimensions of the activities envisaged in Sindh, including the need to establish a project office in that province?

Answer 14: The initial target provinces will be Punjab and NWFP, but depending on progress made and USG priorities, the contractor may begin work in demonstration districts in Sindh.

Question 15: Is Sindh to be considered a "targeted province" for the purposes of Activity 2.4.2 and for Expected Results for Component 2, Objectives 4 and 5?

Answer 15: See response to question 14.

Question 16: With reference to p.12 (Activity 1.1): The RFP discusses the demonstration districts in NWFP, Punjab and later in Sindh. While the Project is expected to work with at least 20 demonstration

districts in NWFP and Punjab combined, no guidance is provided about the number of demonstration districts in Sindh. Please clarify.

Answer 16: See response to question 14.

Question 17: Should the Sindh Judicial Training Institute be targeted for assistance, pursuant to Activity 3.2, from the beginning of the SJP even though demonstration districts may not be started there until later in Project implementation?

Answer 17: No; not until when or if the contractor works with demonstration districts in Sindh.

Question 18: With reference to p.1 (the RFP cover letter); p.43 (Section F.6 Enhanced Security Proposal); and p.90 (Other Direct Costs): Could USAID provide more guidance about what is considered "normal" and what is considered "enhanced" security? This issue affects office space, housing, in-country travel and the implementation of a number of activities, and therefore a clear understanding of what to plan for will facilitate more accurate budgeting.

Answer 18: See response to question 3.

Question 19: May offerors propose a six-day work-week for long-term personnel?

Answer 19: No.

Question 20: With reference to p.90 (Procurement): May offerors specify the type and cost of equipment as required, but provide additional specific information, such as the equipment's manufacturer, after award?

Answer 20: Yes.

Question 21: With reference to p.3 (Budget Line Items) and p.91 (Cost Proposal Instructions): Do the plug figures for commodities for court improvements, minor cost renovations, IT equipment and software, small grant fund and special initiative fund, include indirect loading, e.g. G&A?

Answer 21: No.

Question 22: Could USAID provide a plug figure for performance monitoring and evaluation (PM&E) activities? As the RFP requires a sophisticated PM&E approach, the costs may vary significantly depending on the level of detail and scientific rigor that will be applied. Therefore, it will be helpful if offerors were aware of the total funding to be made available for PM&E.

Answer 22: No.

Question 23: With reference to p. 87 (Past Performance): Are up to six past performance references required for the offeror and each major subcontractor or for all organizations combined?

Answer 23: Up to six past performance references are required for each individual organization (not all organization combined); individually, the offeror and each major subcontractor.

Question 24: With reference to p. 88 (Past Performance): Please confirm that the narrative summary of the use of small business concerns and the names and addresses of small business concerns can be provided in Annex G.

Answer 24: No, Annex G is a supplement to the narrative summary (see page 88, (3)(A) and (3)(B)).

Question 25: With reference to p.86 (Personnel): Please confirm that the five references required for each key personnel are not subject to the three-page limit per resume.

Answer 25: Confirmed: the five references are not subject to the three-page limit per resume.

Question 26: As there are a number of files in a variety of original formats that will be used for putting together the full Technical and Cost Proposals (not only DOC and XLS, but also PDF, JPG, DSD, etc.), we request that offerors be allowed to submit files in PDF, in order to consolidate these files into a more user-friendly format on the CD-ROM.

Answer 26: Yes, you may do so.

Question 27: Could USAID provide guidance with respect to local labor laws pertaining to items such as payroll taxes, fringe, severance pay, etc.?

Answer 27: USAID suggests that you contact a lawyer in Pakistan for specifics regarding the legal requirements.

Question 28: Does USAID/Pakistan have any special provisions related to additional home leave, R&Rs, etc. similar to the Missions in Afghanistan and Iraq?

Answer 28: The Mission policy is two R&Rs and a home leave at the end of one year **IF** the person is coming back or going to an onward assignment. Staff posted in Peshawar receive an additional Regional Rest break.

Question 29: Please confirm that the offerors may use local subcontractors in addition to the authorized USAID Geographic Code 000.

Answer 29: See answer to question 1..

Question 30: Should offerors budget funds for the roll out of successful initiatives in the demonstration districts in the target provinces? Will the project support costs for technical assistance, training, equipment and the like in non-demonstration districts, to which approaches will be scaled up?

Answer 30: Yes, for budgeting for rolling out successful initiatives in the demonstration districts in targeted provinces. As for budget support costs in non-demonstration districts, such funding will be very limited. After achieving success with the demonstration districts, it should be the Provincial High Courts

or national level judicial institutions that manage the roll-out to additional districts. Offerors should propose the assistance they could provide these provincial and national institutions to assist them to roll out the reform initiatives. Given that Pakistani judicial institutions will eventually take over rolling out these reforms this argues for the reforms being practical and cost effective.

Question 31: Can USAID explain what is meant by the term "rotational faculty system" for the FJA? (RFP p.28).

Answer 31: This will provide a variety of experts, preferably judges, who can be called upon to teach courses requiring specialized expertise. Also, by using a rotational faculty system it will help renew faculty expertise and skills.

Question 32: The RFP (p.81) requires submission of 4 CD-ROMs, 2 for the technical proposal and 2 for the cost proposal, but the instructions on p.82 say to "enclose the two CD-ROM's in the envelope with the Cost proposal for mailing." Can USAID please confirm that the 2 CD-ROM's containing the copies of the technical should be submitted with the technical proposal and the 2 CD-ROM's containing the copies of the cost proposal should be submitted with the cost proposal?

Answer 32: Confirmed.

Question 33: The RFP (p.88) requires submission of the contractor's most recent SF 294 reports for the past three years as Annex G. Our SF 294 reports for this period number more than 400 pages in hard copy and would constitute more than 18 electronic files of at least 2 MB each. May we instead submit electronic and hard copies of our 10 most recent and relevant SF 294 reports as Annex G to the technical proposal? If 10 SF 294s are not considered sufficient, may we provide USAID with a CD-ROM containing our complete SF 294 files instead of appending the hard copy version as Annex G?

Answer 33: Please include 25 chronologically most recent and relevant SF 294 reports in hard copy.

Question 34: Can USAID confirm that the Branding Implementation Plan is to be annexed to the cost proposal? (RFP p. 95).

Answer 34: Confirmed.

Question 35: Do the plug figures for Commodities for Court Improvements, Minor Court Renovations, IT Equipment Software for Courts, Small Grant Fund, and the Special Initiative Fund include freight and shipment costs for items procured in the US or does USAID expect all of these items to be purchased locally?

Answer 35: These figures include shipping costs.

Question 36: Does USAID have an estimated time-line for starting up the Sindh office?

Answer 36: See response to question 14.

Question 37: Section L.9 (2) (2) (K) ODS states that the Offeror must consider "normal security costs (such as for security-related equipment, communications and guards) required for program implementation; Enhanced Security Costs, however, should not be proposed (see Section F)." However, "Section F.6 Enhanced Security Plan" lists "two-way radios and/or other communication networks...deploying guards and/or guard force..." as part of the Enhanced Security Budget. Would USAID please specify which guard services and security-related communications costs should be included in the cost proposal and which should be included in the Enhanced Security Budget?

Answer 37: See response to question 3.

Question 38: As it is our policy to extend severance payments to local long-term employees in line with requirements of Pakistani labor law, we respectfully request the addition of FAR 52.237-8, Restriction of Severance Payments to Foreign Nationals, and FAR 52.237-9, Waiver of Limitation on Severance Payments to Foreign Nationals, to the RFP.

Answer 38: FAR 52.237-8 is already included in Section I of the solicitation.

Question 39: Can USAID please provide position descriptions and/or desired qualifications for the key personnel or confirm that offerors should follow those detailed on pages 32-35 in the draft Statement of Work?

Answer 39: No additional information on this issue will be provided.

Question 40: To be responsive to the second Personnel evaluation criterion (Section M.4(b)) regarding staffing as it demonstrates the Offeror's ability to implement the program, we would like to present CVs for some of our non-key personnel. Please let us know whether we should include them in Annex B or as a separate annex.

Answer 40: CVs for non-key personnel should not be submitted and will not be evaluated.

Question 41: Can the 5 references for the key personnel be listed on a separate page, or must they be included in the 3 page maximum for the CVs?

Answer 41: See response to question 25.

Question 42: The scope of work will presumably entail extensive use of Pakistani subcontractors. Since the USAID geographic code is 000, please clarify whether USAID will consider waivers for local subcontracts that exceed \$250,000 for services and \$5,000 for goods.

Answer 42: For the purposes of the proposal, proposals should remain within the constraints of a 000 geographic code.

Question 43: Since an offeror may have a large number of SF 294 reports from the past 3 years, would USAID consider requiring them in the original hard copy version only? Also, can USAID clarify whether the SF 294 reports should be included on the CD-ROMs?

Answer 43: See response to question 33.

Question 44: Please confirm that a hand delivery of the proposal by a staff member to the lobby of the Ronald Reagan Building will not be rerouted to the loading dock.

Answer 44: While we will make every effort to be available to accept hand deliveries to lobby of the Ronald Reagan Building, please see Section L for full information on deliveries.

Question 45: Is it acceptable to present electronic files of the proposal in PDF format?

Answer45: See response to question 26.