

RFP 306-09-0506 "USAID/AFGHANISTAN Trade and Accession Facilitation for Afghanistan (TAFa)" – AMENDMENT 2

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE 1 OF 30 PAGES
2. AMENDMENT/MODIFICATION NO. 02	3. EFFECTIVE DATE See Block 16c	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY Office of Acquisition and Assistance USAID/Afghanistan Great Massoud Road Kabul - Afghanistan		7. ADMINISTERED BY (If other than Item 6) Office of Acquisition and Assistance USAID/Afghanistan Great Massoud Road Kabul - Afghanistan	
8. NAME AND ADDRESS OF CONTRACTOR (No. Street, county, State and ZIP: Code)		(U) 9A. AMENDMENT OF SOLICITATION NO. X 306-09-0506	9B. DATED (SEE ITEM 11) Mar 16, 2009
TO ALL OFFERORS		10A. MODIFICATION OF CONTRACT/ORDER NO.	
		10B. DATED (SEE ITEM 13)	
CODE	FACILITY CODE		

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 one (1) copy 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 DATA 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 data 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.

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)

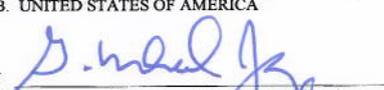
E. IMPORTANT: Contractor is not, is required to sign this document and return ___ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION

RFP 306-09-0506 "USAID/Afghanistan Trade and Accession Facilitation for Afghanistan (TAFa)" is hereby amended in order to:

- 1) Revise Section L. Instructions, Conditions and Notices to Offerors
- 2) Incorporate "Questions and Answers" related to this competitive process

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)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) G. Michael Junge Contracting Officer		
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	16C. DATE SIGNED 17-Mar-2009
(Signature of person authorized to sign)			

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Accordingly, RFP 306-09-0506 incorporates the following changes:

- 1). Section L is revised and substituted by the document stated as Attachment A to this Amendment No. 1.
- 2) Incorporates the following Questions and Answers:

#	QUESTION	ANSWER
1	Please confirm that electronic submission only is acceptable	This is to confirm that only electronic submission is required.
2	Please confirm that font size 11 is acceptable	Proposals shall be prepared in font size 11, Times New Roman.
3	We acknowledge the \$50-\$70 million range estimated by the Mission for this program. Given the \$20 million range in the Government estimate for this program, we are wondering whether the estimate is for \$50 million for the three year base period, plus \$20 million for the two one year option periods? If not, we would like to request further guidance or provision of a narrower range in order to properly budget for the anticipated vision of the Mission for this program.	The wide range is for the flexibility of the offeror as this is a performance based activity and the actual cost should be based on how the offeror proposes to address the issues. The \$50-70 million range is for the base plus option years.
4	Given the unpredictable security situation in Afghanistan, especially in Kabul over recent months, is there any further Mission or Embassy guidance available regarding expectations for security provided by contractors on USAID programs in Afghanistan other than the basic requirements listed on pg. 123 of the RFP “vehicle, labor for guards, barricades, security equipment, communications”? For instance, is USAID requiring contractor personnel to travel in armored vehicles or travel under constant protection of armed guards, a practice that was not the norm in previous USAID-funded projects based in Kabul?	The offeror should budget additional security costs for any personnel they propose either US or other expatriate nationality. All expatriate personnel must be provided with Regional Security Officer approved lodging and transport.
5	Regarding travel to regions outside of Kabul, please confirm if access to PRT flights will be permitted, as available, for TAFA staff	Access to PRT flights will be permitted when/if available to TAFA staff.
6	Regarding the legislation on Reconstruction Opportunity Zones, the third paragraph of	

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	<p>Section C.2 (pg 9 of the RFP) states “TAFa will help Afghanistan prepare for its eventual approval and implementation,” whereas Section C.3, last paragraph (pg. 13 of RFP) states “until legislation is approved, only preliminary planning actions should be undertaken.” We understand that legislation is likely to be approved, however these two statements are slightly contradictory in that the first implies that we should prepare for full implementation yet the second statement implies only preliminary planning measures should be considered at this point. Please provide further clarification on the extent of these activities under TAFa</p>	<p>Only preliminary planning for Reconstruction Opportunity Zones (ROZs) should be undertaken before the legislation is enacted. Meanwhile, the contractor should proceed with consideration of and support related to trade facilitation, such as the Government of the Islamic Republic of Afghanistan’s (GIROA’s) proposal to establish Trade Facilitation Zones (TFZs), which could incorporate ROZ trade preferences.</p>
7	<p>It is our understanding that under the current project, the contractor continues to pay the salaries for a number of the positions in the ACD headquarters. Does USAID expect this practice to continue under the TAFa Program?</p>	<p>The current contractor is providing technical assistance for development of official position descriptions and a transition plan to support the transfer of such positions to the ACD payroll. USAID hopes that this can be accomplished prior to the start of the new contract.</p>
8	<p>The RFP references several reports such as the MFTR and The Final Report: Reconstruction Opportunity Zones-Pakistan and Afghanistan Assessment of Possible Locations and Products. Can USAID provide full versions of these reports? In addition, can USAID make available the EGPSS Quarterly Performance Reports, Annual Results Reports, and also the key deliverables related to the items listed in Appendix 1 summarizing the activities of the EGPSS program.</p>	<p>MFTR and other specified reports may be provided upon request.</p>
9	<p>In Section L.7.2, the RFP states that “employment information should include supervisory contact details.” Is there a time limit (such as in the past three years) for which details must be provided? If a consultant is self-employed but has done short-term work on several contracts, is supervisory contact information required from each individual contract?</p>	<p>Contact references for the “last three years” are required as stated in block 14 of the Employee Biographical Data sheet as well as L.7.2, last sentence of the second paragraph. This is applicable to both employment history as well as t specific consultant services. For the purposes of this Section, the offeror should submit contact information for at least the three most recent supervisors, regardless of the time period covered.</p>
10	<p>Section L.7. j. Part 10 states that 2,080 hours (260 x 8 hours per day) is a normal work-year, but does not mention a 6-day work week. Please confirm that a six-day work week is acceptable for both long and short-term staff in the field.</p>	<p>For budgeting purposes, the offeror can submit budget numbers for a 6 day work week but upon actual award this would require approval from the CO.</p>

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11	<p>A blank SF-LLL is included in Section J: List of Attachments, but there is no mention of SF_LLL in Section L, instructions for preparing the Cost Proposal. Please confirm if SF-LLL is required for prime contractors as well as major subcontractors.</p>	<p>Yes, the SF_LLL – Disclosure of Lobbying Activities is required of the prime and major subcontractors.</p>
12	<p>Does USAID anticipate any non-expendable equipment (NXP) to be available from existing or ending USAID programs that may be transferred to the TAFa program? If so, will a list of available equipment be made available prior to the proposal due date?</p>	<p>USAID does not anticipate any non-expendable equipment (NXP) to be transferred to TAFa program.</p>
13	<p>Section L.7(d)(5) details the required components of the Cost/Business Application, and includes Subsection (a) which states, in part:</p> <p>“(a) Each offeror shall provide an overall summary budget for the entire contract period. In addition a detailed budget for each CLIN listed in Section B.4 (see below for items to be included). ... The budgets should be specific for the line item for the entire period per CLIN and on an annual basis for each line item. The Proposed budget shall include: ... Based on the seven categories of activities listed above or based on other categories, offerors will submit budgets by proposed CLINs and normal cost line items.”</p> <p>Please clarify which “seven categories of activities” are referenced in the above instruction.</p>	<p>Please disregard the language “seven categories of activities” and replace it with the “three categories of activities” as found in B.4 of the original RFP. A revised version of Section L is being attached to this Amendment No. 2.</p>
14	<p>Section L.7(d)(5) subsection (h) which states:</p> <p>(h) “Audited balance sheets and profit and loss statements or if not available, returns as submitted to Federal tax authorities for the offeror’s last two complete fiscal years and for the current fiscal year as of 30 days prior to proposal submission,”</p> <p>(k) A copy of the current Negotiated Indirect Cost Rate Agreement (NICRA), if applicable.</p> <p>However, Subsection (k)(4) Indirect Cost Information states:</p> <p>(i) The offeror and each proposed major subcontractor shall include a complete copy of its most current Negotiated Indirect Cost Rate Agreement (NICRA) or other documentation from its cognizant</p>	<p>Confirmed.</p>

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	<p>Government Audit Agency, if any, stating the most recent final indirect cost rates.</p> <p>(ii) If the offeror or any major subcontractor(s) does not have a cognizant Government Audit Agency, audited balance sheets and profit and loss statements for the last two complete years, and the current year-to-date statements (or such lesser period of time if the offeror is a newly-formed organization), must be included in the proposal. The profit and loss statements should include detail of the total cost of good and services sold, including a listing of the various indirect administrative costs, and be supplemented by information on the prime contractor’s customary indirect costs allocation method, together with supporting computations of the basis for the indirect cost rate(s) proposed.</p> <p>Please confirm that the prime contractor and all major subcontractor(s) are required to submit either a copy of their most current Negotiated Indirect Cost Rate Agreement (NICRA), or audited financial statements, but not both.</p>	
15	<p>Under Section L.7 (5) Cost Proposal subpart (L) Security, can USAID give guidance on what the overall percentage of security costs should be in relation to the entire proposal budget. In other missions in the region (Pakistan, Iraq) security has been treated as a separate component of the proposal and not included in the overall cost and negotiated separately after a winner of the overall proposal has been notified.</p>	<p>Security costs should be included within the proposal. USAID can not give a percentage of security costs because it will depend upon how the offeror proposes to respond to the requirements.</p>
16	<p>In reference to FAR 19.702(b)3, is a Small Business Subcontracting Plan required given that the contract will be performed overseas?</p>	<p>Yes, it is required.</p>
17	<p>Section L.7 (c) of the RFP states “Detailed information should be presented only when required by specific RFP instructions. Proposals are limited to 30 pages, OVER 30 PAGES WILL NOT BE EVALUATED, and shall be prepared in English on standard 8 1/2" x 11" paper (216mm by 297mm paper), single-spaced, 10 characters per inch with each page numbered consecutively. Items such as graphs, charts, cover pages, dividers, table of contents, and attachments (i.e. key personnel resumes, table summarizing qualifications of proposed personnel, past</p>	<p>If they are included within the technical proposal they will count towards the 30 page limit. USAID suggests that all charts, graphics and flow charts be presented as separate attachments, i.e. the 30 page limit should refer exclusively to the text technical proposal.</p>

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	<p>performance summary table and past performance report forms) are not included in the 30 page limitation.”</p> <p>If full-page graphics such as flow charts, organizational charts, and/or full-page tables summarizing personnel/past performance are included within the technical proposal narrative (not as an attachment), will they count towards the 30 page limit?</p>	
18	<p>In Amendment #1 to the RFP, the Example Development-focused budget (DFB), lists category No. III. Program Cost under each year. What cost subcategories should fall under this category No. III. Program Costs in the Development-focused budgeting (DFB) Summary?"</p>	<p>The subcategories will depend upon how the offeror addresses the requirements of the RFP. There are no standard subcategories. The DFB presented in Amendment # 1 is only an “Example”.</p>
19	<p>In section L.7(c) of TAFa Amendment 01, offerors are instructed to prepare their 30-page proposals on 8.5" x 11" paper with each page numbered consecutively. Offerors are also told that graphics (graphs, charts, etc.) will not count as part of those 30 pages. Can USAID confirm is graphics can be printed on 11" x 17" paper for greater readability?</p>	<p>Yes, provided that offerors will follow the suggested directions as stated in Answer No. 17 of this Amendment No. 2.</p>
20	<p>In section L.7(c) of TAFa Amendment 01, USAID lists several items that will not count towards the 30-page limit, including cover pages, dividers, and table of contents. Would USAID consider including an acronym list and transmittal or cover letter in those items that do not count towards the 30-page limit?</p>	<p>The transmittal and cover letter are not counted towards the 30 page limit but they should be kept very brief. The Acronym list should be included as an attachment.</p>
21	<p>In reference to RFP Section L.7, Instructions for the Preparation of the Technical Proposal, part (c): We understand that 10 characters per inch font is equal to 12 pt. Courier. Can we use 11 pt. Times New Roman, which is a standard proportional font?</p>	<p>Please see question and answer No. 2</p>
22	<p>In reference to RFP Section L.7, part 2, PERSONNEL: is there a page limit for CVs?</p>	<p>USAID requests that personnel CVs be limited to no more than 5 pages.</p>
23	<p>In reference to RFP Section L.7, part 4, PAST PERFORMANCE, does the 5 recommended project guideline refer to the total number of projects that should be submitted by the offeror and its major</p>	<p>As a past performance reference, list five (5) most recent and relevant contracts for the prime and five (5) for the major subcontractors.</p>

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	subcontractors, or do you recommend that we submit 5 projects as the prime in addition to 5 projects from each major subcontractor?	
24	Please clarify the status of the MFTR. Has it been submitted to the WTO or is it still undergoing the review process?	The MFTR has been discussed with the WTO but has not been officially submitted.
25	Is there a listing available of all the bilateral and regional agreements that GIROA has signed in the last 5 years?	Reference document will be provided upon request.
26	Please confirm whether the offeror must submit balance sheets and profit and loss statements if its NICRA is submitted in the cost proposal.	If the offeror has the latest approved NICRA, balance sheets and profit and loss statements are not required.
27	Please confirm whether major subcontractors must submit a copy of their balance sheets and profit and loss statements.	Response #26 applies to both Primes and Subcontractors
28	The cost proposal instructions in section L.7 jump from "Part 2 - Evidence of Responsibility" to "Part 8 - Letters of commitment". Please confirm whether any sections are missing from the cost proposal instructions.	Section L. INSTRUCTIONS, CONDITIONS, AND NOTICIES TO OFFERORS has been revised. The corrected version is attached to this Amendment No. 2 which changes are reflected in yellow highlight for a better understanding.
29	Please clarify whether offerors may submit “returns as submitted to Federal tax authorities for the offeror’s last two complete years and for the current fiscal year as of 30 days prior to proposal submission” (Section L.7, (5) Cost Proposal, paragraph (h)) if the offeror does not have a cognizant Government Audit Agency or audited balance sheets and profit and loss statements for the last two complete years and current year-to-date statements.	Please see answer No. 28 which contains a more clear language regarding Indirect Cost information.

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30	Please provide standard forms 119 and 1411.	Please see answer No. 28, this is no longer required.
31	Page 119 states: “Full Resumes for Key Personnel must be presented.” Does USAID also require full resumes for Non-Key Personnel?	Full resumes and biodata sheets must be submitted for key personnel, but only biodata sheets are required for non-key personnel.
32	Based on the new budgeting guidelines, does USAID intend to delete the requirement to budget by CLIN?	No, the budget should be provided by CLINs.
33	Based on the new budgeting guidelines, would USAID accept a budget which includes a component for Program Management?	This would depend upon how the offeror chooses to respond to the requirements of the solicitation. If the offeror chooses to include a Program Management sub-line item for each CLIN this is acceptable.
34	Should the line items in the DBF sample budget be considered illustrative?	Yes, the sample is only for illustration.
35	Is the omission of Part 3-6 intentional? Will these parts be made available to offerors?	Please see answer No. 28. It has been clarified in the revised Section L.
36	Please confirm that supervisory contact information is only required for position held by key personnel in the last three year.	Please see answer No. 28. It has been clarified in the revised Section L.

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37	Please confirm that bio-data sheets are not required from proposed non-key personnel.	Please refer to Answer No. 31.
38	Does USAID expect bidders to declare how they would re-program monies/activities in the event that ROZ legislation does not pass in U.S. congress?	Reprogramming will be decided in the process of developing annual work plans. However, bidders should include contingency plans, should ROZ legislation not be passed, in their proposals.
39	Section M.A.IV (E) of the RFP states that offerors will be evaluated according to their record of using small business concerns as subcontracts. Please confirm that past performance information submitted in response to this criterion may be submitted as an attachment to the technical proposal.	This is to confirm that past performance information in response to using small business concerns as subcontracts shall be submitted as an attachment to the technical proposal.
40	In section F.7, the RFP states that changes in public perception toward trade and change in World Bank’s Doing Business, trading across borders indicator should be reported on quarterly. Does this mean that the project should budget for quarterly public opinion surveys and updates of Doing Business surveys or should these be measured annually?	Reports on performance indicators should be updated quarterly, but based on the availability of data for each indicator. The World Bank’s Doing Business surveys are done on an annual basis, and reports on related indicators should conform to this time period.
41	Can USAID confirm whether a 6-day work week is authorized, for both short and long term expatriates personnel?	Please refer to question and answer No. 10.
42	Amendment 1, P.133, lists six points to be included in the proposed budget. Please clarify that these points should be addressed in the budget narrative accompanying the proposed budget.	Yes, the points should be addressed in the budget narrative as well as in the cost proposal.

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43 Section B.4 per Amendment 1, includes a requirement for offerors to summarize cost data using development-focused budgeting (DFB). In accordance with Section L, however, offerors are required to prepare budgets by CLIN and Year only. Please clarify whether the cost proposal should provide summary costs for each development result under each CLIN.	Budget must be prepared addressing CLINs crossed with the traditional components of a budget, e.g. Salaries, Fringe Benefits, Travel, etc.
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ATTACHMENT A

SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address (es): <http://arnet.gov/far/> (FAR) <http://www.usaid.gov/pubs/ads/300/aidar.pdf> (AIDAR); a Word version of the AIDAR is also available at <http://www.usaid.gov/pubs/ads/300>

NUMBER	TITLE	DATE
	FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1)	
52.204-6	DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER	APR 2008
52.216-27	SINGLE OR MULTIPLE AWARDS	OCT 1995
52.222-24	PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION	FEB 1999
52.222-46	EVALUATION OF COMPENSATION FOR PROFESSIONAL EMPLOYEES	FEB 1993

L.2 52.215-1 INSTRUCTIONS TO OFFERORS—COMPETITIVE ACQUISITION (JAN 2004)

(a) Definitions. As used in this provision--

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer's discretion, result in the offeror being allowed to revise its proposal.

In writing, writing, or written means any worded or numbered expression that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Proposal modification” is a change made to a proposal before the solicitation's closing date and time, or made in response to an, or made to correct a mistake at any time before award.

“Proposal revision” is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

“Time,” if stated as a number of days, is calculated using calendar days otherwise specified, and will include Saturdays, Sundays, and legal holidays. If however the last day falls on a Saturday, Sunday, or legal holiday, then the period shall the next working day.

(b) Amendments to solicitations. If this solicitation is amended, all terms and conditions that are not amended remain unchanged.

(c) Submission, modification, revision, and withdrawal of proposals.

(1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name

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and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show—

(i) The solicitation number;

(ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);

(iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;

(iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the Government in connection with this solicitation; and

(v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) Submission, modification, revision, and withdrawal of proposals.

(i) Offerors are responsible for submitting proposals, and any modifications *or* revisions so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal, or revision is due.

(ii) (A) Any proposal, modification or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is “late” and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and—

(1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(3) It is the only proposal received.

(B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

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(5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225- 17, Evaluation of Foreign Currency Offers, is included in the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

(d) Offer expiration date. Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) Restriction on disclosure and use of data. Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall—

(1) Mark the title page with the following legend: This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of—or in connection with—the submission of this data, the 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 Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and

(2) Mark each sheet of data it wishes to restrict with the following legend: Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) Contract award. (1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and sub-factors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.

(3) The Government may waive informalities and minor irregularities in proposals received,

(4) The Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

(5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price

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analysis techniques. A proposal may be rejected if the Contracting officer determines that the lack of balance poses an unacceptable risk to the Government.

(9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

(10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(11) If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:

(i) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.

(ii) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.

(iii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.

(iv) A summary of the rationale for award.

(v) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(vi) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

L.3 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a Cost-Plus-Fixed-Fee, completion type contract resulting from this solicitation.

L.4 52.233-2 SERVICE OF PROTEST (SEP 2006)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from

Hand-Carried Address:

Office of Acquisition and Assistance
USAID/Afghanistan
Café Compound
U.S. Embassy
Great Masood Road
Kabul, Afghanistan
Attention: Mr. G.Michael Junge

Mailing Address:

Office of Acquisition and Assistance
Attn: Mr. G.Michael Junge
USAID/Afghanistan
American Embassy
APO AE 09806

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Fax Number: U.S. number 202-216-6288, ext. 4739

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

L.5 GENERAL INSTRUCTIONS TO OFFERORS

(a) Multiple Awards. The U. S. Government anticipates awarding approximately one contract including 0 small business set-aside(s) as a result of this Solicitation. The Agency reserves the right to award more or fewer awards than the anticipated number of contracts stated above.

(b) RFP Instructions. If an Offeror does not follow the instructions set forth herein, the Offeror's proposal may be eliminated from further consideration or the proposal may be down-graded and not receive full or partial credit under the applicable evaluation criteria. If an Offeror does not understand the instructions in this Solicitation, then it should write to the contracting officer for clarification sufficiently in advance of the deadline for the receipt of proposals in order to obtain an answer in time to meet that deadline.

(c) Accurate and Complete Information. Offerors must set forth full, accurate and complete information as required by this RFP. The penalty for making false statements to the Government is prescribed in 18 U.S.C. 1001.

(d) Pre-award Survey. USAID reserves the right to perform a pre-award survey which may include, but is not limited to: (1) interviews with individuals to establish their ability to perform contract duties under the project conditions; (2) a review of the prime contractor's financial condition, business and personnel procedures, etc.; and (3) site visits to the prime contractor's institution.

(e) Offer Acceptability. The Government may determine an offer to be unacceptable if the offer does not comply with all of the terms and conditions of the RFP and prospective contract:

(1) Completion of Standard Form 33, Blocks 12 through 18;

(2) Submission of proposed costs/prices and indirect cost information as required by Section B of this RFP;

(3) Completion of the "Representations, Certifications, and Other Statements of Offerors" in Section K; and

(4) Submission of information required by Section L or any other section of this RFP. The submission of these items in accordance with these instructions will, if the Government accepts the offer, contractually bind the Government and the successful offeror to the terms and conditions of the prospective contract. Offerors shall follow the instructions contained in this RFP and supply all information and signature/certifications, as required, including whether or not the offeror has a Secret level security clearance.

(f) Proposal Preparation Costs. The U.S. Government will not pay for any proposal preparation costs.

(g) Submission of Alternate Proposals. All offerors shall submit a proposal directly responsive to the terms and conditions of this RFP. If an offeror chooses to submit an alternative proposal, they must, at the same time, submit a proposal directly responsive hereto for any alternate to even be considered.

(h) *As an annex, the offeror is also required to provide a draft first-year work plan showing how the activities proposed for each component will be carried out and how they will complement each other in support of achieving the expected result. A Performance Management Plan (PMP), a critical tool for planning, managing, and documenting performance against set indicators, shall also be included as an annex.*

L.6 DELIVERY INSTRUCTIONS

This section has been substantially revised only email submission shall be required. In order to assure USAID receives the complete package, please specify the number of pages for 1) the Tech proposal 2) the cost and price proposal.

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(a) Proposals submitted in response to this RFP will be received the following manner:

DESIGNATED OFFICE:

Attn. G.Michael Junge or Shaperai Naziri
Office of Acquisition and Assistance
USAID/Afghanistan
U.S. Embassy
APO AE 09806

Questions in response to this solicitation must be received in writing via e-mail only to 306090506@usaid.gov. NOTE: Each e-mail must contain subject line, which clearly indicates the name of the Offeror and the solicitation number. Sample subject line: “ABCD, Inc. – RFP No. 306-08-028, “Trade and Accession Facilitation for Afghanistan (TAFA)”. All questions and requests for clarification were due by March 12, 2009. No additional questions will be accepted after this date.

(b) Closing Date and Time. All proposals in response to this RFP shall be due at the below email address, not later than the date stated in Block 9. of the SF 33 cover of this Solicitation.

Subject line will state the RFP number and title of the project:

RFP No.: 306-09-0506
(Title): “Trade Accession and Facilitation for Afghanistan (TAFA)”

Technical and Cost/Business Proposals must be kept separate from each other. Technical Proposals must not make reference to pricing data in order that the technical evaluation may be made strictly on the basis of technical merit.

(d) Mailing Addresses.

Electronic submission:

Follow the followings while submitting the proposals by email:

- The USAID email gateway accepts messages whose total size with attachments is 8 Mb (no zipped or compressed files);
- An email proposal must be submitted to 306090506@usaid.gov, the subject line of the email must contain the solicitation number RFP No. 306-09-0506, “Trade and Accession Facilitation in Afghanistan Project”;
- Acceptable native file formats are Microsoft Office Suite applications (.DOC, .XLS, .MDB) or Adobe Acrobat (.PDF);
- Time of receipt of the email is the USAID email gateway time-stamp of the message header;

For proposals submitted by email, respondents are encouraged to request a return receipt. Please acknowledge receipt of this email.

NOTE: Offerors are responsible for ensuring timely delivery of proposals.

L.7 INSTRUCTIONS FOR THE PREPARATION OF THE TECHNICAL PROPOSAL

(a) The technical proposal in response to this solicitation should describe the offer’s technical approach and methodology for how the offer intends to carry out the component activities and achieve the results set forth in the Statement of Work (SOW), Section C of this RFP. It should demonstrate a sound knowledge of past and ongoing political and operational challenges and ways in which they may be addressed. The approach must be realistic, set forth meaningful milestones, seek to maximize results within budget resources, and ensure a prompt and effective launch of contract activities. The Contractor will be required to develop detailed annual work plans covering the specific activities in each area, for review

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and approval by the CTO. The technical proposal should be organized by the technical evaluation criteria listed in Section M.

(b) The past performance references required by this section shall be included as an annex or attachment of the technical proposal.

(c) Detailed information should be presented only when required by specific RFP instructions. Proposals are limited to 30 pages, over 30 pages will not be evaluated, and shall be prepared in English on standard 8 1/2" x 11" paper (216mm by 297mm paper), single-spaced, 10 characters per inch with each page numbered consecutively. Items such as graphs, charts, cover pages, dividers, table of contents, and attachments (i.e. key personnel resumes, table summarizing qualifications of proposed personnel, past performance summary table and past performance report forms) are not included in the 30 page limitation. USAID suggests that these items be presented as separate attachments, i.e. the 30 page limit should refer exclusively to the text technical proposal.

(d) The technical proposal should, at a minimum, include the following:

(1) TECHNICAL APPROACH

The Statement of Work (SOW) identifies the projects’ goals and results as well as key areas in which expertise will be required. The technical approach shall reflect an understanding of the identified goal and results and the substance and sequence of needed reforms, and/or interventions in areas indicated in the SOW. Offers shall describe how each of their proposed activities contributes to achievement of the Project’s goal and results. Proposals will be evaluated on their approach toward achieving the stated goal, results and requirements, the consistency of the proposed approach with the stated goal and results, and innovative approaches and activities, such as use of local partners, to achieve desired policy and institutional reform outcomes. A clear connection between the offeror’s proposed approach and the proposed level of effort and staffing plan must be demonstrated. The proposal must convincingly demonstrate how the offeror will manage relationships with the host country government counterparts and key stakeholders, other donors and other elements of the US government present in Afghanistan; demonstrate a sound knowledge of past and ongoing political and operational challenges and ways in which they may be addressed. The approach must be realistic, set forth meaningful milestones, seek to maximize results within budget resources, and ensure a prompt and effective launch of contract activities.

The Technical Approach will include a Performance Management Plan (PMP), and a first year draft work plan, as separate annexes (no longer than 10 pages each), which is not included in the 30 page limitation. A PMP is a performance management tool to help plan and manage the process of assessing and reporting progress toward achieving the Project’s goal. It is a critical tool for planning, managing, and documenting how performance data is collected and used. The draft PMP should contain targets, indicators and benchmarks – both quantitative and qualitative – that are suitable for tracking, documenting, monitoring, and reporting performance for all component activities and are linked to deliverables, results, and impacts. It shall include indicators as listed in the SOW, corresponding targets for each year (according to data availability) and any other indicators the offeror proposes as feasible indicators of measuring intermediate progress toward achievement of the project objectives. The PMP should demonstrate how this management system will help to clarify and focus project objectives; serve as an early warning system, forecasting, and reporting tool; promote on-going discussions pertaining to project scope and direction; and aid in effective management decision making. The PMP shall include an explanation of how baseline data and subsequent information will be collected, analyzed, and used to monitor performance and report on progress made. Since performance management is, by definition, a dynamic process, the PMP review process should be clearly articulated. It is the offeror’s responsibility to show how costs associated with the implementation of the PMP are incorporated into the draft work plan. Proposed indicators shall meet USAID data quality standards for validity, integrity, precision, reliability and timeliness as described in ADS 203.3.5.1

Building host-country capacity is a priority concern for USAID. The technical approach will need to demonstrate realistic measures to be taken and a clear strategy over the life of the program for promoting sustainability through developing local technical capacity, appropriately tailored to Afghanistan’s context. This will involve drawing upon the resources of local private sector and government partners involved in the trade and investment enabling environment; strengthening the institutional and human resource capacity of all relevant counterparts; and promoting the ability of such partners to pursue further improvement of the trade and investment enabling environment after the end of the project.

A strong rationale for the proposed technical approach that’s clear and feasible to support implementation of reforms is

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critical. This can include describing the means for delivering technical assistance and on-site training, and supporting public education/outreach activities in Kabul and in various provinces of Afghanistan in order to achieve the expected results. The offeror should be aware that performance of the activities described in this RFP will require travel to various regions of Afghanistan and provision of on-site training and technical assistance in order to achieve the expected results. Some areas require a higher level of security, which could have an impact on how contractual requirements are fulfilled. The offeror should demonstrate understanding for the overall implications of security conditions and propose viable means to support project implementation in Kabul and the regions.

(2) PERSONNEL

This section shall define who will be employed under the contract, for what purposes, and the schedule of their deployment. Offerors shall describe the proposed management approach for carrying out the activities in the implementation plan and achieving the expected results. In particular, the management shall present a clear, complete and effective proposed organizational structure (with organizational chart), with related staffing plan and summary of proposed staffing resources that shows quantitatively the planned levels of long-term and short-term staff, for both local and international experts, for all project years.

Offerors shall propose what positions under the contract are key to achievement of the Project’s goal and results. The number of proposed key personnel positions shall number not more than five. . Full resumes for key personnel must be provided, with experience placed in chronological order starting with most recent information, so that the strengths of each key candidate’s background and experience are presented. Employment information should include supervisory contact details. Each resume shall be accompanied by a SIGNED letter of commitment from each candidate indicating his/her: (a) availability to serve in the stated position, in terms of days after award; (b) intention to serve for the length of the contract or other term of service stated in the letter; (c) agreement to the compensation level which corresponds to the levels set forth in the cost proposal; and (d) prior work experience with the Prime contractor or subcontractor (if nominated by a subcontractor). Offerors shall also submit a minimum of three (3) references of professional contacts within the last three years; with complete contact information (current) preferably email addresses, for each proposed candidate.

A key objective is effective strengthening of sustainable capacity for trade policy, trade facilitation, and customs modernization. The offeror should demonstrate a clear strategy to promote sustainable local institutional and human capacity development. One priority is to make maximum use of qualified local staff and technical experts wherever and however they can be effectively utilized. Particular emphasis should be placed on mentoring local staff, with a view to advancing them to more senior positions over time.

Offeror shall propose a Chief of Party (COP) experienced in managing complex programs of similar scale, particularly in transitional, Islamic, and/or post-conflict countries; his/her technical expertise in trade and investment enabling environment issues; his/her experience in building and effectively supervising a diverse team of employees spread across an expansive region; demonstrated effective interpersonal skills, proactiveness, creative problem-solving and ethical management; prior experience in working with international donors and knowledge of USAID’s policies and procedures. Presentation of credentials shall be in the same format as those provided of other key personnel mentioned in paragraph above.

(3) INSTITUTIONAL CAPACITY

Offerors shall demonstrate their institutional capacity. In particular, demonstrated organizational knowledge and capability of the offeror and proposed partners to effectively implement the proposed Technical Approach, including home office support, and their organizational experience in designing and managing trade and investment enabling environment development programs (including trade policy, trade facilitation, customs reform, and public outreach on trade-related issues and opportunities), and evidenced experience in successfully building sustainable host-country capacity.

If an offeror proposes a consortium approach, the formal relationships between/among firms with differing capabilities required to meet the requirements of this request shall be described. The offeror shall demonstrate the skills of the proposed organization(s) with regard to project management, implementation for results, and client relations. The offerors shall demonstrate the ability to build and maintain relationships with host country counterparts and its ability to collaborate with USAID and other donors. The institutional capability analysis will consider demonstrated organizational experience in managing large-scale projects, in transitional and conflict-prone countries. The offeror must detail: the institutional

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management structure; mobilization plan; logistics management; monitoring and reporting plans; management of subcontracts and public-private partnerships and financial management systems. The offeror should also use this section to describe its corporate management capacity: staffing, software, and equipment that the offeror will use to execute, support, control, monitor, and report on contract activities.

(4) PAST PERFORMANCE

Offerors are required to provide past performance references – general reference to relevant past performance should be included within the 30 page limit with more detailed information submitted as an annex. Past performances references will initially be reviewed to determine those that are relevant. Relevant past performance are contracts for similar services, preferably provided in countries with similar operational, socio-economic, political, and cultural characteristics. Those references determined to be relevant will be evaluated in accordance with the elements below. USAID prefers offerors to provide past performance information that has been reported and evaluated in either the National Institute for Health (NIH) or Past Performance Information Retrieval System (DOD) database.

As appendixes not counted toward the 30 page limit for the proposal, for the offeror and each major subcontractor, list the most recent and relevant contracts (5 are recommended) for efforts similar in magnitude and complexity which best illustrate the offeror’s achievements in the Scope of Work. The list of five projects shall include for each referenced contract: (i) the name of the organization, (ii) the project name, (iii) a brief project description, (iv) the period of performance, (v) the contract amount, and (vi) the name and telephone number and e-mail address of at least two contacts at the organization for which the service was performed.

L.8 INSTRUCTIONS FOR THE PREPARATION OF THE COST/BUSINESS PROPOSAL

(a) Part 1 - Standard Form (SF) 33

The Offeror must submit the cover page (Section A) of this Solicitation [Standard Form (SF) 33, "Solicitation, Offer, and Award"], with blocks 12 through 18 completed, with an original signature of a person authorized on behalf of the Offeror to sign the offer.

(b) Part 2 - Proposed Costs/Prices

(1) A major subcontractor is considered one whose proposed cost exceeds one (1) million US Dollars.

The offeror must submit a summary budget for the contract period as well as the option period. The summary budget must reflect summary cost information for each of the major budget categories for each of the contract years separately and then offer the program total for the entire contract, item for item in the last column of the spread sheet.

The offeror must also submit a detailed version of its summary budget for the contract period. The detailed budget must reflect every estimated cost item, broken out. The detailed budget must reflect these individual cost items for each of the contract years and then offer the program total for the entire contract, item for item in the last column of the spread sheet.

The offeror must submit a detailed budget narrative that supports item for item the cost estimates proposed in its detailed budget. The budget narrative should describe the nature of individual cost items proposed and include a description of the source of that particular cost estimate (historical experience with the cost item, catalogue price, vendor price quotes, etc.). Narratives for the individual cost items must provide a discussion of any estimated escalation rates where applicable. Estimated costs proposed to exceed ceilings imposed by USAID or Federal procurement policy must be fully explained and justified.

(2) The following is the minimum information required in the budget and budget narrative:

(A) Salary and Wages - Direct salaries and wages should be proposed in accordance with the offeror's personnel policies. Unit costs for each proposed position, key or not, should be expressed in an amount per work day with the corresponding level of effort required for the position (number of work days) and then calculated to a total cost for each cost period where the salary would be applicable. Biographical Data Sheets are required for all long term, short term expatriate personnel and all long term cooperating country personnel being proposed (forms may be obtained at

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http://www.usaid.gov/procurement_bus_opp/procurement/forms/). Narratives must provide a discussion of the estimated annual escalation of all salaries where applicable. Salaries proposed in excess of maximum annual salary rate described in “AAPD 06-03” must be explained thoroughly.

http://www.usaid.gov/business/business_opportunities/cib/pdf/aapd06_03.pdf

(B) Fringe Benefits - If the offeror has a fringe benefit rate that has been approved by an agency of the Government, such rate should be used and evidence of its approval should be provided. If a fringe benefit rate has not been so approved, the application should propose a rate and explain how the rate was determined. If the latter is used, the narrative should include a detailed breakdown comprised of all items of fringe benefits (e.g., unemployment insurance, workers compensation, health and life insurance, retirement, FICA, etc.) and the costs of each, expressed in dollars and as a percentage of salaries.

(C) Travel and Transportation - The application should indicate the number of trips, domestic and international, and the estimated costs per trip. Specify the origin and destination for each proposed trip, duration of travel, and number of individuals traveling. Per diem should be based on the offeror's normal travel policies (offerors may choose to refer to the Federal Standardized Travel Regulations for cost estimates).

(D) Procurement - A list of proposed non-expendable property purchases. Specify all equipment to be purchased, including the type of equipment, the manufacturer, the unit cost, the number of units to be purchased and the expected geographic source. Goods and services provided by the Offerors under this USAID-financed award are expected to be subject to the 935 Geographic Code.

(E) Equipment and Supplies - Specify all materials and supplies expected to be purchased, including type, unit cost and units.

(F) Communications - Specific information regarding the type of communication cost at issue (i.e. mail, telephone, cellular phones, internet etc.) must be included in order to allow an assessment of the realism and reasonableness of these types of costs.

(G) Subcontracts/Consultants - Information sufficient to determine the reasonableness of the cost of each specific subcontract and consultant expected to be hired must be included. Similar information should be provided for all consultants as is provided under the category for personnel.

(H) Allowances - Allowances should be broken down by specific type and by person. Allowances should be in accordance with the offeror's policies and the applicable regulations and policies. The Independent Government Cost Estimate for these services includes allowance limits established by the U.S. Department of State. The allowance caps include the following:

Post Differential (35%)

Danger Pay (35%)

(I) Direct Facilities Costs - Specific information regarding the cost of any facilities needed to perform program activities. The information provided should include the unit cost (rent), the time period the facilities are needed and the number of facilities. Only facilities that directly benefit the program activities should be included in this category; all other facility costs should be included in the indirect cost category.

(J) Other Direct Costs This includes report preparation costs, passports and visas fees, medical exams and inoculations, insurance (other than insurance included in the offeror's fringe benefits), as well as any other miscellaneous costs, which directly benefit the program proposed by the offeror. The narrative should provide a breakdown and support for all other direct costs. If seminars and conferences are included, the offeror should indicate the subject, venue and duration of proposed conferences and seminars, and their relationship to the objectives of the program, along with estimates of costs.

(K) Security: Offerors should include vehicles, labor for guard forces, barricades, security equipments, communications as well as other miscellaneous costs which directly benefit the program.

(L) Grants under Contracts: The maximum amount for Grants under Contracts for this program shall not exceed

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\$3,000,000.00.

(M) Indirect Costs: The offeror should support the proposed indirect cost rate with a letter from a cognizant U.S. Government audit agency or with sufficient information for USAID to determine the reasonableness of the rates. (For example, a breakdown of labor bases and overhead pools, the method of determining the rate, a description of all costs in the pools, etc.)

(N) Fixed Fee: The proposed fee must be justified based upon the following factors: technical, management, support for Federal socioeconomic programs, and cost control. Any additional factors may be discussed as a basis for fee. A written discussion justifying the proposed fixed fee is required.

(3) The following standard cost elements shall be included in the submission as applicable. Individual subcontractors should include the same cost element breakdowns in their budgets as applicable.

Cost Element:	CLIN 001	CLIN 002	CLIN 003
Total Direct Labor			
Salary and Wages	\$ _____	\$ _____	\$ _____
Fringe Benefits	\$ _____	\$ _____	\$ _____
Travel, Transportation, and Per Diem	\$ _____	\$ _____	\$ _____
Procurement	\$ _____	\$ _____	\$ _____
Equipment and Supplies	\$ _____	\$ _____	\$ _____
Communications	\$ _____	\$ _____	\$ _____
Subcontracts/Consultants	\$ _____	\$ _____	\$ _____
Allowances	\$ _____	\$ _____	\$ _____
Direct Facilities Cost	\$ _____	\$ _____	\$ _____
Other Direct Cost	\$ _____	\$ _____	\$ _____
Direct Program Expenditures	\$ _____	\$ _____	\$ _____
Security	\$ _____	\$ _____	\$ _____
Grants under Contract	\$ _____	\$ _____	\$ _____
Indirect Costs	\$ _____	\$ _____	\$ _____
Total Estimated Cost	\$ _____	\$ _____	\$ _____
Fixed Fee	\$ _____	\$ _____	\$ _____
Total Est. Cost plus Fee	\$ _____	\$ _____	\$ _____

(M) Indirect Cost Information

(i) The Offeror and each proposed major subcontractor shall include a complete copy of its most current Negotiated Indirect Cost Rate Agreement (NICRA) or other documentation from its cognizant Government Audit Agency, if any, stating the most recent final indirect cost rates.

(ii) If the Offeror or any major subcontractor(s) does not have a cognizant Government Audit Agency, audited balance sheets and profit and loss statements for the last two complete years, and the current year-to-date statements (or such lesser period of time if the Offeror is a newly-formed organization), must be included in the proposal. The profit and loss statements should include detail of the total cost of goods and services sold, including a listing of the various indirect administrative costs, and be supplemented by information on the prime contractor’s customary indirect cost allocation method, together with supporting computations of the basis for the indirect cost rate(s) proposed.

(c) Part 3 - Representations, Certifications, and Other Statements of Offerors

The Offeror and each proposed subcontractor shall complete all "Representations, Certifications, and Other Statements of Offeror" as required in Section K, and sign and date on the last page in the space provided.

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(d) Part 4 - Policies and Procedures

If the offeror does not have prior USAID contracting experience, submit a copy of its personnel policies, especially regarding salary and wage scales, fringe benefits, merit increases, promotions, leave, differentials, travel and per diem regulations, etc. The CO may determine that a pre-award survey is necessary (see FAR 9.106).

(e) Part 5 - Subcontracting Plan

If the offeror is other than a small business, it must submit a Subcontracting Plan (see Attachment J.4. Submitted Plans must address subcontracting with small business (SB), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. This plan will be the equivalent of a master subcontracting plan for the overall IQC. Individual subcontracting plans will also be included in each task order over \$500,000 for other than small businesses. (The contractor is required to submit the approved task order subcontracting plan to OSDDBU.) See Section H.

These plans must contain small business subcontracting goals of at least 1% of total planned subcontracting, including non-zero goals (greater than 1%) for each of the following: veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business.

(f) Part 6 - Joint Venture Information

If two or more parties have formed a partnership or joint venture (see FAR Subpart 9.6), for the purposes of submitting a proposal under this Solicitation and, if selected, would perform the contract as a single entity, they must submit, as an attachment to the Cost/Business Proposal, the Corporate Charter, By-Laws, or Joint Venture or Partnership Agreement. In addition, the teaming arrangements must be identified, company relationships must be fully disclosed, and respective responsibilities and method of work must be expressly stipulated. The joint venture or partnership agreement must include a full discussion of the relationship between the organizations, including identification of the organization, which will have responsibility for negotiation of Task Orders under the resultant contract, which organization will have accounting responsibility, how work will be allocated, and profit or fee, if any, shared. In addition, the principles to the joint venture or partnership agreement must agree to be jointly and severally liable for the acts or omissions of the other.

(g) Part 7 - Evidence of Responsibility

The offeror must submit sufficient evidence of responsibility for the contracting officer to make an affirmative determination of responsibility pursuant to the requirements of FAR Subsection 9.104-1. However, in the case of a small business offeror, the contracting officer will comply with FAR 19.6. Accordingly, prime offerors should seriously address each element of responsibility. To be determined responsible, a prospective contractor must:

- (1) Have adequate financial resources to perform the contract, or the ability to obtain them (see FAR 9.104-3(a));
- (2) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental commitments;
- (3) Have a satisfactory performance record (See FAR 9.104-3(b) and Subpart 42.15). A prospective contractor shall not be determined responsible or non-responsible solely on the basis of a lack of relevant performance history, except as provided in FAR 9.104-2;
- (4) Have a satisfactory record of integrity and business ethics;
- (5) Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedures, property control systems, quality assurance measures, and safety programs applicable to materials to be produced or services to be performed by the prospective contractor and

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subcontractors). (See FAR 9.104-3(a));

(6) Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them (See FAR 9.104- 3(a)); and

(7) Be otherwise qualified and eligible to receive an award under applicable laws and regulations (e.g., Equal Opportunity, Clean Air and Water, Small Business Subcontracting, etc.).

(h) Part 8 - Letters of Commitment (Subcontractors)

The Cost/Business Proposal must include a letter, on subcontractor letterhead, and signed by an authorized representative of each subcontractor, which specifically indicates the subcontractor's agreement to be included in the offeror's proposed teaming arrangement.

(i) Part 9 - Information to Support Consent to Subcontractors

The offeror must address each of the elements in FAR 44.202-2 in order for proposed subcontractors to be considered by the contracting officer for consent of subcontractors to be granted with the initial award.

(j) Part 10 - Information Concerning Work-Day, Work-Week, and Paid Absences

(1) The Offeror and each proposed major subcontractor shall indicate the number of hours and days in its normal work-day and its normal work-week, both domestically and overseas, for employees and consultants. In addition, the offeror and each proposed major subcontractor shall indicate how paid absences (US holidays, local holidays, vacation and sick) shall be covered.

(2) A normal work-year, including paid absences (holidays, vacations, and sick leave) is 2,080 hours (260 days x 8 hours per day). However, some organizations do not have an 8-hour workday, and some accounting systems normally provide for direct recovery of paid absences by using a work-year of less than 2,080 hours to compute individuals' unburdened daily rates. The offeror and major subcontractors shall describe their core work day and work week policies.

(3) The work day and work week policies and the method of accounting for paid absences for the offeror and major subcontractors will be incorporated into the content in Section B.

L.9 52.225-19 Contractor Personnel in Designated Operational Area

/Supporting Diplomatic/Consular Mission Outside United States (Mar 2008)

1) This clause applies when Contractor personnel are required to perform outside the United States—

(i) In a designated operational area during—

A) Contingency operations;

(B) Humanitarian or peacekeeping operations; or

(C) Other military operations; or military exercises, when designated by the Combatant Commander; or

(ii) When supporting a diplomatic or consular mission—

(A) That has been designated by the Department of State as a danger pay post (see

http://aoprals.state.gov/Web920/danger_pay_all.asp); or (B) That the Contracting Officer has indicated is subject to this clause.

(2) Contract performance may require work in dangerous or austere conditions. Except as otherwise provided in the contract, the Contractor accepts the risks associated with required contract performance in such operations.

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(3) Contractor personnel are civilians.

(i) Except as provided in paragraph (b)(3)(ii) of this clause, and in accordance with paragraph (i)(3) of this clause, Contractor personnel are only authorized to use deadly force in self-defense.

(ii) Contractor personnel performing security functions are also authorized to use deadly force when use of such force reasonably appears necessary to execute their security mission to protect assets/persons, consistent with the terms and conditions contained in the contract or with their job description and terms of employment.

(4) Service performed by Contractor personnel subject to this clause is not active duty or service under 38 U.S.C. 106 note.

(c) *Support.* Unless specified elsewhere in the contract, the Contractor is responsible for all logistical and security support required for Contractor personnel engaged in this contract.

(d) *Compliance with laws and regulations.* The Contractor shall comply with, and shall ensure that its personnel in the designated operational area or supporting the diplomatic or consular mission are familiar with and comply with, all applicable—

(1) United States, host country, and third country national laws;

(2) Treaties and international agreements; (3) United States regulations, directives, instructions, policies, and procedures; and

(4) Force protection, security, health, or safety orders, directives, and instructions issued by the Chief of Mission or the Combatant Commander; however, only the Contracting Officer is authorized to modify the terms and conditions of the contract.

(e) *Preliminary personnel requirements.*

(1) Specific requirements for paragraphs (e)(2)(i) through (e)(2)(vi) of this clause will be set forth in the statement of work, or elsewhere in the contract.

(2) Before Contractor personnel depart from the United States or a third country, and before Contractor personnel residing in the host country begin contract performance in the designated operational area or supporting the diplomatic or consular mission, the Contractor shall ensure the following:

(i) All required security and background checks are complete and acceptable.

(ii) All personnel are medically and physically fit and have received all required vaccinations.

(iii) All personnel have all necessary passports, visas, entry permits, and other documents required for Contractor personnel to enter and exit the foreign country, including those required for in-transit countries.

(iv) All personnel have received—

(A) A country clearance or special area clearance, if required by the chief of mission; and

(B) Theater clearance, if required by the Combatant Commander.

(v) All personnel have received personal security training. The training must at a minimum—

(A) Cover safety and security issues facing employees overseas;

(B) Identify safety and security contingency planning activities; and

(C) Identify ways to utilize safety and security personnel and other resources appropriately.

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(vi) All personnel have received isolated personnel training, if specified in the contract. Isolated personnel are military or civilian personnel separated from their unit or organization in an environment requiring them to survive, evade, or escape while awaiting rescue or recovery.

(vii) All personnel who are U.S. citizens are registered with the U.S. Embassy or Consulate with jurisdiction over the area of operations on-line at <http://www.travel.state.gov>.

(3) The Contractor shall notify all personnel who are not a host country national or ordinarily resident in the host country that—

(i) If this contract is with the Department of Defense, or the contract relates to supporting the mission of the Department of Defense outside the United States, such employees, and dependents residing with such employees, who engage in conduct outside the United States that would constitute an offense punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, may potentially be subject to the criminal jurisdiction of the United States (see the Military Extraterritorial Jurisdiction Act of 2000 (18 U.S.C. 3261 *et seq.*);

(ii) Pursuant to the War Crimes Act, 18 U.S.C. 2441, Federal criminal jurisdiction also extends to conduct that is determined to constitute a war crime when committed by a civilian national of the United States; and

(iii) Other laws may provide for prosecution of U.S. nationals who commit offenses on the premises of United States diplomatic, consular, military or other United States Government missions outside the United States (18 U.S.C. 7(9)).

(f) Processing and departure points.

The Contractor shall require its personnel who are arriving from outside the area of performance to perform in the designated operational area or supporting the diplomatic or consular mission to—

(1) Process through the departure center designated in the contract or complete another process as directed by the Contracting Officer;

(2) Use a specific point of departure and transportation mode as directed by the Contracting Officer; and

(3) Process through a reception center as designated by the Contracting Officer upon arrival at the place of performance.

(g) Personnel data.

(1) Unless personnel data requirements are otherwise specified in the contract, the Contractor shall establish and maintain with the designated Government official a current list of all Contractor personnel in the areas of performance. The Contracting Officer will inform the Contractor of the Government official designated to receive this data and the appropriate system to use for this effort.

(2) The Contractor shall ensure that all employees on this list have a current record of emergency data, for notification of next of kin, on file with both the Contractor and the designated Government official.

(h) *Contractor personnel.* The Contracting Officer may direct the Contractor, at its own expense, to remove and replace any Contractor personnel who fail to comply with or violate applicable requirements of this contract. Such action may be taken at the Government’s discretion without prejudice to its rights under any other provision of this contract, including termination for default or cause.

(i) Weapons.

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(1) If the Contracting Officer, subject to the approval of the Combatant Commander or the Chief of Mission, authorizes the carrying of weapons—

(i) The Contracting Officer may authorize an approved Contractor to issue Contractor-owned weapons and ammunition to specified employees; or

(ii) The _____ [*Contracting Officer to specify individual, e.g., Contracting Officer Representative, Regional Security Officer, etc.*] may issue Government-furnished weapons and ammunition to the Contractor for issuance to specified Contractor employees.

(2) The Contractor shall provide to the Contracting Officer a specific list of personnel for whom authorization to carry a weapon is requested.

(3) The Contractor shall ensure that its personnel who are authorized to carry weapons—

(i) Are adequately trained to carry and use them—

(A) Safely;

(B) With full understanding of, and adherence to, the rules of the use of force issued by the Combatant Commander or the Chief of Mission; and

(C) In compliance with applicable agency policies, agreements, rules, regulations, and other applicable law;

(ii) Are not barred from possession of a firearm by 18 U.S.C. 922; and

(iii) Adhere to all guidance and orders issued by the Combatant Commander or the Chief of Mission regarding possession, use, safety, and accountability of weapons and ammunition.

(4) Upon revocation by the Contracting Officer of the Contractor’s authorization to possess weapons, the Contractor shall ensure that all Government-furnished weapons and unexpended ammunition are returned as directed by the Contracting Officer.

(5) Whether or not weapons are Government-furnished, all liability for the use of any weapon by Contractor personnel rests solely with the Contractor and the Contractor employee using such weapon.

(j) *Vehicle or equipment licenses.*

Contractor personnel shall possess the required licenses to operate all vehicles or equipment necessary to perform the contract in the area of performance.

(k) *Military clothing and protective equipment.*

(1) Contractor personnel are prohibited from wearing military clothing unless specifically authorized by the Combatant Commander. If authorized to wear military clothing, Contractor personnel must wear distinctive patches, armbands, nametags, or headgear, in order to be distinguishable from military personnel, consistent with force protection measures.

(2) Contractor personnel may wear specific items required for safety and security, such as ballistic, nuclear, biological, or chemical protective equipment.

(l) *Evacuation.*

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(1) If the Chief of Mission or Combatant Commander orders a mandatory evacuation of some or all personnel, the Government will provide to United States and third country national Contractor personnel the level of assistance provided to private United States citizens.

(2) In the event of a non-mandatory evacuation order, the Contractor shall maintain personnel on location sufficient to meet contractual obligations unless instructed to evacuate by the Contracting Officer.

(m) Personnel recovery.

(1) In the case of isolated, missing, detained, captured or abducted Contractor personnel, the Government will assist in personnel recovery actions.

(2) Personnel recovery may occur through military action, action by non-governmental organizations, other Government-approved action, diplomatic initiatives, or through any combination of these options.

(3) The Department of Defense has primary responsibility for recovering DoD contract service employees and, when requested, will provide personnel recovery support to other agencies in accordance with DoD Directive 2310.2, Personnel Recovery.

(n) Notification and return of personal effects.

(1) The Contractor shall be responsible for notification of the employee-designated next of kin, and notification as soon as possible to the U.S. Consul responsible for the area in which the event occurred, if the employee—

- (i) Dies;
- (ii) Requires evacuation due to an injury; or
- (iii) Is isolated, missing, detained, captured, or abducted.

(2) The Contractor shall also be responsible for the return of all personal effects of deceased or missing Contractor personnel, if appropriate, to next of kin.

(o) Mortuary affairs.

Mortuary affairs for Contractor personnel who die in the area of performance will be handled as follows:

(1) If this contract was awarded by DoD, the remains of Contractor personnel will be handled in accordance with DoD Directive 1300.22, Mortuary Affairs Policy.

(2)(i) If this contract was awarded by an agency other than DoD, the Contractor is responsible for the return of the remains of Contractor personnel from the point of identification of the remains to the location specified by the employee or next of kin, as applicable, except as provided in paragraph (o)(2)(ii) of this clause.

(ii) In accordance with [10 U.S.C. 1486](#), the Department of Defense may provide, on a reimbursable basis, mortuary support for the disposition of remains and personal effects of all U.S. citizens upon the request of the Department of State.

(p) Changes.

In addition to the changes otherwise authorized by the Changes clause of this contract, the Contracting Officer may, at any time, by written order identified as a change order, make changes in place of performance or Government-furnished facilities, equipment, material, services, or site. Any change order issued in accordance with this paragraph shall be subject to the provisions of the Changes clause of this contract.

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(q) Subcontract.

The Contractor shall incorporate the substance of this clause, including this paragraph (q), in all subcontracts that require subcontractor personnel to perform outside the United States—

(1) In a designated operational area during—

- (i) Contingency operations;
- (ii) Humanitarian or peacekeeping operations; or
- (iii) Other military operations; or military exercises, when designated by the Combatant Commander; or

(2) When supporting a diplomatic or consular mission—

- (i) That has been designated by the Department of State as a danger pay post (see http://aoprals.state.gov/Web920/danger_pay_all.asp); or
- (ii) That the Contracting Officer has indicated is subject to this clause.

(End of clause)

L.10 52.225-20 Prohibition on Conducting Restricted Business Operations in Sudan—Certification.

As prescribed at 25.1103(d), insert the following provision:

PROHIBITION ON CONDUCTING RESTRICTED BUSINESS OPERATIONS IN SUDAN—CERTIFICATION (JUNE 2008)

(a) *Definitions.* As used in this provision—

“Business operations” means engaging in commerce in any form, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

“Marginalized populations of Sudan” means—

(1) Adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Pub. L. 109-344) (50 U.S.C. 1701 note); and

(2) Marginalized areas in Northern Sudan described in section 4(9) of such Act.

“Person” means—

(1) A natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)); and

(3) Any successor, subunit, parent company or subsidiary of any entity described in paragraphs (1) or (2) of this definition.

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“Restricted business operations” means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110-174). Restricted business operations do not include business operations that the person conducting the business can demonstrate—

- (1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;
- (2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;
- (3) Consist of providing goods or services to marginalized populations of Sudan;
- (4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;
- (5) Consist of providing goods or services that are used only to promote health or education; or
- (6) Have been voluntarily suspended.

(b) *Certification.* By submission of its offer, the offeror certifies that it does not conduct any restricted business operations in Sudan.

L.11 INSTRUCTIONS FOR THE PREPARATION OF BRANDING AND MARKING PLANS:

In accordance with Section D of this solicitation, the apparent successful Offeror, upon request of the Contracting Officer, will submit and negotiate a Branding Implementation Plan (BIP) and a Marking Plan (MP). The BIP will be included in and made a part of the resultant contract. The BIP will be negotiated within the time that the Contracting Officer specifies. Failure to submit and negotiate a BIP will make the offeror ineligible for award of a contract. The apparent successful offeror must include all estimated costs associated with the Branding Implementation Plan and the Marking plan of the IDEA/S program.

Offeror(s) should submit a preliminary BIP and MP (not to exceed two pages) as a separate annex to the cost proposal. The BIP and MP will not be a part of the technical evaluation. Offerors will be required to submit formal and detailed Branding Implementation Plan and Marking plans for final review before award, or in the competitive range.

Branding Implementation Plan (BIP):

A Branding Implementation Plan must be developed by the successful offerors. It shall describe how the program will be communicated to the beneficiaries and promoted to host-country citizens. It will outline the events and materials the contractor will use to deliver the message that the assistance is from the American people.

More specifically, Branding Implementation Plan must address the following:

How to incorporate the message, “This assistance is from the American people jointly sponsored by USAID and the Government of Islamic Republic of Afghanistan,” in communications and materials directed to beneficiaries, or provide an explanation if his message is not appropriate or possible.

How to publicize the program, project, or activity in Afghanistan and a description of the communications tools to be used. Such tools may include the following: press releases, press conferences, media interviews, site visits, success stories, beneficiary testimonials, professional photography, PSAs, videos, web casts, e-invitations, or other e-mails sent to group lists, such as participants for a training session blast e-mails or other Internet activities, etc.

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The key milestones or opportunities anticipated to generate awareness that the program, project, or activity is from the American people jointly sponsored by USAID and the Government of the Islamic Republic of Afghanistan, or an explanation if this is not appropriate or possible. Such milestones may be linked to specific points in time, such as the beginning or end of a program, or to an opportunity to showcase publications or other materials, research findings, or program success. These include, but are not limited to, the following: launching the program, announcing research findings, publishing reports or studies, spotlighting trends, highlighting success stories, featuring beneficiaries as spokespeople, securing endorsements from partner municipalities, ministry or local organizations, promoting final or interim reports, and communicating program impact/overall results.

Marking Plan (MP):

USAID’s policy is that programs, projects, activities, public communications, or commodities implemented or delivered under contracts and subcontracts exclusively funded by USAID are marked exclusively with the USAID Identity. Marking Plan shall be developed to enumerate the public communications, commodities, and program materials and other items that visibly bear or will be marked with the USAID Standard Graphic identity. Where applicable, a host-country government or ministry symbol may be added.

Except for the manufacturer’s trademark on a commercial item, the corporate identities or logos of contractors or subcontractors are not permitted on USAID-funded program materials and communications. Please refer to ADS section 320.3.2.4 that describes what the Marking Plan must address. Note that marking is not required for Contractors’ offices, vehicles, and other non-deliverable items.

[END OF SECTION L]