



Issuance Date: November 28, 2011

Closing Date and Time for Concept Papers: May 27, 2012 – COB

Subject: Annual Program Statement (APS) Number APS-527-12-000001 - Local Partners Program

The United States Agency for International Development (USAID) Mission in Peru is seeking concept papers and later, applications from for-profit and non-for-profit organizations to implement activities to support the Local Partners Program.

The authority of this APS is found in the Foreign Assistance Act of 1961, as amended. Awards shall be made and administered in accordance with Standard Provisions for Non-US Non-Governmental Organizations (ADS 303) and the Federal Acquisition Regulations (FAR) Part 31 for for-profit organizations. Please note that no profit/fee is allowed under assistance. Forgone profit does not qualify as cost-sharing or leveraging.

Subject to availability of funds, the United States Government intends to award approximately 3-5 grants lasting from 1 to 3 years under this APS. USAID however, reserves the right to enter into more, or not to enter into any awards. The award(s) will be made in accordance with evaluation procedures provided in Section 2.4. USAID intends to provide approximately \$10 to 12 million (\$3 to 4 million per year). Should additional funds become available; an amendment to this APS will be issued.

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

- a. Section I – Funding Opportunity Description
- b. Section II – Award Information
- c. Section III – Eligibility Information
- d. Section IV – Application and Submission Information
- e. Section V – Application Review Information
- f. Section VI – Award and Administration Information
- g. Section VII – Agency Contacts
- h. Section VIII – Other

Interested parties are reminded that concept paper under this APS must be received by the closing date and time indicated at the top of this cover letter. All concept papers must be submitted in hard copy to:

Regional Acquisition and Assistance Office (ROAA)
USAID/Peru
Av. La Encalada s/n, cuadra 17
Monterrico, Surco
Lima 33

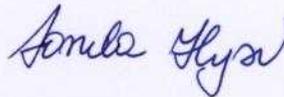
Attention: Ms. Cecilia Yañez

Issuance of this APS does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of a concept paper or application. Concept papers and full applications are submitted at the risk of the applicant; should circumstances prevent award of a grant/cooperative agreement, all preparation and submission costs are at the applicant's expense.

This APS and any future amendments can be downloaded from www.usaid.gov/pe/business.htm and www.grants.gov. All interested parties are highly encouraged to register on www.grants.gov to receive automatic notification of amendments to this APS. It is the responsibility of the Recipient of the application document to ensure that they have received it complete through one of the web pages mentioned above. USAID bears no responsibility for data errors resulting from transmission or conversion processes. If you have difficulty accessing the APS, please contact Cecilia Yañez at cyanez@usaid.gov.

Applicants should retain for their records one copy of all enclosures which accompany their application.

Sincerely,



Sonila Hysi
Supervisory Agreement Officer

Attachment: a/s

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I. FUNDING OPPORTUNITY DESCRIPTION

1. LOCAL PARTNERS PROGRAM OBJECTIVES

Civil society plays a crucial role in the functioning of democracy, representing society's views and aspirations, holding government accountable, improving conditions for marginalized groups, and providing services. Recognizing this important role, USAID is currently undergoing an agency-wide reform effort, known as USAID Forward: Implementation and Procurement Reform. One objective of this effort is to strengthen local civil society and private sector capacity to improve aid effectiveness and sustainability. Therefore, the principal objective of this Local Partners Program (LPP) is to increase the number of partnerships with local, Peruvian non-governmental organizations, working together towards the achievement of shared goals. In the process of doing so, we also aim to support the capacity development of those organizations' sustained ability to fulfill their civil society mandate and further the overall advancement of Peru.

Over the next five years, we seek to achieve the following two development objectives: (1) a sustainable economic and social model is adopted by communities in targeted areas vulnerable to coca cultivation, and (2) natural resources are sustainably managed in targeted areas. USAID has worked closely with the Government of Peru (GOP), including DEVIDA, the Ministry of the Environment (MINAM), and the Ministry of Education (MINEDU), and a broad set of stakeholders across Peru to establish these priority areas and to implement programs. Through the LPP, we envision multiple sub-programs or awards in the following areas: Alternative Development, Natural Resource Management, and Basic Education as it relates to intercultural bilingual education. Notwithstanding, we reserve the right to fund and/or support awards in areas outside of the three areas aforementioned.

USAID also prioritizes issues related to equality, specifically with respect to gender, indigenous groups, and people with disabilities. Hence, we seek applications in the aforementioned areas that also address these cross-cutting issues. Moreover, proposed interventions should be based upon a gender analysis that considers how the roles that men and women play could impact implementation and/or results as well as how the proposed program could potentially affect men and women differently.

Since a key purpose of this program is to strengthen local, Peruvian non-governmental organizations' capacity, all recipient organizations will undergo a capacity development process during the implementation period of the award. We define capacity development for non-governmental organizations as the improvement of organizational and financial stability, service delivery, program quality and growth. We seek applicants who recognize (and can articulate) areas for improvement within their institution's current management or administrative systems, or other areas in which we could strengthen the capacity of the organization and improve service delivery. Each recipient organization will play a key role in assessing its own capacity to fulfill its mandate, identifying strengths and weaknesses, developing a capacity development

plan, and carrying out that plan. A portion of the award will be allocated to the recipients' capacity development process.

The following sections outline the programmatic areas to be addressed through this Local Partners Program (LPP). USAID intends to make one to three awards in each programmatic area.

1.1 Alternative Development

Background

USAID supports the Government of Peru (GOP) to implement an integrated development model that promotes alternative livelihoods and improves quality of life in areas vulnerable to illicit coca production. Our interventions focus mainly in three regions: San Martín, Ucayali, and Huánuco, while also supporting the GOP counternarcotics agency, DEVIDA, to implement its national strategy which includes regions where USAID does not work directly. This collaboration has been most fully implemented in the San Martín region, producing impressive results: installing over 44,000 hectares of licit crops; reducing coca crops from 22,000 hectares in 1996 to 378 in 2009; decreasing poverty from 67% in 2001 to 31% in 2010; improving local government effectiveness; raising quality of life; and generating private sector investment.

We plan to continue alternative development programming: consolidating successes in San Martín and Ucayali; expanding the complete model into new areas; and supporting the GOP to use national resources to replicate the approach in coca-growing regions not directly supported by the USG to motivate a nationwide reduction in coca cultivation. Through an integrated model, we are strengthening value chains for lucrative licit crops, primarily cacao, palm oil, and coffee; partnering with the GOP to create an enabling environment for alternative development efforts; and supporting the process of fiscal and administrative decentralization so that regional and municipal governments become increasingly accountable for the financing and managing local infrastructure, security, and basic social services, particularly health and education.

We categorize our alternative development work into four program objectives: (1) assistance to Government of Peru, (2) commercial value chain development, (3) strengthening social capital, and (4) direct agricultural assistance. Programmatically, USAID seeks to maintain a diverse portfolio of grantees and contractors who work collaboratively across sectors to present a single comprehensive alternative development program. At this time, we intend to make one to three awards addressing the program objectives of Strengthening Social Capital, though we anticipate that this APS may be amended in the future to include additional alternative development program objectives.

Strengthening Social Capital Program Objective

Under this programmatic area of the LPP, we seek to support local, Peruvian organizations to further the integrated alternative development model by providing programs in established

USAID Alternative Development Program (ADP) areas (San Martín, Ucayali, and Huánuco) in communities vulnerable to coca production.

Significant progress has been made in ADP program areas popularizing and commercializing cultivation of licit products at the farm level, especially of cacao, coffee and oil palm. These gains are reflected in the reduction of poverty, increased incomes, and improved quality of life among participant households. However, work remains to further bolster communities against the continual threat of narcotrafficking and the resurgence of coca in the region. Since illicit coca thrives in isolated areas, a key strategy in alternative development is to *reduce the isolation of jungle communities by building sustainable links and networks to access available resources*.

Specifically, the LPP seeks interventions that build sustainable social links and community networks in order to connect communities to available and nascent public and private resources with the ultimate goal of maintaining and reinforcing long-term commitment to licit lifestyles. Applicants should carefully consider how to engage and benefit the widest array of stakeholders, such as agricultural producers, both men and women, youth, indigenous groups, and people with disabilities. USAID, in order to further expand licit lifestyles in areas threatened by coca, seeks to expand programming beyond the established base of agricultural producers to include the active participation of historically economically and socially marginalized groups, such as youth, women, the indigenous, and people with disabilities.

USAID expects programs to feed into larger community or government strategies as they relate to alternative development, with awardees coordinating closely with other USAID partners, government authorities, and other stakeholders in the region. In fact, USAID strongly prefers to support a local organization program that leverages significant resources through strategic alliances with private and/or public sector partners.

For agricultural producers, poor access to reliable and timely market information as well as to improved agricultural technology limits their ability to efficiently produce and market their products. Increasing access and availability to information technology in rural areas, for example, could play a significant role in bridging this gap, helping producers increase productivity and sales, ultimately reducing the likelihood of a return to coca cultivation.

In coca producing areas, youth frequently suffer from a lack of productive employment, increasing their risk of enticement into coca production, narcotrafficking, or other illicit activities that endanger the community. Furthermore, youth represent an underutilized resource for innovation, productivity, and the promotion of the benefits of a licit lifestyle. While many young people are disinterested in farming, they can strengthen agricultural value chains by providing off-farm services that support the crops their parents produce (e.g. marketing, finance, business administration, journalism, etc.), thereby expanding the licit economy and culture in their communities. However, they often lack the necessary skills and resources and could benefit from improved access to information technology and increased capacity to effectively apply technology and information.

Strategy designed to build social capital must carefully consider how to promote men and women's equitable engagement in and benefit from the program. Women play a critical role in household-level decision making. In established alternative development communities, women frequently report taking initiative to choose a licit lifestyle and pressuring their spouses to abandon coca production. Women, far more than men, openly reaffirm their opposition to coca production, citing reduced violence, improved security, and the potential to build medium to long-term wealth. Women frequently cultivate the first plots of alternative crops while many men seek additional work elsewhere to maintain the family income.

Generally, investments in women have a powerful impact on the wellbeing of the family and community-at-large. For instance, when a woman acquires an additional year of education (formal or informal), the risk of her children being undernourished is significantly reduced. Likewise, women spend a larger proportion of their income on investments for the family (e.g. health, education, and food). Therefore, interventions that increase rural women's access to resources that improve their skills, income generating capacity, and participation in decision-making processes are most likely to improve the overall well-being of a community. The proposed program should address barriers to women's full participation and empowerment, such as domestic violence, and propose an approach to overcome these impediments. Like youth, women in coca-vulnerable zones must be engaged as equal participants in the effort to foster a licit culture and secure a hopeful future for the generations to come.

In sum, USAID seeks to support programs that strengthen social capital in alternative development areas and that sustainably (1) increase opportunities for remote communities and producers to access resources that link them to the licit economy, and (2) engage marginalized groups and develop their capacity to access those resources. Both results must be measured by relevant indicators.

1.2 Natural Resource Management

Background

Deforestation and forest degradation—resulting from illegal logging and mining activities and compounded by weak forest management—threaten to significantly alter the Amazonian landscape. We aim to conserve essential natural resources of regional and global significance located within Peru’s borders: the Amazon, which harbors biodiversity and captures carbon, thus reducing the negative impacts of global climate change; and the Andean tropical glaciers which, along with the Amazon, are the two critical assets in the region’s water cycle.

Concurrently, we seek to promote sustainable livelihoods for populations living in proximity to environmentally sensitive areas. Peru will only be better able to manage its forests and natural resources for all members of its diverse society and mitigate climate change impacts and conflicts over natural resources if it improves environmental policy, strengthens sustainable forest management, conserves critical landscapes, protects biodiversity, and complies with bilateral and multilateral agreements. At the same time, environmentally viable and sustainable economic opportunities are critical to reducing poverty and inequity. Illicit environmental activities and environmental degradation often arise when opportunities to pursue licit economic activities are limited.

Natural Resource Management Program Objective

Under this programmatic area of the LPP, USAID seeks to support a program in the Amazon watershed of the Region of Amazonas in northern Peru that (1) improves environmental management as it pertains to biodiversity and forest conservation, (2) promotes competent and participatory governance at community levels, and (3) furthers the development of environmentally sustainable livelihoods for people living near environmentally sensitive areas. Additionally, this program must:

1. have an explicit and primary biodiversity conservation or management objective;
2. be based upon an analysis of biodiversity threats;
3. monitor indicators for biodiversity conservation; and
4. have the intent to positively impact biologically significant areas.

Activities in the selected areas of intervention within the Amazonas region may be site-specific and may include indigenous territories or communal lands with the aim of supporting sustainable natural resource use and/or biodiversity conservation.

Furthermore, we strongly prefer to support a program that also accrues secondary benefits related to climate change, such as mitigation by addressing deforestation and forest degradation, or adaptation by addressing water conservation, flood management, and/or agricultural susceptibility to climate impacts. To the extent programs impact climate change, relevant indicators should also be reported. All programs should feed into larger community or government strategies as they relate to biodiversity conservation, forestry management, and/or climate change. These strategies may include, for example, the regional government land

management plan and/or the national system of protected areas under the administration of SERNANP (*Servicio Nacional de Áreas Naturales Protegidas*).

We are also interested in supporting interventions that incorporate gender-related initiatives that will contribute to improvement in closing identified gender gaps for equitable participation and benefits of both men and women. Applicants shall indicate how they understand the relevant gender issues, including how they intend to seek further analysis and act upon the identified issues, according to the level of intervention.

1.3 Intercultural Bilingual Education in the Amazon

Background

The need for intercultural bilingual education (EBI) is based on the recognition of the multicultural and multilingual character of Peru, as well as on the right of every human-being to receive an education in their mother tongue with due respect given to the community's particular cultural context. The right to EBI is supported by a national and international legal framework that includes the Political Constitution of Peru, the General Law of Education, Agreement 169 of the International Labor Organization (ratified in Peru in 1993), and the United Nations Declaration on the Rights of Indigenous Peoples.

According to the National Population and Home Census of 2007, the indigenous population in Peru is approximately 4 million, which represents almost 15% of the population of the country. Of this number, 83% are Quechua, 11% Aymara, and 6% are indigenous Amazonian populations. Furthermore, there are anywhere between 43 to 58 indigenous Andean and Amazonian languages, which are grouped into at least 13 linguistic families. (See Pozzi, Escot 1998 and *Defensoria del Pueblo*).

While Peruvian law recognizes the right of these populations to receive culturally sensitive bilingual education, in many cases, students in these populations are either underserved by the education system or outside the system all together, resulting in a 55% primary school graduation rate. The *Proyecto Educativo Nacional* (PEN) recognizes that both access and quality of EBI are insufficient.

Recent results of the *2010 Evaluación Censal de Estudiantes* (ECE) revealed the growing disparities between urban and rural students. While urban students showed an improvement over the previous year (35.6% scoring in the satisfactory range), the average score among rural students dropped (only 7.6% scored in the satisfactory range). The disparity is even more marked among Amazonian indigenous students. Passing rates in communication are very low for these students tested in their own language (4.9% for Awajun; 4.8% for Shipibo-Conibo), and even lower when tested in Spanish (1.6% for Awajun; 2.1% for Shipibo-Conibo).

Moreover, studies indicate that EBI education suffers from inadequate instructional material, a lack of proficient, properly-trained teachers, and a host of other problems. Forty-six percent of

the local education management units (UGEL) stated that they lacked EBI education materials; the majority of these UGELs were Amazonian. A study produced by Eguren, De Belaunde, and Gonzalez (2005) found that the financing necessary to produce education materials was severely insufficient. To date, education materials have been produced for only a third of the registered indigenous Amazonian populations.

In addition, the level and quality of language normalization (alphabetization), a key factor in indigenous language literacy, is very low. Specifically, while there has been some progress, much work remains to be done. By 2010, the Ministry of Education had normalized alphabets in 13 indigenous languages, 3 Andean and 10 Amazonian. However, this number constitutes only 21% of the total languages in the country.

Students in Amazonian and Andean indigenous communities also suffer from poor quality teaching due to insufficient and underprepared teachers. Forty-six percent of the teachers in EBI schools lack training in this specialization; 59.5% of the teachers in indigenous communities in the Amazon speak no Peruvian indigenous language or one different from the language of the students with which they are working. Many critics also cite high teacher fail rates on national evaluations as proof of inadequate education. Others lament the low qualifying criteria for aspiring teachers to enter EBI teaching institutes, an aggravating factor for poor teaching quality. Furthermore, in Peru, there are few education schools that offer specialization in EBI. This fact is troublesome since regions like Amazonas, Apurimac, Cusco, Huanuco, Junin, Madre de Dios, Pasco, and San Martin have a large indigenous population, yet do not have a higher education teaching institute that offers the EBI specialty.

With the many education challenges facing Amazonian and Andean children, the Humala administration has placed great importance on the use of EBI to effectively educate the nation's indigenous children in communities where Spanish is not the primary home language.

Intercultural Bilingual Education (EBI) Program Objective

Under this programmatic area of the LPP, USAID aims to improve the quality of intercultural bilingual education provided to Amazonian indigenous communities in targeted areas (Amazonas, Loreto, San Martin, Ucayali, and Madre de Dios). USAID intends to support a program that improves strategies and educational models, taking into consideration first and second language learning, culture, worldview, and interests of indigenous communities.

In accordance with the USAID Education Strategy, a major objective of the program is the advancement of *basic education* at the primary level for this target group. Basic education includes literacy, numeracy, and other basic skills that help learners gain the general skills and basic knowledge needed to function effectively in all aspects of life. The desired primary result is the improvement of learning outcomes of Amazonian indigenous students (whose first or primary language is other than Spanish), as measured by improvements in reading on the national evaluation (ECE) conducted annually by the Ministry of Education.

A significant characteristic of the USAID strategy for working in intercultural bilingual schools is stakeholder involvement, sustainability, and local capacity development. The proposed program should engage stakeholders and other USAID partners to ultimately improve the quality of education in these schools. Potential stakeholders include community and parent groups, local institutions, targeted regional governments, and the Ministry of Education Office of Intercultural and Bilingual Education. The engagement of community leaders and parents is particularly critical in order to increase demand for quality services in education and to engender greater accountability from local leaders.

Recognizing the many challenges and opportunities associated with EBI, we seek local applicants who have a long-term commitment to the target communities. We will give special consideration to entities that demonstrate existing partnerships with local education management units (UGELs) and/or regional governments in order to enhance overall program effectiveness and efficiency.

We do not have a single, prescribed approach, but recognize that effectiveness can be enhanced in a variety of ways. Nonetheless, we strongly prefer that proposed interventions be based upon effective methodologies that have delivered successful results, drawing on evidence and state-of-the-art knowledge in bilingual education from around the world. Bilingual education models have been employed in California (USA), Guatemala, Bolivia, Ecuador, and Mexico, to name a few places.

Illustrative outcomes under this component could include, but are in no way limited to:

- Adapting proven pedagogical approaches to bilingual instruction, such as the active schools model and/or the Center of Excellence for Teacher Training (CETT) reading program.
- Improving training in teacher content knowledge and instructional practice as they relate to primary level bilingual education;
- Increasing and improving the distribution of culturally contextual bilingual education materials;
- Improving the quality of education services by facilitating effective and adequate placement of qualified EBI teachers, with proficiency in both Spanish and the indigenous language, into bilingual schools;
- Supporting community-level mechanisms to foster strong relationships between the community and school, supporting home-school communication and building families' capacity to support children's learning;
- Working with UGELs to advocate for change in processes and budget levels in order to positively impact bilingual education, in the areas of hiring, terminating, and

retiring teachers serving, or planning to serve, in intercultural bilingual schools in the Amazon region;

- Developing and implementing a reading instruction program for intercultural bilingual education at the primary level.
- Increasing the use of established, successful technology for improving reading instruction in Amazonian communities and schools.

Furthermore, we seek to promote gender equity, eliminating gender disparities, and to improve education quality for boys and girls. Therefore, the applicant must consider gender as it pertains to the proposed intervention and indicate how these issues will be addressed.

In sum, USAID seeks to support programs that (1) improve the quality of intercultural bilingual education in the Amazon, (2) advance basic education outcomes for Amazonian indigenous primary students, and (3) engages key actors and stakeholders.

2. AUTHORIZING LEGISLATION

This program is authorized in accordance with the Foreign Assistance Act of 1965, as amended.

3 AWARD ADMINISTRATION

USAID will determine the appropriate form of an award, in consultation with the applicant organization, based upon the nature and amount of the funded application and the type of relationship to be established. Where feasible, USAID will use simplified format or fixed obligation type grant agreements. Otherwise, most awards will use the Standard Provisions for Non-U.S. Non-Governmental Organizations and may be either a grant or a cooperative agreement. If a cooperative agreement is selected, it will include a statement of involvement by USAID in the administration of the award.

II. AWARD INFORMATION

1. ESTIMATED FUNDS AVAILABLE

The estimated funding amount is \$10 to 12 million (\$3 to 4 million per year), subject to the availability of funds, for approximately 3-5 grants lasting from 1 to 3 years. The funding amount designated for each programmatic area will be allocated as follows. For the Alternative Development Strengthening Social Capital program, up to \$2.5 million per year is estimated to be available to fund one or two awards, over a period of one to three years. For the Intercultural Bilingual Education in the Amazon program, up to \$525,000 per year is estimated to be available to fund one to three awards, over a period of one to three years. For the Natural Resource Management program, up to \$200,000 per year is estimated to be available to fund one award over a period of one to three years.

USAID will not consider funding any program of less than \$100,000 over a period of two years. The total funding may be increased if funds are available, and especially worthy applications are submitted.

2 RIGHT TO FUND

USAID reserves the right to fund any or none of the applications submitted.

III. ELIGIBILITY INFORMATION

1. ELIGIBILITY REQUIREMENTS

Because this program is intended to strengthen the capacity of local, Peruvian organizations, to be considered for award, an applicant must:

- 1) if a for-profit organization,
 - a) be organized under the laws of Peru,
 - b) have its principal place of business in Peru, and
 - c) be majority beneficially owned by individuals who are citizens or lawful permanent residents of Peru, or
- 2) if a not-for-profit organization,
 - a) be organized under the laws of Peru,
 - b) have its principal place of business in Peru, and
 - c) be managed by a governing body, the majority of whom are citizens or lawful permanent residents of Peru.
- 3) have been in operation as a local Peruvian organization for no less than three years immediately preceding the date of application.

2 COST SHARING ELEMENT

This program does not require cost sharing, but cost sharing is encouraged and will be considered as a factor in cost effectiveness.

IV. APPLICATION AND SUBMISSION INFORMATION

1 CONTACT INFORMATION

Additional information concerning the program may be obtained by calling Ms. Cecilia Yañez, Senior Acquisition Specialist, at 511-618-1432 or via email at cyanez@usaid.gov

2. REQUIRED FORMS

All Applicants must submit the application using the SF-424 series, which includes the:

- **SF-424, Application for Federal Assistance**
- **SF-424A, Budget Information - Non-construction Programs**, and
- **SF-424B, Assurances - Non-construction Programs**

These forms must be included if a full application is requested.

3. PRE-AWARD CERTIFICATIONS, ASSURANCES AND OTHER STATEMENTS OF THE RECIPIENT

In addition to the certifications mentioned in the section above, organizations must provide the following certifications, assurances and other statements. Complete copies of these Certifications, Assurances, and Other Statements shall be included if a full application is requested, and will be provided by USAID if an invitation to submit a full application is made by USAID.

- a. Certification Regarding Lobbying
- b. Prohibition on Assistance to Drug Traffickers for covered assistance in covered countries;
- c. Certification Regarding Terrorist Financing Implementing Executive Order 13224;
- d. Key Individual Certification Narcotics Offenses and Drug Trafficking;
- e. Survey on Ensuring Equal Opportunity for Applicants; and
- f. All applicants must provide a Data Universal Numbering System (DUNS) Number.

4. APPLICATION FORMAT

No specific form or format is required for submission of concept papers. Concept Papers can be submitted in Spanish. For applicants that are invited to submit a full application, the application must be in English and the required forms and certifications will be provided at the time the invitation is made. All concept papers and full applications shall be submitted in one (1) original and two (2) copies to:

Regional Acquisition and Assistance Office (ROAA)
USAID/Peru

APS No. APS-527-12-000001

Av. La Encalada s/n, cuadra 17
Monterrico
Lima 33, Peru
Attention: Ms. Cecilia Yañez.

Sealed envelopes must be clearly marked on the outside with the following words "APS No. Aps-527-12-000001.

V. APPLICATION REVIEW INFORMATION

1. APPLICATION PROCESS

Concept papers will be considered if received within the due date indicated at the beginning of this notice. Because funding is limited, however, and concepts will be reviewed as they are received, those that are received earlier in this period will have a greater probability of success.

This program will use a two-stage application process. In the first stage, applicants will prepare and submit a concept paper and budget, not to exceed five pages. The objective of the concept paper is to give USAID a clear understanding of the project that is being proposed. It is not intended to provide budget detail, staffing plans, organizational background, or similar detailed information. It should be about the project concept itself, including the purpose of the project, the location(s) where it would be conducted, the number and description of the people or organizations that will benefit, and a general statement of the approach and expected results. The concept paper will be reviewed by a panel of USAID employees, who will determine whether the concept has sufficient merit to warrant preparation of a full application. Applicants will be advised within 30 days after submission of a concept paper as to whether they are invited to submit a full application based on the concept. Full applications received pursuant to invitation will also be evaluated by a panel of USAID experts.

2. EVALUATION CRITERIA

All full applications will be evaluated based on the following criteria, which are listed in descending order of importance:

- Technical merit
- Past Performance
- Cost realism and cost effectiveness

In addition, applications will be reviewed for environmental soundness and compliance in design and implementation, as appropriate, and for consideration of gender. USAID's approach to gender analysis is built around TWO key questions:

1. How will the different roles and status of women and men within the community, political sphere, workplace, and household (for example, roles in decision-making and different access to and control over resources and services) affect the work to be undertaken?
 - a. Analyze sex-disaggregated data and information;
 - b. Assess gender norms and expectations, roles and responsibilities, and division of labor;
 - c. Evaluate access to and control over resources, information, and power; and
 - d. Examine decision-making patterns.
2. How will the anticipated results of the work affect women and men differently?
 - a. Analyze the expected effects of program interventions and the anticipated outcomes on gender relations, norms, and equality.

Because this program is intended to help build institutional capacity, at the full application stage, applicants will also be asked to complete an organizational self-assessment, which will be

included in the application package that USAID will provide. The results of the self-assessment will be included in any award that is made, including separate funding to assist the recipient organization to acquire development assistance needed to address identified organizational development needs. The applicant will be asked to identify the development needs that it would like to address during the performance of the project, along with the proposed source(s) of the needed development assistance, and to provide a separate budget of up to 10% of the total project amount for that purpose.

USAID will provide technical assistance to applicants during the full application process, to the maximum extent feasible. Organizations that are invited to submit a full application will be advised of the availability of such technical assistance.

SECTION VI – AWARD AND ADMINISTRATION INFORMATION

Notice of Award signed by the Agreement Officer is the authorizing document, which shall be transmitted to the Recipient for countersignature by the authorized agent of the successful organization electronically, to be followed by original copies for execution.

A. ROLES AND RESPONSIBILITIES

The recipient shall be responsible to USAID/Peru for all matters related to the execution of the agreement. Specifically, the recipient shall report to the USAID Agreement Officer Technical Representative (AOTR) and to the Agreement Officer.

SECTION VII – AGENCY CONTACTS

The Agreement Officer for this Award is:

Ms. Sonila Hysi
Supervisory Agreement Officer
Regional Acquisition and Assistance Office (ROAA)
USAID/Peru
Av. La Encalada s/n, cdra. 17
Monterrico, Lima 33
Peru

Tel: 51-1-618-1435
shysi@usaid.gov

The A&A Specialist for this Award is:

Ms. Cecilia Yañez
Senior A&A Specialist
Regional Acquisition and Assistance Office (ROAA)
USAID/Peru
Av. La Encalada s/n, cdra. 17
Monterrico, Lima 33
Peru

Tel: 51-1-618-1432
cyanez@usaid.gov

Agreement Officer Technical Representatives (AOTRs) for these Awards are:

AOTRs for these awards will be determined later.

SECTION VIII – OTHER

BRANDING STRATEGY - ASSISTANCE (December 2005)

(a) Definitions

Branding Strategy means a strategy that is submitted at the specific request of a USAID Agreement Officer by an Apparently Successful Applicant after evaluation of an application for USAID funding, describing how the program, project, or activity is named and positioned, and how it is promoted and communicated to beneficiaries and host country citizens. It identifies all donors and explains how they will be acknowledged.

Apparently Successful Applicant(s) means the applicant(s) for USAID funding recommended for an award after evaluation, but who has not yet been awarded a grant, cooperative agreement or other assistance award by the Agreement Officer. The Agreement Officer will request that the Apparently Successful Applicants submit a Branding Strategy and Marking Plan. Apparently Successful Applicant status confers no right and constitutes no USAID commitment to an award.

USAID Identity (Identity) means the official marking for the Agency, comprised of the USAID logo and new brandmark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and is provided without royalty, license, or other fee to recipients of USAID-funded grants or cooperative agreements or other assistance awards or sub-awards.

(b) Submission. The Apparently Successful Applicant, upon request of the Agreement Officer, will submit and negotiate a Branding Strategy. The Branding Strategy will be included in and made a part of the resulting grant or cooperative agreement. The Branding Strategy will be negotiated within the time that the Agreement Officer specifies. Failure to submit and negotiate a Branding Strategy will make the applicant ineligible for award of a grant or cooperative agreement. The Apparently Successful Applicant must include all estimated costs associated with branding and marking USAID programs, such as plaques, stickers, banners, press events and materials, and the like.

(c) Submission Requirements

At a minimum, the Apparently Successful Applicant's Branding Strategy will address the following:

(1) Positioning

What is the intended name of this program, project, or activity?

Guidelines: USAID prefers to have the USAID Identity included as part of the program or project name, such as a "title sponsor," if possible and appropriate. It is acceptable to "co-brand" the title with USAID's and the Apparently Successful Applicant's identities. For example: "The USAID and [Apparently Successful Applicant] Health Center."

If it would be inappropriate or is not possible to "brand" the project this way, such as when rehabilitating a structure that already exists or if there are multiple donors, please explain and

indicate how you intend to showcase USAID's involvement in publicizing the program or project. *For example: School #123, rehabilitated by USAID and [Apparently Successful Applicant]/ [other donors].* Note: the Agency prefers "made possible by (or with) the generous support of the American People" next to the USAID Identity in acknowledging our contribution, instead of the phrase "funded by." USAID prefers local language translations.

Will a program logo be developed and used consistently to identify this program? If yes, please attach a copy of the proposed program logo.

Note: USAID prefers to fund projects that do NOT have a separate logo or identity that competes with the USAID Identity.

(2) Program Communications and Publicity

Who are the primary and secondary audiences for this project or program?

Guidelines: Please include direct beneficiaries and any special target segments or influencers. *For Example: Primary audience: schoolgirls age 8-12, Secondary audience: teachers and parents—specifically mothers.*

What communications or program materials will be used to explain or market the program to beneficiaries?

Guidelines: These include training materials, posters, pamphlets, Public Service Announcements, billboards, websites, and so forth.

What is the main program message(s)?

Guidelines: *For example: "Be tested for HIV-AIDS" or "Have your child inoculated."* Please indicate if you also plan to incorporate USAID's primary message – this aid is "from the American people" – into the narrative of program materials. This is optional; however, marking with the USAID Identity is required.

Will the recipient announce and promote publicly this program or project to host country citizens? If yes, what press and promotional activities are planned?

Guidelines: These may include media releases, press conferences, public events, and so forth. Note: incorporating the message, "USAID from the American People", and the USAID Identity is required.

Please provide any additional ideas about how to increase awareness that the American people support this project or program.

Guidelines: One of our goals is to ensure that both beneficiaries and host-country citizens know that the aid the Agency is providing is "from the American people." Please provide any initial ideas on how to further this goal.

(3) Acknowledgements

Will there be any direct involvement from a host-country government ministry? If yes, please indicate which one or ones. Will the recipient acknowledge the ministry as an additional co-sponsor?

Note: it is perfectly acceptable and often encouraged for USAID to "co-brand" programs with government ministries.

Please indicate if there are any other groups whose logo or identity the recipient will use on program materials and related communications.

Guidelines: Please indicate if they are also a donor or why they will be visibly acknowledged, and if they will receive the same prominence as USAID.

(d) Award Criteria. The Agreement Officer will review the Branding Strategy for adequacy, ensuring that it contains the required information on naming and positioning the USAID-funded program, project, or activity, and promoting and communicating it to cooperating country beneficiaries and citizens. The Agreement Officer also will evaluate this information to ensure that it is consistent with the stated objectives of the award; with the Apparently Successful Applicant's cost data submissions; with the Apparently Successful Applicant's project, activity, or program performance plan; and with the regulatory requirements set out in 22 CFR 226.91. The Agreement Officer may obtain advice and recommendations from technical experts while performing the evaluation.

MARKING PLAN – ASSISTANCE (December 2005)

(a) Definitions

Marking Plan means a plan that the Apparently Successful Applicant submits at the specific request of a USAID Agreement Officer after evaluation of an application for USAID funding, detailing the public communications, commodities, and program materials and other items that will visibly bear the USAID Identity. Recipients may request approval of Presumptive Exceptions to marking requirements in the Marking Plan.

Apparently Successful Applicant(s) means the applicant(s) for USAID funding recommended for an award after evaluation, but who has not yet been awarded a grant, cooperative agreement or other assistance award by the Agreement Officer. The Agreement Officer will request that Apparently Successful Applicants submit a Branding Strategy and Marking Plan. Apparently Successful Applicant status confers no right and constitutes no USAID commitment to an award, which the Agreement Officer must still obligate.

USAID Identity (Identity) means the official marking for the Agency, comprised of the USAID logo and new landmark, which clearly communicates that our assistance is from the American people. The USAID Identity is available on the USAID website and USAID provides it without royalty, license, or other fee to recipients of USAID funded grants, cooperative agreements, or other assistance awards or sub-awards.

A *Presumptive Exception* exempts the applicant from the general marking requirements for a particular USAID-funded public communication, commodity, program material or other deliverable, or a category of USAID-funded public communications, commodities, program materials or other deliverables that would otherwise be required to visibly bear the USAID Identity. The Presumptive Exceptions are:

Presumptive Exception (i). USAID marking requirements may not apply if they would compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials, such as election monitoring or ballots, and voter information literature; political party support or public policy advocacy or reform; independent media, such as television and radio broadcasts, newspaper articles and editorials; and public service announcements or public opinion polls and surveys (22 C.F.R. 226.91(h)(1)).

Presumptive Exception (ii). USAID marking requirements may not apply if they would diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent (22 C.F.R. 226.91(h)(2)).

Presumptive Exception (iii). USAID marking requirements may not apply if they would undercut host-country government “ownership” of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as “by” or “from” a cooperating country ministry or government official (22 C.F.R. 226.91(h)(3)).

Presumptive Exception (iv). USAID marking requirements may not apply if they would impair the functionality of an item, such as sterilized equipment or spare parts (22 C.F.R. 226.91(h)(4)).

Presumptive Exception (v). USAID marking requirements may not apply if they would incur substantial costs or be impractical, such as items too small or otherwise unsuited for individual marking, such as food in bulk (22 C.F.R. 226.91(h)(5)).

Presumptive Exception (vi). USAID marking requirements may not apply if they would offend local cultural or social norms, or be considered inappropriate on such items as condoms, toilets, bed pans, or similar commodities (22 C.F.R. 226.91(h)(6)).

Presumptive Exception (vii). USAID marking requirements may not apply if they would conflict with international law (22 C.F.R. 226.91(h)(7)).

(b) Submission. The Apparently Successful Applicant, upon the request of the Agreement Officer, will submit and negotiate a Marking Plan that addresses the details of the public communications, commodities, program materials that will visibly bear the USAID Identity. The marking plan will be customized for the particular program, project, or activity under the resultant grant or cooperative agreement. The plan will be included in and made a part of the resulting grant or cooperative agreement. USAID and the Apparently Successful Applicant will negotiate the Marking Plan within the time specified by the Agreement Officer. Failure to submit and negotiate a Marking Plan will make the applicant ineligible for award of a grant or cooperative agreement. The applicant must include an estimate of all costs associated with branding and marking USAID programs, such as plaques, labels, banners, press events, promotional materials, and so forth in the budget portion of its application. These costs are subject to revision and negotiation with the Agreement Officer upon submission of the Marking Plan and will be incorporated into the Total Estimated Amount of the grant, cooperative agreement or other assistance instrument.

(c) Submission Requirements. The Marking Plan will include the following:

(1) A description of the public communications, commodities, and program materials that the recipient will be produced as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity. These include:

(i) program, project, or activity sites funded by USAID, including visible infrastructure projects or other programs, projects, or activities that are physical in nature;

(ii) technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID;

(iii) events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences, and other public activities; and (iv) all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies and other materials funded by USAID, and their export packaging.

(2) A table specifying:

(i) the program deliverables that the recipient will mark with the USAID Identity,

(ii) the type of marking and what materials the applicant will be used to mark the program deliverables with the USAID Identity, and

(iii) when in the performance period the applicant will mark the program deliverables, and where the applicant will place the marking.

(3) A table specifying:

(i) what program deliverables will not be marked with the USAID Identity, and

(ii) the rationale for not marking these program deliverables.

(d) Presumptive Exceptions.

(1) The Apparently Successful Applicant may request a Presumptive Exception as part of the overall Marking Plan submission. To request a Presumptive Exception, the Apparently Successful Applicant must identify which Presumptive Exception applies, and state why, in light of the Apparently Successful Applicant's technical proposal and in the context of the program description or program statement in the USAID Request For Application or Annual Program Statement, marking requirements should not be required.

(2) Specific guidelines for addressing each Presumptive Exception are:

(i) For Presumptive Exception (i), identify the USAID Strategic Objective, Interim Result, or program goal furthered by an appearance of neutrality, or state why the program, project, activity, commodity, or communication is 'intrinsically neutral.' Identify, by category or deliverable item, examples of program materials funded under the award for which you are seeking exception 1.

(ii) For Presumptive Exception (ii), state what data, studies, or other deliverables will be produced under the USAID funded award, and explain why the data, studies, or deliverables must be seen as credible.

(iii) For Presumptive Exception (iii), identify the item or media product produced under the USAID funded award, and explain why each item or product, or category of item and product, is better positioned as an item or product produced by the cooperating country government.

(iv) For Presumptive Exception (iv), identify the item or commodity to be marked, or categories of items or commodities, and explain how marking would impair the item's or commodity's functionality.

(v) For Presumptive Exception (v), explain why marking would not be cost-beneficial or practical.

(vi) For Presumptive Exception (vi), identify the relevant cultural or social norm, and explain why marking would violate that norm or otherwise be inappropriate.

(vii) For Presumptive Exception (vii), identify the applicable international law violated by marking.

(3) The Agreement Officer will review the request for adequacy and reasonableness. In consultation with the Cognizant Technical Officer and other agency personnel as necessary, the Agreement Officer will approve or disapprove the requested Presumptive Exception. Approved exceptions will be made part of the approved Marking Plan, and will apply for the term of the award, unless provided otherwise.

(e) Award Criteria: The Agreement Officer will review the Marking Plan for adequacy and reasonableness, ensuring that it contains sufficient detail and information concerning public communications, commodities, and program materials that will visibly bear the USAID Identity. The Agreement Officer will evaluate the plan to ensure that it is consistent with the stated objectives of the award; with the applicant's cost data submissions; with the applicant's actual project, activity, or program performance plan; and with the regulatory requirements of 22 C.F.R. 226.91. The Agreement Officer will approve or disapprove any requested Presumptive Exceptions (see paragraph (d)) on the basis of adequacy and reasonableness. The Agreement Officer may obtain advice and recommendations from technical experts while performing the evaluation.

MARKING UNDER USAID-FUNDED ASSISTANCE INSTRUMENTS (December 2005)

(a) Definitions

Commodities mean any material, article, supply, goods or equipment, excluding recipient offices, vehicles, and non-deliverable items for recipient's internal use, in administration of the USAID funded grant, cooperative agreement, or other agreement or sub-agreement.

Principal Officer means the most senior officer in a USAID Operating Unit in the field, e.g., USAID Mission Director or USAID Representative. For global programs managed from Washington but executed across many countries, such as disaster relief and assistance to internally displaced persons, humanitarian emergencies or immediate post conflict and political crisis response, the cognizant Principal Officer may be an Office Director, for example, the Directors of USAID/W/Office of Foreign Disaster Assistance and Office of Transition Initiatives.

For non-presence countries, the cognizant Principal Officer is the Senior USAID officer in a regional USAID Operating Unit responsible for the non-presence country, or in the absence of such a responsible operating unit, the Principal U.S Diplomatic Officer in the non-presence country exercising delegated authority from USAID.

Programs mean an organized set of activities and allocation of resources directed toward a common purpose, objective, or goal undertaken or proposed by an organization to carry out the responsibilities assigned to it.

Projects include all the marginal costs of inputs (including the proposed investment) technically required to produce a discrete marketable output or a desired result (for example, services from a fully functional water/sewage treatment facility).

Public communications are documents and messages intended for distribution to audiences external to the recipient's organization. They include, but are not limited to, correspondence, publications, studies, reports, audio visual productions, and other informational products; applications, forms, press and promotional materials used in connection with USAID funded programs, projects or activities, including signage and plaques; Web sites/Internet activities; and events such as training courses, conferences, seminars, press conferences and so forth.

Sub-recipient means any person or government (including cooperating country government) department, agency, establishment, or for profit or nonprofit organization that receives a USAID sub-award, as defined in 22 C.F.R. 226.2.

Technical Assistance means the provision of funds, goods, services, or other foreign assistance, such as loan guarantees or food for work, to developing countries and other USAID recipients, and through such recipients to sub-recipients, in direct support of a development objective – as opposed to the internal management of the foreign assistance program.

USAID Identity (Identity) means the official marking for the United States Agency for International Development (USAID), comprised of the USAID logo or seal and new brandmark, with the tagline that clearly communicates that our assistance is "from the American people." The USAID Identity is available on the USAID website at www.usaid.gov/branding and USAID provides it without royalty, license, or other fee to recipients of USAID-funded grants, or cooperative agreements, or other assistance awards.

(b) Marking of Program Deliverables

- (1) All recipients must mark appropriately all overseas programs, projects, activities, public communications, and commodities partially or fully funded by a USAID grant or cooperative agreement or other assistance award or sub-award with the USAID Identity, of a size and prominence equivalent to or greater than the recipient's, other donor's, or any other third party's identity or logo.
- (2) The Recipient will mark all program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management) with the USAID Identity. The Recipient should erect temporary signs or plaques early in the construction or implementation phase. When construction or implementation is complete, the Recipient must install a permanent, durable sign, plaque or other marking.

(3) The Recipient will mark technical assistance, studies, reports, papers, publications, audio-visual productions, public service announcements, Web sites/Internet activities and other promotional, informational, media, or communications products funded by USAID with the USAID Identity.

(4) The Recipient will appropriately mark events financed by USAID, such as training courses, conferences, seminars, exhibitions, fairs, workshops, press conferences and other public activities, with the USAID Identity. Unless directly prohibited and as appropriate to the surroundings, recipients should display additional materials, such as signs and banners, with the USAID Identity. In circumstances in which the USAID Identity cannot be displayed visually, the recipient is encouraged otherwise to acknowledge USAID and the American people's support.

(5) The Recipient will mark all commodities financed by USAID, including commodities or equipment provided under humanitarian assistance or disaster relief programs, and all other equipment, supplies, and other materials funded by USAID, and their export packaging with the USAID Identity.

(6) The Agreement Officer may require the USAID Identity to be larger and more prominent if it is the majority donor, or to require that a cooperating country government's identity be larger and more prominent if circumstances warrant, and as appropriate depending on the audience, program goals, and materials produced.

(7) The Agreement Officer may require marking with the USAID Identity in the event that the recipient does not choose to mark with its own identity or logo.

(8) The Agreement Officer may require a pre-production review of USAID-funded public communications and program materials for compliance with the approved Marking Plan.

(9) Sub-recipients. To ensure that the marking requirements "flow down" to sub-recipients of sub-awards, recipients of USAID funded grants and cooperative agreements or other assistance awards will include the USAID-approved marking provision in any USAID funded sub-award, as follows:

"As a condition of receipt of this sub-award, marking with the USAID Identity of a size and prominence equivalent to or greater than the recipient's, sub-recipient's, other donor's or third party's is required. In the event the recipient chooses not to require marking with its own identity or logo by the sub-recipient, USAID may, at its discretion, require marking by the sub-recipient with the USAID Identity."

(10) Any 'public communications', as defined in 22 C.F.R. 226.2, funded by USAID, in which the content has not been approved by USAID, must contain the following disclaimer:

"This study/report/audio/visual/other information/media product (specify) is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of [insert recipient name] and do not necessarily reflect the views of USAID or the United States Government."

(11) The recipient will provide the Cognizant Technical Officer (CTO) or other USAID personnel designated in the grant or cooperative agreement with two copies of all program

and communications materials produced under the award. In addition, the recipient will submit one electronic or one hard copy of all final documents to USAID's Development Experience Clearinghouse.

(c) Implementation of marking requirements.

- (1) When the grant or cooperative agreement contains an approved Marking Plan, the recipient will implement the requirements of this provision following the approved Marking Plan.
- (2) When the grant or cooperative agreement does not contain an approved Marking Plan, the recipient will propose and submit a plan for implementing the requirements of this provision within [*Agreement Officer fill-in*] days after the effective date of this provision. The plan will include:
 - (i) A description of the program deliverables specified in paragraph (b) of this provision that the recipient will produce as a part of the grant or cooperative agreement and which will visibly bear the USAID Identity.
 - (ii) the type of marking and what materials the applicant uses to mark the program deliverables with the USAID Identity,
 - (iii) when in the performance period the applicant will mark the program deliverables, and where the applicant will place the marking,
- (3) The recipient may request program deliverables not be marked with the USAID Identity by identifying the program deliverables and providing a rationale for not marking these program deliverables. Program deliverables may be exempted from USAID marking requirements when:
 - (i) USAID marking requirements would compromise the intrinsic independence or neutrality of a program or materials where independence or neutrality is an inherent aspect of the program and materials;
 - (ii) USAID marking requirements would diminish the credibility of audits, reports, analyses, studies, or policy recommendations whose data or findings must be seen as independent;
 - (iii) USAID marking requirements would undercut host-country government "ownership" of constitutions, laws, regulations, policies, studies, assessments, reports, publications, surveys or audits, public service announcements, or other communications better positioned as "by" or "from" a cooperating country ministry or government official;
 - (iv) USAID marking requirements would impair the functionality of an item;
 - (v) USAID marking requirements would incur substantial costs or be impractical;
 - (vi) USAID marking requirements would offend local cultural or social norms, or be considered inappropriate;
 - (vii) USAID marking requirements would conflict with international law.

(4) The proposed plan for implementing the requirements of this provision, including any proposed exemptions, will be negotiated within the time specified by the Agreement Officer after receipt of the proposed plan. Failure to negotiate an approved plan with the time specified by the Agreement Officer may be considered as noncompliance with the requirements is provision.

(d) Waivers.

(1) The recipient may request a waiver of the Marking Plan or of the marking requirements of this provision, in whole or in part, for each program, project, activity, public communication or commodity, or, in exceptional circumstances, for a region or country, when USAID required marking would pose compelling political, safety, or security concerns, or when marking would have an adverse impact in the cooperating country. The recipient will submit the request through the Cognizant Technical Officer. The Principal Officer is responsible for approvals or disapprovals of waiver requests.

(2) The request will describe the compelling political, safety, security concerns, or adverse impact that require a waiver, detail the circumstances and rationale for the waiver, detail the specific requirements to be waived, the specific portion of the Marking Plan to be waived, or specific marking to be waived, and include a description of how program materials will be marked (if at all) if the USAID Identity is removed. The request should also provide a rationale for any use of recipient's own identity/logo or that of a third party on materials that will be subject to the waiver.

(3) Approved waivers are not limited in duration but are subject to Principal Officer review at any time, due to changed circumstances.

(4) Approved waivers "flow down" to recipients of sub-awards unless specified otherwise. The waiver may also include the removal of USAID markings already affixed, if circumstances warrant.

(5) Determinations regarding waiver requests are subject to appeal to the Principal Officer's cognizant Assistant Administrator. The recipient may appeal by submitting a written request to reconsider the Principal Officer's waiver determination to the cognizant Assistant Administrator.

(e) Non-retroactivity. The requirements of this provision do not apply to any materials, events, or commodities produced prior to January 2, 2006. The requirements of this provision do not apply to program, project, or activity sites funded by USAID, including visible infrastructure projects (for example, roads, bridges, buildings) or other programs, projects, or activities that are physical in nature (for example, agriculture, forestry, water management) where the construction and implementation of these are complete prior to January 2, 2006 and the period of the grant does not extend past January 2, 2006.