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**Funding Opportunity Title: Justice, Rights, and Security Annual Program Statement**

**Announcement Type: Annual Program Statement**

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**Questions Deadline for this APS Document: May 26, 2022 at 5:00 p.m. ET**

For questions on this APS document, please submit all questions to Mr. Michael Kwaw via email at [jrs-aps@usaid.gov](mailto:jrs-aps@usaid.gov) by the deadline specified above.

Please see Addendum documents for each Addendum's respective deadlines and submission instructions.

For a USAID Mission or USAID/Washington Office wishing to issue an Addendum under this APS, the program description must fit within Section I of this document. Please contact Mr. Michael Kwaw at [jrs-aps@usaid.gov](mailto:jrs-aps@usaid.gov) for review of the Addendum document - it must be reviewed before being posted publicly under this APS. All new Addenda must be posted as a JRS APS Addendum on the USAID Business Forecast.

Dear Prospective Applicants:

The United States Agency for International Development (USAID), Bureau for Development, Democracy, and Innovation, Democracy, Human Rights, and Governance (DDI/DRG) Center invites applications for the Justice, Rights, and Security (JRS) Annual Program Statement (APS).

Through the APS, USAID announces its desire to engage in a diverse range of partnerships, including with new and underutilized development actors to expand and amplify the Agency's work in Promoting Justice, Protecting Rights, and Promoting Security.

This APS is neither a Request for Applications nor a Request for Proposals. Rather, this APS allows for Addenda to be published that will request Concept Papers. Concept Papers should not be submitted in response to this global APS, and should only be submitted in response to Addenda. Based on the review of those Concept Papers by a USAID team, USAID will determine whether to request a Full Application from an appropriate partner or partners.

USAID is available to respond to questions from applicants about the process. Applicants should submit questions by email to the point of contact identified in the specific Addendum through which they are submitting an application. Applicants should send general questions about the below information by email to Mr. Michael Kwaw, Acquisition & Assistance Specialist, at [jrs-aps@usaid.gov](mailto:jrs-aps@usaid.gov).

Thank you for your interest in the USAID DDI-DRG's JRS APS.

Sincerely,

Mir Ershadullah  
Agreement Officer

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## SECTION I: FUNDING OPPORTUNITY DESCRIPTION

### Background

Justice, rights, and security (JRS) are important development outcomes in and of themselves, and they are inextricably linked to building peace and social cohesion, mitigating violent conflict, preventing crime and corruption, strengthening democratic governance, combating extremism, and improving business-enabling environments, livelihoods, health, education, and the environment.

Recognizing the importance of justice, rights, and security, USAID has, over decades, worked to achieve progress in a wide array of JRS areas. Notwithstanding this progress, persistent justice, rights, and security challenges remain. Over five billion people around the world are classified as living outside the protection of the law, and at any given time 1.5 billion people have unresolved legal problems or unmet justice needs. They suffer in countries that fail to adequately meet obligations to their peoples in providing them justice, protecting their rights, and ensuring their security. The world is experiencing a 15-year decline in global freedom, with the rule of law and human rights under threat around the world. Gross violations of human rights are taking place in every region where USAID works, and human rights defenders are often under threat for their work. Inequitable application of the law, arbitrary and unlawful use of force to intimidate or inhibit the exercise of civil and political rights, endemic corruption eroding security institutions, and flagrant human rights abuses diminish public trust in democratic institutions.

Historically, deeply rooted challenges to these issues continue to plague these countries and their populations. Justice institutions fail to meet the public's needs due to manipulation, weak capacity, operational inefficiencies, insufficient resources, and legal frameworks that are inadequate to address the challenges of the moment. Members of the public are unable to meaningfully address their own justice needs due to a paucity of justice providers; modest financial means; and limited access due to geographical, cultural, economic, and linguistic barriers. The political will to develop new laws and policies on human rights or to implement those that already exist is often lacking. Human rights violations are the norm in some areas and for some populations, committed both by state and non-state actors. Where police fail to protect citizens and non-citizens alike, engage in illicit or criminal activity, or abuse their authority, people lose confidence not only in law enforcement, but also in the government that is supposed to protect them. This problem is particularly acute in states with fragile institutions and in conflict-prone states where corrupt or criminal civilian police behavior erodes citizens' support for fledgling democratic institutions.

Moreover, in recent years, these challenges have been expanded or exacerbated by new threats. For example, in many countries, emerging issues include:

- A resurgence in authoritarianism, with formerly democratic countries experiencing backsliding from democratic principles;
- Unprecedented levels of corruption with high-profile examples of graft, cronyism, and influence peddling;
- Threats to privacy, freedom of expression, and digital security through the proliferation of unprecedented technology tools and disinformation campaigns that undermine democracy and peaceful coexistence;
- Increasing violence and intimidation directed at human rights defenders and community leaders, including targeted assassination, incarceration, and harassment; as well as government repression of human rights organizations through restrictions on freedoms of assembly and expression; and

- Significant demographic shifts in the form of a global youth bulge, mass migration, stateless populations, and more.

These challenges have all been exacerbated by the continuing impact of the COVID-19 pandemic, which has challenged understanding and implementation of guarantees of justice, rights, and security in unprecedented ways.

In response, the DRG Center’s JRS Team provides technical assistance to USAID programming in USAID partner countries to enhance the rule of law, human rights, and security for all members of society. It supports USAID Missions and Bureaus throughout all phases of the program cycle in order to close the global justice gap; make human rights actionable, enforceable, and realizable; prevent and respond to crime, violence, and extremism; and strengthen public trust and confidence between citizens and public institutions. In doing so, it applies a people-centered approach to design and implementation of programming, so that all individuals in a society have their justice-, rights-, and security-related needs met.

### **A. Purpose**

The purpose of the JRS APS is to empower USAID and its Missions to seek solutions to JRS-related challenges, to engage new and underutilized partners, to solve problems not adequately addressed by other USAID investments, and to offer USAID Missions and USAID/Washington Offices a mechanism through which such work can be innovatively accomplished with dedicated support and expertise from USAID Washington DRG Center’s JRS team.

### **B. Goals and Objectives**

This APS is a mechanism for USAID Missions to invite qualified U.S. and non-U.S., non-profit or for-profit, non-governmental and international organizations to collaborate with USAID in developing and implementing programs that achieve **one or more** of the following JRS APS goals and objectives:

- **Goal 1: Promote Justice**, including the following objectives:
  - To ensure the independent, efficient, and open administration of justice;
  - To enhance the quality and accessibility of justice;
  - To guarantee impartial application of the law and due process;
  - To improve justice seeker experiences and outcomes; and/or
  - To strengthen effective checks and balances and accountable institutions as foundations of democratic governance.

Illustrative results include:

- Coordination and collaboration between justice system (formal and informal), institutions and actors improved,
- Inter-governmental coordination strengthened,
- Judicial independence and self-governance strengthened,
- Court administration and case management enhanced,
- Legal aid commissions and assistance providers strengthened,
- Independent legal profession strengthened,

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- Legal education and career pathways strengthened,
  - Legal literacy and civic education improved,
  - Community engagement with justice reform promoted, and
  - Public oversight of justice institutions and actors promoted.
- **Goal 2: Protect Rights**, including the following objectives:
    - To improve enabling environments for the protection and advancement of human rights;
    - To facilitate, develop, and implement effective remedies to address human rights violations and abuses to ensure non-recurrence;
    - To promote equal and equitable enjoyment of human rights by all;
    - To empower people to know, use, and shape the law in their daily lives to protect and advance human rights;
    - To facilitate the work of all types of human rights defenders and activists.

Illustrative results include:

- Effectiveness of individuals, organizations, and coalitions working to advance and/or advocate for respect and promotion of human rights increased,
- Public awareness of human rights and fundamental freedoms increased,
- Enabling environment for respect of human rights enhanced,
- Early warning, monitoring, documentation, advocacy, and reporting of human rights risks, violations, and abuses improved,
- Normative and legal frameworks strengthened,
- Domestic adherence to obligations under international human rights laws improved,
- Governmental and non-governmental institutions and systems responsible for protecting and promoting human rights strengthened,
- Human rights defenders and at-risk populations are protected and empowered,
- Transitional justice and other victim-centered, conflict-sensitive, and gender-sensitive efforts to address human rights violations are advanced, and
- The independence and effectiveness of National Human Rights Institutions are strengthened.

- **Goal 3: Promote Security**, including the following objectives:
  - To constrain the arbitrary exercise of power and tempering the use of force by civilian law enforcement;
  - To strengthen the accountability, professionalism, capacity, and integrity of police and other civilian law enforcement actors; and/or
  - To safeguard all members of society from crime and violence, including gender-based violence, so they may live safely and recognize their full potential.

Illustrative results include:

- Partnerships between local communities and law enforcement that help build trust and prevent, identify, and solve community problems and criminal conduct are facilitated,
- Civilian oversight and sustainable management of security institutions and financing of civilian security sector institutions promoted,
- Performance of security institutions, actors, processes and procedures improved,

- Transitional and post-conflict government institutions, including newly established institutions, are supported,
- Public oversight of the security and justice sectors, including through civil society, the media, academia, and the private sector strengthened,
- Delivery of evidence-based approaches to security service provision that build trust in security functions improved, and
- Crime scene management and forensic science that inculcate a problem-solving orientation to security service delivery developed.

- **Cross-Cutting Goal: Key Populations Are Empowered**

Illustrative results include:

- Equal application of the law promoted,
- Diverse populations' ability to shape systems and services increased,
- At-risk, disadvantaged, marginalized, and vulnerable communities assisted and protections improved, and
- Institutions strengthened to include, represent, serve and protect all people.

### C. JRS Core Principles

The DRG Center's JRS Team seeks to apply the following core principles in all programming, including the JRS APS:

- **Readiness for Collaboration, Adaptability, and Scalability**

JRS APS activities are expected to contribute to USAID's Collaborating, Learning and Adapting (CLA) approach to development.<sup>5</sup> The CLA approach is based on the understanding that development efforts yield more effective results if they are coordinated and collaborative and build on what works and eliminate what does not by adapting approaches based on learning.

- **Potential for Impact**

JRS APS activities are expected to have a sustained impact, paying particular attention to:

- *Feasibility*: Responses to Addenda should have well-defined and achievable objectives. The enabling environment and the proposed combination of partner assets, resources, and expertise should be sufficient to yield significant impact on a specific and important development challenge.
- *Sustainability*: Responses to Addenda should demonstrate the potential to yield sustainable solutions to the development challenge being addressed. These solutions should indicate how implementers will engage with an inclusive set of stakeholders and leverage resources from said stakeholders to ensure the long-term success of the project.
- *Scalability*: Where appropriate, USAID will consider whether and how the proposed approaches can be replicated in a manner that would offer a broader set of impacts at the national, regional or global level.
- *Locally-driven*: Responses to Addenda, as appropriate, should articulate how the project will respond to locally-identified needs and priorities, support and partner with local actors and organizations, integrate local leadership into project management and operations, and strengthen local capacities. Design processes, partnerships, and activities should be inclusive of diverse populations, peoples, and perspectives.

- *People-Centeredness*: Responses to Addenda, as appropriate, should elaborate an approach to and describe activities that will make relevant systems, institutions, and services more data-driven, user-friendly, problem-solving, and prevention-oriented and, thus, more people-centered. Proposed approaches should describe how activities will improve people’s experiences and outcomes when engaging formal and informal systems and services.
- *Innovation*: Responses to Addenda should, as appropriate, elaborate innovative approaches and activities to achieve project goals and objectives. Innovation could mean introducing new problem-solving and data-collection technologies; introducing new ways of delivering, streamlining, and financing relevant services; applying new techniques to improve the transparency, accountability, and efficiency of relevant institutions and actors; and/or facilitating new feedback loops.

- **Basis in Evidence**

USAID strives to build an evidence base for its support to accountable, democratic governance through impact and program evaluations, along with evidence from existing research and based on prior programming methodologies with demonstrated success. Activities under this APS will align with and advance the DRG Center’s Learning Agenda<sup>1</sup> and may include performance, impact, and ex-post evaluations and surveys. Recipients will be required to cooperate with external (impact or performance) evaluation teams and provide reasonable logistical assistance to them. USAID will rely on recipients for quality data measuring program performance, based on a monitoring and evaluation plan agreed upon under each award. Recipients will be expected to incorporate robust monitoring, evaluation, and learning into all activities under this APS, with regular reflection periods.

- **Engagement with Local Systems**

Wherever possible, activities under this mechanism should include measures for ensuring that “local systems” are built upon -- that includes being recognized, engaged, and strengthened during implementation. By local systems, USAID refers to “those interconnected sets of actors—governments, civil society, the private sector, universities, individual citizens and others—that jointly produce a particular development outcome.”<sup>1</sup> This builds on USAID’s commitment to local solutions generally as a critical component of sustainable development, and more specifically, the Local Systems Framework specifically -- each of which advance the following concept:

“Building the capacity of a single actor or strengthening a single relationship is insufficient. Rather, the focus must be on the system as a whole: the actors, their interrelationships and the incentives that guide them. Realizing improved development outcomes emanates from increasing the performance of multiple actors and the effectiveness of their interactions.”

Wherever possible, JRS activities should build on the principles described in the Local Systems Framework. For example, to recognize, engage and map local systems, front-end analysis should identify the existing key dynamics and stakeholders that contribute both positively and negatively to the status quo (e.g., by utilizing Political Economy Analysis or similar tools). Program approaches should be designed holistically and articulate a theory of change that is cognizant of all relevant parts of a system and their interactivity. Activities should also embed flexibility, for example, by building in dynamic feedback mechanisms for tracking how USAID-funded activities interact with those systems (e.g., advisory groups composed of local leaders). Finally, activities should seek opportunities for strengthening those systems where possible (e.g., building the capacity of local actors through implementation).

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<sup>1</sup> USAID’s “Local Systems: A Framework for Supporting Sustained Development,” April 2014, (<http://www.usaid.gov/sites/default/files/documents/1870/LocalSystemsFramework.pdf>)



- **Supporting New and Diverse Actors**

USAID’s efforts to build a safer, healthier, and more prosperous world relies on partnering with others. JRS APS activities will work to support USAID's New Partnerships Initiative (NPI)<sup>2</sup> and seek to reach the Agency’s partnering potential by improving collaboration with new, nontraditional, and local actors—while enhancing local leadership, capacity, and accountability in all that we do. Six key principles will guide the design and implementation of JRS APS activities, and thereby support NPI approaches to partnerships:

1. Promote local leadership
2. Improve equity and inclusivity within partner relationships
3. Demonstrate accountability to constituents
4. Seek innovative approaches
5. Lower barriers to partnerships
6. Identify new and nontraditional sources of funding

- **Doing No Harm**

USAID is mindful of the risk of unintentionally doing harm under this program and the risks that beneficiary institutions or individuals may incur receiving assistance from a U.S. Government institution. This program must support key principles related to "do no harm," which "strongly advises outsiders to allow insiders to make their own choices and identify their own priorities."<sup>3</sup>). While USAID will apply its own processes for assessing and managing those risks, implementing partners will be expected to articulate and adhere to their own criteria and process for mitigating the risk of doing harm under this APS/associated Addenda.

#### **D. Complementarity**

The JRS APS will complement the DRG Center’s other mechanisms by providing a unique focus on all JRS needs. For example, the APS will complement the Active Communities - Effective States (ACES) APS by (1) enabling programming on JRS needs independently of larger democracy and governance issues; (2) promoting programming synergy on JRS issues by linking the JRS APS with the JRS rapid-response mechanism, thereby reaching a broader constituency of Missions and implementing partners; and (3) incorporating a greater focus on localization and co-creation within JRS programming.

## **SECTION II: Federal Award Information**

This APS is not a request for applications in any form. Concept Papers must be provided in response to, and in accordance with the instructions provided in, any specific Addendum issued under this APS. Specific information and instructions for awards under this APS will be provided in individual Addenda, which can

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<sup>2</sup> NPI seeks to change the way that USAID partners, diversifying the Agency’s partner base, and improving the quality of our partnerships. Additionally, NPI focuses on enhancing the use of co-creation, expanding our approaches to capacity development, increasing engagement with private philanthropic actors, and ensuring that the strategic use of subawards facilitates greater local engagement. NPI works to lower the barriers of engagement and create avenues for new, nontraditional, and local organizations to work directly and indirectly with USAID.

<sup>3</sup> CDA Collaborative Learning Project’s “Guidance Note: Human Rights and Do No Harm,” April 2013, (<http://www.cdacollaborative.org/media/52557/Guidance-Note-Human-Rights-and-Do-No-Harm.pdf>)

be found under the APS funding opportunity posting on [grants.gov](https://www.grants.gov) by clicking on the “Related Documents” tab. USAID is under no obligation to review general concepts submitted under this umbrella APS, or to provide feedback for such submissions.

USAID intends that this APS be used to provide for full and open competition for responsible qualified applicants.

### **A. Funding**

This APS is unfunded and represents the framework through which later, funded Addenda will be constructed. The DRG Center will collaborate with Missions and other USAID operating units to post specific funding opportunities through Addenda to this APS that address development challenges of importance. USAID may also organize meetings upon the release of Addenda to explain the process to potential partners. These Addenda will likely focus on particularly intractable or impactful development challenges that may occur within or across specific countries, regions, or sectors. Addenda will be the exclusive source of funding through this APS and will be posted on [www.grants.gov](https://www.grants.gov). As determined by the source of funding, awardee(s) will be expected to comply with the legal and USAID policy requirements that govern the Agency’s programming.

### **B. Start Date and Period of Performance for Federal Awards**

Concept Papers must offer a start date and period of performance in accordance with the guidance provided in the Addendum to which it is responding.

Multiple awards may be made as a result of each Addendum of this APS. The actual number of awards under each Addendum of this APS is subject to the availability of funds and the viability of concept papers/applications received. Accordingly, USAID reserves the right to award multiple awards, one award, or no awards at all under each Addendum.

### **C. Expected Implementation Mechanism**

Each Addendum will define the types of award instruments available for potential awardees, whether grants cooperative agreements, or Fixed Amount Awards (FAAs). If an Addendum anticipates awarding a cooperative agreement, the expected substantial involvement will be included in the Addendum.

Awards resulting from an Addendum under this APS may take the form of a grant (including but not limited to an FAA), cooperative agreement (including but not limited to framework agreements and Leader with Associates awards), or FAA. Each Addendum will define the types of award instruments available for potential awardees. If an Addendum anticipates awarding a cooperative agreement, the expected substantial involvement will be included in the Addendum. Please see Section VI for more information on each type of potential assistance mechanism. An acquisition mechanism will not be awarded under any Addendum of this APS.

### **D. Intellectual Property**

Intellectual Property is discussed in 2 Code of Federal Regulations (CFR) 200.448 (for US non-governmental organizations (NGOs)) and in Mandatory Provision 7 Title to and Use of Property (December 2014) (for non-US NGOs). In general, awardee(s) may

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elect to pursue ownership of intellectual property that is developed as a result of an award from an Addendum of this APS. In such cases, USAID would typically retain a nonexclusive, non-transferable, royalty-free license to use any such intellectual property.

#### **E. Authorized Geographic Code**

The authorized geographic code for the procurement of services and commodities is 937. If an Addendum wants to utilize geographic code 935, a waiver in compliance with 22 CFR 228 must be approved prior to the Addendum document being released.

#### **F. Benefiting Geographic Areas**

If an Addendum of this APS has a specific geographic focus, it will clearly state this.

### **SECTION III: Eligibility Information**

#### **A. Eligible Applicants**

The following types of organizations are eligible to apply for this APS:

- **U.S. and Non-U.S. Non-Profit Organizations**

Qualified U.S. and non-U.S. not-for-profit NGOs may apply for funding under this APS. Foreign government-owned parastatal organizations from countries that are ineligible for assistance under the FAA or related appropriations acts are ineligible.

- **U.S. and Non-U.S. For-Profit Organizations**

Qualified U.S. and non-U.S. private for-profit organizations may apply for funding under this APS. Foreign government-owned parastatal organizations from countries that are ineligible for assistance under the FAA or related appropriations acts are ineligible. Potential for-profit applicants should note that, pursuant to 22 CFR 226.81, the payment of fee/profit to the prime recipient under grants and cooperative agreements is prohibited. However, if a prime recipient has a subcontract with a for-profit organization for the acquisition of goods or services (*i.e.*, if a buyer-seller relationship is created), fee/profit for the (subcontractor is authorized).

- **U.S. and Non-U.S. Colleges and Universities**

Qualified U.S. and non-U.S. colleges and universities may apply for funding under this APS. U.S. Government and USAID regulations generally treat colleges and universities as NGOs, rather than governmental organizations; hence, both public and private colleges and universities are eligible. Non-U.S. colleges and universities in countries that are ineligible for assistance under the FAA or related appropriations acts are ineligible.

- **Private Voluntary Organizations**

A local or indigenous private voluntary organization (PVO), which by definition is a non-U.S. PVO operating in the same foreign country in which it is organized, is eligible to receive funding. Local PVOs are not required to register with USAID. In accordance with 2 CFR 203, a U.S. PVO and an “International PVO,” which by definition is a non-U.S. PVO that performs development work in one or more countries other than the country in which it is domiciled, must be registered with USAID to be eligible to receive funding.

- **Public International Organizations**

Public International Organizations are eligible to apply for funding under this APS. Please see Automated Directives Series (ADS) 308 for USAID policy on defining PIOs.

- **New and Underutilized Partners**

USAID encourages applications from and partnerships with new and underutilized partners. A “new partner” is defined for purposes of this APS as an organization that has never received direct or indirect awards from USAID. An “underutilized partner” is defined for purposes of this APS as an organization that has received less than \$25 million in direct or indirect awards from USAID over the five years preceding the organization’s application to a USAID procurement/funding opportunity.

Resultant awards to these organizations oblige USAID to undertake necessary pre-award reviews of these organizations to determine their “responsibility” in regards to fiduciary and other oversight responsibilities of the grant, cooperative agreement, or FAA. In order for an award to be made, a USAID Agreement Officer (AO) must make an affirmative determination that the applicant is “responsible,” as discussed in [ADS 303.3.9](#).

Prior to making an award under this competition, USAID may perform a pre-award survey for “new partners” or for organizations with outstanding audit findings. Accounting systems, audit issues, and management capability questions may be reviewed as part of this process. If notified by USAID that a pre-award survey is necessary, applicants must prepare in advance the required information and documents. A pre-award survey does not commit USAID to make an award to any organization.

- **Local Engagement (only applicable for International Organization applicants)**

International Organizations that apply under this APS must consider local engagement as an effort to promote sustainability. Their concepts must describe strategies that will be employed to sustain the activities beyond USAID funding and contribute to building self-reliance and sustainability. One way this can be done is through meaningful partnerships with “local organizations.” A “local organization” is defined for purposes of this APS as an organization with continuous operations in-country for at least five years; local staff comprising at least 50% of office personnel; maintenance of a dedicated local office; registration with the appropriate local authorities; a local bank account; and a portfolio of locally-implemented programs.

Applicants are encouraged to demonstrate a clear understanding of the role that local organizations and institutions are playing or can play in promoting the objectives of this APS.

Where the primary applicant is not a local organization, it is strongly encouraged that applicants work closely with local partners on all phases of program design, implementation, and evaluation. When the primary applicant is not able to identify appropriate local partners at the Concept Paper phase, it should describe its approach to identifying and partnering with local entities to build organizational and technical capacities of local organizations with which they are engaging, as appropriate. If the application from an International Organization includes partnerships with local organizations, the full application should include a capacity building plan to include building the technical skills of its local partner(s); this is not required in the Concept Paper. In cases where an international organization is not able to partner with a local organization or institution, does not consider such partnership feasible, or does not consider it in the program’s best interest, such applicant must clearly explain why that is the case.

## **B. Cost Sharing**

There is no requirement for cost sharing or matching in this APS, as it is not a funding opportunity itself. However, Addenda issued by Missions or other B/IOs may require cost sharing or matching. Instructions

on such cost sharing or matching will be provided in each Addendum. For guidance on cost sharing in grants, cooperative agreements, or FAAs, please see the ADS 303.3.10 and 2 CFR 200.306 for US NGOs. For non-US NGOs, all cost sharing would be subject to the Applicable Provision “Cost Sharing” in ADS 303mab.

## **SECTION IV: Application and Submission Information**

**USAID will not accept or consider any Concept Paper under this JRS APS unless it is submitted in direct response to an Addendum issued under this JRS APS.** Please refer to the general Concept Note guidelines below, as well as specific Addenda documents for additional information on the concept paper submission guidance including concept paper requirements, and merit review/evaluation criteria for the specific Addendum, as applicable. General guidance for all Addenda under this APS is provided below.

To be competitive under a particular Addendum to this APS, Applications must be fully responsive to all directions under this APS document and under the specific Addendum, except when specifically noted otherwise in the Addendum.

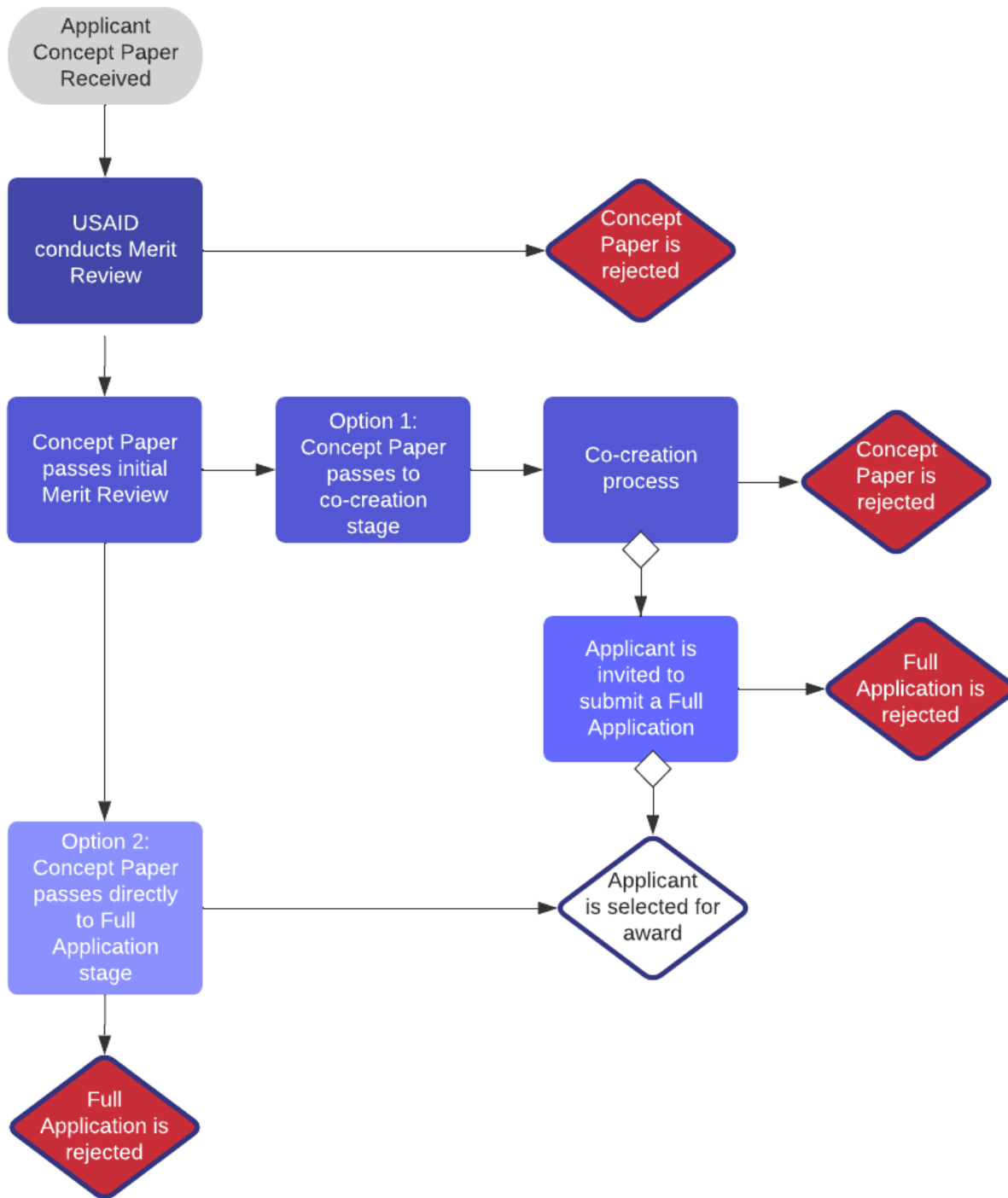
### **A. Address to Request Application Package**

Questions and Answers: All questions regarding this APS should be submitted in writing to Mr. Michael Kwaw via email at [JRS-APS@usaid.gov](mailto:JRS-APS@usaid.gov) by the deadline found on the cover page. USAID is under no obligation to review general concepts submitted under this overall APS, or to provide feedback for such submissions. Any information given to a prospective applicant concerning this APS will be furnished promptly to all other prospective applicants as an amendment to this APS, if that information is necessary in submitting applications or if the lack of it would be prejudicial to any other prospective applicant.

Concept Paper submissions must be submitted to the e-mail address point of contact specified in each separate Addendum. Issuance of this APS does not constitute an award or commitment on the part of the USG, nor does it commit the USG to pay for costs incurred in the preparation and submission of a concept paper or an application. Applicants submit Concept Paper applications at their own risk and all preparation and submission costs are at the applicant’s expense. USAID reserves the right to close or amend the APS on or before the closing date, stated on page 1. Therefore, for each issued Round, organizations are encouraged to apply as soon as possible to be considered for review to maximize the possibility of receiving available funding.

### **B. Process Outline**

USAID has outlined the process through which potential applicants may apply in response to an individual Addendum in Section IV of this APS. The diagram in Figure 1 below is a summary:



### C. Content and Form for Application Submission

#### 1. Concept Paper and Full Application Process

## a. Content and Form of Application Submission

Under the APS Addenda, there will be a three-phase process where applicants first submit a concept paper for an initial competitive review:

1. All Concept Papers received in response to an Addendum will be evaluated by a Technical Review Committee for responsiveness to the criteria outlined in the Addendum.
2. After the Concept Papers are evaluated, successful applicants may be invited to continue the co-creation and collaboration process to identify and develop the activities that will help achieve the results desired under this APS and specific Addendum; identify and incorporate additional partners; and determine respective roles and responsibilities related to the implementation of those activities.
3. If there is a co-creation phase, additional instructions and criteria for full application submissions will be provided after evaluation of Concept Papers and any co-creation workshop (if necessary), and when full applications are requested.

## b. Application Documents

### PHASE 1: CONCEPT PAPER SUBMISSION

The Concept Paper is a short, not to exceed maximum of seven (7)-page document (not counting title and table of content pages) where the applicant provides an overview of its idea. USAID has provided a template in Annex 1 below.

Applicants must submit a Concept Paper in response to an active Addendum by the deadline specified in the Addendum document. Concept Papers will be reviewed against merit review criteria detailed in the Addendum document. USAID will notify potential applicants of significant changes in the review process timeline through a written amendment to the Addendum. USAID reserves the right to pose clarifying questions and conduct discussions with any applicant, but may not opt to do so if it believes it has sufficient information in the concept paper itself. Posing clarifying questions and conducting discussions with one applicant does not obligate USAID to do so with all applicants.

\*The seven (7) page maximum is not a requirement but rather a Not To Exceed limit. Each Mission/OU may set a concept paper page limit consistent with its requirements

USAID anticipates two (2) possible results from the Concept Paper merit review process:

- Conditional Acceptance - Invited for Co-Creation: Concept Paper met Addendum objectives and receives a PASS when evaluated against the Addendum merit review criteria. Additional clarity is needed. USAID invites applicant(s) to engage in co-creation or to submit a full application if co-creation is determined to not be necessary.

--OR--

- Rejection: Concept Paper does not meet Addendum objectives and receives a FAIL when evaluated against the Addendum merit review criteria. USAID Mission or B/IO rejects the Concept Paper. Not every organization that submits a concept paper through an Addendum of this APS will automatically

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be selected to participate in co-creation. Due to the number of concept papers received, USAID is not able to provide details on why concept papers were not selected.

USAID also reserves the right to make an award without discussions if determined to be in the Government's best interest.

Proposed concept papers must not exceed maximum funding amounts as described in each Addendum. Applicants must submit concept papers during a particular time period designated within the Addendum document. The number or limitation on Concept Papers that will be reviewed will depend on the details within the Addendum. If there is a ceiling on the number of concept papers to be reviewed in a particular Addendum, it will clearly state how many concept papers will be accepted. Further, if an organization does not submit a successful concept paper and is not invited to attend the co-creation workshop/submit a full application in response to a specific Addendum, then that organization may still submit another concept paper in response to any future Addenda. Merit review/evaluation criteria will be revised to the specifics of the Addendum; another submission in response to another Addendum does not guarantee a successful concept paper and invitation to attend the co-creation workshop/submit a full application.

## PHASE 2: CO-CREATION

Applicants that have successful Concept Papers may be invited for co-creation, and will engage with USAID Mission or B/IO, and/or possibly other successful concept paper applicants.

- a. If the applicants work with USAID only, it will be to work through areas of weakness and to respond to USAID Mission or B/IO questions and clarify aspects of the concept that are not clear. The co-creation process with USAID only builds on a Concept Paper that has strength and potential; it is not intended to develop new concepts from the ground up. During this phase, applicants will work with USAID technical teams to address issues.
- b. Another option for co-creation is for a co-creation process with all of the successful concept paper applicants in response to an Addendum. In such a case, USAID's discussions with those applicants will take place within the parameters of publicly available information. These parameters provide ample room for extensive, robust discussions regarding the development problem/goal in question, best practices, lessons learned in the relevant technical sectors, and pertinent research and evaluations and various other matters. After concept papers have been submitted, USAID personnel can have highly specific, detailed activity design discussions with the applicants throughout the remainder of the process, e.g., up to and through any award that might be issued under an Addendum of this APS.

Concept papers should be free of any intellectual property that the applicant wishes to protect, as the concept papers may be shared with other organizations as part of the co-creation process. However, once potential partners have been invited to engage in further discussions, they will work with USAID to identify proprietary information that requires protection. Therefore, organizations submitting concept papers provide USAID a royalty free, non-exclusive, and irrevocable right to use, disclose, reproduce, and prepare derivative works, and to have, or permit others to have, use of any information contained in



the concept paper submitted under each Addendum of this APS. If USAID engages with the organization regarding its concept paper, the parties can negotiate further intellectual property protection for the organization's intellectual property. Organizations must ensure that any submission under any Addendum of this APS is free of any third party proprietary data rights that would impact the license granted to USAID herein.

The goals of a co-creation process with multiple applicants would likely be to explore and validate key challenges and problems, and then jointly develop promising solutions or adapt and expand upon existing solutions. Ideas described within the concept papers may be discussed and further developed in the workshop, but process thinking, and possible eventual full applications, will not be limited to these ideas. The process is also intended to help identify potential consortia and partnerships to support these new or existing solutions and activities.

Note: None of USAID's communication during the co-creation process in any Addendum of this APS should be interpreted as a commitment to making an award of USAID funding.

Regardless of the co-creation approach, USAID envisages a product of the co-creation process to be a strong draft project description from each selected applicant/consortium for the full application phase, as well as quantitative and/or qualitative indicators or performance milestones. Each Addendum will provide more specifics on this deliverable.

Note on additional partners/resources: Until full applications are submitted, both the applicant and USAID may identify and include potential additional technical partners and/or potential resource partners. All additional sub-partners may be included as part of a subsequent full application if there is an agreement to do so between the potential sub-partner, the original concept paper applicant, and USAID, but this is not guaranteed. Discussions with potential resource partners may continue throughout each Addendum's process and during implementation.

If an applicant does not succeed at the co-creation phase, the process ends for that applicant. USAID reserves the right to remove any co-creation participant from award consideration should the parties fail to reach agreement on activity concept, design, award terms, conditions, or cost/price within a reasonable time, the participant fails to provide requested additional information in a timely manner, or the U.S. Government believes it is in its best interest.

Concept papers are not evaluated against other concept papers, but rather against the concept paper evaluation criteria in Section V for each specific Addendum. The evaluation of the content in the concept papers against Section V for each specific Addendum will allow USAID to determine if an organization could make valuable technical contributions to the co-creation process; the ideas in the concept papers may or may not be the same approaches developed further during co-creation, though the solutions and strategies generated may draw from these ideas.

Concept papers that are submitted late or are incomplete may not be considered for the co-creation workshop or request for full applications (if co-creation workshop is not held). Additional information in the concept paper not requested by each Addendum of the APS may be removed and may

adversely affect an applicant's evaluation/review.

USAID also reserves the right to not conduct a co-creation phase and request full applications from successful applicants at the concept paper stage. Applicants are advised that participation in the co-creation process under Addenda of this APS is entirely at their own risk; the Government is not responsible for any costs incurred by the applicant, if the applicant decides to accept the invitation to co-create with USAID. A commitment to an award of USAID funding is only made when a cooperative agreement is signed by the AO.

### PHASE 3: FULL APPLICATION

After the co-creation phase, if the Merit Review Committee decides a full application(s) is warranted, full application instructions and criteria will be provided to the selected applicant(s) or groups of applicants that are proposing to work together. The RFA will provide complete instructions for submission of a full application. The full application will detail and expand upon the concept(s) developed through co-creation. The full application also requires the applicant to complete specific USG forms and to provide additional information that the USAID Mission or B/IO will need to move forward with an appropriate implementing instrument. All full applications will be reviewed for their technical merit against the full application merit review/evaluation criteria by the Merit Review Committee. Using its technical expertise, the Merit Review Committee may suggest revisions and additions to the proposed project as well as potential partners and resources. USAID will continue to have robust communication with applicants, potential partners, and other key stakeholders regarding the technical substance of the evolving approach, as well as the identity and roles of proposed or additional partners. USAID may request that key personnel of applicants deemed responsive and eligible deliver an oral presentation describing their proposed technical approach to inform the technical merit review.

If the Merit Review Committee selects application(s) for funding, its review will be shared with the Agreement Officer for cost analysis, final approval and award negotiation. During this stage, the Apparently Successful Applicant(s) and USAID can further design the technical approach, and clarify general resource requirements, additional partner involvement, and management control of the project under the guidance of the AO. The Apparently Successful Applicant(s) may also be asked to provide additional information about its technical approach, capacity, management and organization, proposed cost and budget, responsibility, and representations and certifications.

The AO will engage in final review, negotiation, and determinations of award responsibility, and cost reasonableness, and will draft an assistance mechanism, to be reviewed by the Apparently Successful Applicant. The standard provisions for awards are generally prescribed by law and regulation for cooperative agreements. Information regarding possible award provisions will be offered to the applicant, as well as the final award provisions when the award is drafted. USAID reserves the right to accept applications in their entirety or to select only portions of the application to award.

There are reasons why an applicant may be unsuccessful at the full application phase. For example:

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- The application is not compliant with the request for full application, including (but not limited to) not adequately meeting the Merit Review Criteria
- The applicant refuses to sign the necessary certifications and representations, or does not agree to a mandatory provision;
- The applicant cannot provide evidence that it is a legal entity in the country or countries for which it is submitting an application; or
- The USAID Mission or B/IO has other concerns after conducting due diligence or pre-award surveys.

If the Apparently Successful Applicant(s) and USAID cannot arrive at a mutually agreeable arrangement, the AO will not make the award(s), which will be at no cost to the Government. USAID reserves the right to make no award under this APS or any Addendum at any stage of the process.

If requested to submit a full application, the applicant(s) (unless the applicant is an individual or Federal awarding agency that is excepted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d)), is required to:

- i. Be registered in SAM (System for Award Management) before submitting its application;
- ii. Provide a valid Unique Entity ID (UEI) number in its application; and
- iii. Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

USAID will not make a Federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time USAID is ready to make an award, USAID may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

Per 2 CFR Appendix I to Part 200, Full Text of the Notice of Funding Opportunity, Section E, 3, USAID informs all potential applicants:

- i. That the Federal awarding agency [USAID], prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM, currently Federal Awardee Performance and Integrity Information System (FAPIS) (see 41 U.S.C. 2313);
- ii. That an applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency [USAID] previously entered and is currently in the designated integrity and performance system accessible through SAM;
- iii. That the Federal awarding agency [USAID] will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in CFR 200.205 Federal awarding agency review of risk posed by applicants.

## **2. Unique entity identifier and System for Award Management (SAM)**

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*This information will be provided by each individual Addendum.*

**3. Submission Dates and Times**

This information will be provided by each individual Addendum.

**4. Intergovernmental Review**

N/A

**5. Funding Restrictions**

This information will be provided by each individual Addendum.

**6. Other Submission Requirements**

N/A

**SECTION V: Concept Paper Review Information**

**A. Merit Review Criteria**

USAID Missions and B/IOs will review for merit all Concept Papers that comply with the instructions in this APS and relevant Addendum documents. Each Addendum will specify the review criteria appropriate for its context. In addition, each Addendum must include the following criterion #1, and may additionally include criteria #s 2 and 3 if desired. The weight assigned to each merit review criterion used for each Addendum will be decided and listed in each Addendum.

Review Criteria	Definition
<p><b>1. Technical Approach</b>                      1a. The extent to which the Concept Paper advances JRS programmatic priorities and objectives based on the country context.</p> <p>1b. The extent to which the concept paper demonstrates good relevant experience and capabilities in JRS Core Principles</p>	<p>1a. The concept paper describes relevant challenges and appropriate opportunities to address such challenges of the focus country or region’s context, based on one or more of the three JRS program priorities [Addenda can specify how many], which are:</p> <ol style="list-style-type: none"> <li>1. Promote Justice</li> <li>2. Protect Rights</li> <li>3. Promote Security</li> </ol> <p>1b. The concept paper demonstrates good and relevant experience and capabilities in one or more of the JRS Core Principles [Addenda can specify how many]</p>
<p>Below are sample optional review criteria that may be included in Addenda, but are not necessary.</p>	
<p>2. Partnerships and Coordination</p>	<p>2. The extent to which the program is closely coordinated with other donors, implementers,</p>

	<p>other USAID programs, and aligned with the nation's/region's existing strategies. This could include, for example whether the technical approach engages multiple stakeholders to achieve intervention results.</p>
<p>3. Advancing New and Underutilized Partners</p>	<p>3. The extent to which the concept paper equips and empowers new and underutilized development partners to solve problems not adequately addressed by other USAID investments and that directly respond to the issues in one or more of the three JRS core program areas [Addenda can specify how many], as well as the relevant cross-cutting considerations.</p> <p>*Inclusion of this evaluation criteria means that the concept paper template must be revised to include a focus on NUP capacity building.</p>

**B. Review and Selection Process**

This information will be provided by each individual Addendum.

**C. Anticipated Announcement and Federal Award Dates**

This information will be provided by each individual Addendum.

In order to assess both Concept Papers and Full Applications, each Addendum will establish its own criteria and scoring weights.

**SECTION VI: Federal Award Administration Information**

**A. Federal Award Notices**

The AO is the only individual who may legally commit the USG to the expenditure of public funds. Applicants are prohibited from charging or incurring costs to the proposed award prior to receipt of either a fully executed Award or a specific, written authorization from the AO. Awards will be administered in accordance with 2 CFR 200, 2 CFR 700, and Standard Provisions for US/Non US organizations as applicable.

**B. Types of Award**

USAID has a number of assistance award types to choose from when providing funds under an Addendum of this APS to Apparently Successful Applicants. The type of award and terms and conditions included therein is based upon the recipient organization type, programmatic factors, and other due diligence matters (including a pre-award risk assessment) determined by the AO (in consultation with the Selection Committee). Following is a matrix of commonly used awards, their

general prescription for use and key characteristics:

<b>Award Type:</b>	<b>Generally used when:</b>	<b>Characterized by:</b>
Cooperative Agreement	Recipient has adequate financial and management capacity to operate on a cost-reimbursement basis with the USG.	Recipient is free to pursue its sponsored program with USAID Agreement Officer's Representative (AOR) and AO involved in defined technical areas (referred to as “substantial involvement”). Such involvement may include but is not limited to: approval of annual work plans, approval of key personnel, authority to halt a construction project, and joint collaboration and participation (defined in the award and specific to the project).
Grant	Recipient has adequate financial and management capacity to operate on a cost-reimbursement basis with the USG and USAID will not be “substantially involved” in selected programmatic elements.	A grant is a legal instrument used when the principal purpose is to transfer anything of value (i.e. money, property, or services) to a recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute. Grants are appropriate when substantial involvement by USAID is not anticipated. More information:  <a href="https://www.usaid.gov/ads/policy/300/303">https://www.usaid.gov/ads/policy/300/303</a>
Fixed Amount Award (FAA)	Milestones can be defined; Adequate pricing information is available; Recipient has limited financial and management capacity. Must be a grant – not a cooperative agreement.	Advantages for both USAID and the recipient (when used appropriately). Milestones with fixed amounts assigned to each. Focus is on outputs and results, limits risk for both parties. Grantee is paid when USAID concurs the milestone is completed. Minimizes administrative burden on USAID and the grantee since payment is not a cost-reimbursement. Assists in building institutional capacity of new grantees.  More information:  <a href="https://www.usaid.gov/ads/policy/300/303saj">https://www.usaid.gov/ads/policy/300/303saj</a>

### C. Award Discretion

USAID reserves the right to make or not to make awards under the Addenda of this APS. The actual number of assistance awards, if any, under the Addenda of this APS is subject to the availability of funds and the interests and requirements of Missions and Bureaus/Independent Offices (B/IOs) as well as the viability of concept papers received. There is no predefined minimum or maximum number of partners or partnerships USAID Missions and B/IOs will support through the Addendum/Addenda of this APS. However, USAID will not provide funds under any Addenda of this APS for products and services that would be purchased through a contract.

#### **D. Reporting Requirements**

This information is not applicable at the Concept Paper stage and will be provided if and when USAID requests a Full Application.

#### **E. Program Income**

Program income may be generated under awards resulting from this APS. Program income for all award(s) resulting from Addenda under this APS may be used for cost-sharing or matching in accordance with 2 CFR 200.307(e) for US NGOs and the Required as Applicable Provision “Program Income” (December 2014) in ADS 303 for non-US NGOs. If the program income is to be utilized in a different way, the Addendum document will include this information. It must be used in a manner allowable under the CFR and ADS references above.

#### **F. Initial Environmental Examination**

Program activities are not likely to result in any direct impact on the environment, except to the extent that they are designed to directly affect the environment such as construction of facilities, water supply systems, waste-water treatment, which are not immediately envisioned through this APS. Per 22 CFR 216.2(2)(c)(2)(i), the APS has received a categorical exclusion; however, as Addenda are added under the JRS APS the Missions and/or B/IOs may need to update the analysis and get their own IEE to ensure that activities have appropriately integrated environmental factors and considerations.

### **SECTION VII: Federal Awarding Agency Contact(s)**

The USAID/Washington point of contact is Michael Kwaw. The USAID AO for each specific Addendum will appoint an AOR to provide technical and administrative oversight of any awards issued. For questions regarding this APS, contact USAID/M/OAA at: [JRS-APS@usaid.gov](mailto:JRS-APS@usaid.gov).

## **Annex 1 - Concept Paper Template for JRS APS Addenda**

Concept Papers in response to the JRS APS Addenda must include the following three components. Please organize the Concept Paper according to the outline below.

The Concept Paper must (1) use standard margins, single spacing, and 12-point Times New Roman font; (2) be written in English unless otherwise specified in the Addendum. (3) have all pages numbered; and (4) use the format described below.

The Concept Paper must be submitted to the Mission or other USAID operation unit which is issuing the Addendum via email (the email address will be provided in the Addendum) as well as copied to [JRS-APS@usaid.gov](mailto:JRS-APS@usaid.gov).

### **a. Cover Page (1 page maximum - not included in the 7-page limit)**

1. USAID Addendum reference;
2. Name and address of organization;
3. Contact person (lead contact name, telephone number, and e-mail address);
4. Title of proposed program, country(tries) and sector(s) being proposed, proposed period of performance, and total dollar amount of funds requested for the proposed period of performance;
5. Identify the type of applying organization (e.g., local NGO, US NGO, etc.);  
and
6. Signature, name and title of the authorized representative of the applicant.

### **b. Concept Paper (7 page maximum)**

The Concept Paper must include:

1. A brief background on the specific JRS challenge(s)/opportunity(ies) and needs to be addressed by the project;
2. Statement of the objectives and how they relate to specific challenges/opportunities in the country(ies) and sector(s), rooted in a sound theory of change;
3. How achieving the objectives of the proposed activity will advance the Mission, Bureau, or Independent Office's development objectives and APS goals and objectives as set forth in the JRS APS and the Addendum;
4. Statement on how the relevant JRS APS Core Principles will be addressed;
5. Illustrative activities and results;
6. Role of proposed partners (such as NGOs and/or alliances with private businesses);
7. Description of how new and local partners have contributed to the design and/or will be part of the program's partnership, as appropriate;

### **c. Attachments:**

Each Concept Paper shall include the following attachments:

1. **Notional Budget** (1 page maximum - not included in the 7-page limit): A notional budget including type of budget support requested from USAID disaggregated by direct program costs and indirect costs; and
2. **Organizational Statement** (1 page maximum - not included in the 7-page limit): A brief statement of the history of the organization and its past performance and capacity relating to the Addendum.



## Annex 2 - Acronyms

ADS	Automated Directives Series
AO	Agreement Officer
AOR	Agreement Officer's Representative
APS	Annual Program Statement
CFR	Code of Federal Regulations
CLA	Collaborating, Learning and Adapting
DRG	Democracy, Human Rights, and Governance Center
FAA	Fixed Amount Award
JRS	justice, rights, and security
NGO	non-governmental organization
NPI	New Partnerships Initiative
PVO	private voluntary organization
USAID	United States Agency for International Development