

REQUEST FOR PROPOSAL

Issue Date:	January 23, 2024
Questions Submission Due Date:	January 26, 2024 by 10:00 AM EDT
Proposal Submission Due Date:	February 5, 2024 by 10:00 AM EDT

Subject:

Request for Proposal: Scoping Study to generate an Evidence-Based White Paper that defines Gender Equality and Women Empowerment in India and Evidence Summit on Gender under the USAID Advancing the U.S.-India Partnership Platform (APP) Activity.

Dear Applicant:

Enclosed is a Request for Proposal (RFP) for a **“Scoping Study to generate an Evidence-Based White Paper that defines Gender Equality and Women Empowerment in India and Evidence Summit on Gender”** to be carried out under the USAID Advancing the U.S.-India Partnership Platform (APP) Activity upon approval of USAID. Please provide a proposal by the date listed above. The proposal is to be emailed to **procurement@internationaldevelopmentgroup.com**.

If technical discussions or clarifications are necessary, please submit these questions in writing to the email address given by the date listed above. If necessary, we will arrange a conference call with the appropriate contact.

Documents received after the deadline will not be considered. This solicitation in no way obligates IDG to award a contract nor does it commit IDG to pay any cost incurred in the preparation and submission of a proposal. You are advised that this letter is not to be construed as authority to proceed with any work or to incur any obligation chargeable to IDG. Further, in the event of unsuccessful fee negotiation, IDG cannot assume any obligation for payment of any expense incurred by your firm in the presentation of your fee or premature initiation of services.

Thank you for your interest in working with IDG.

Sincerely,
IDG Procurement Team

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LIST OF TERMS AND ABBREVIATIONS

CDCS	Country Development Cooperation Strategy
CLA	Collaborating Learning and Adapting
IDG	International Development Group LLC
UEI	Unique Entity Identification Number
USAID	United States Agency for International Development

SECTION A. STATEMENT OF WORK

A.1 BACKGROUND AND INTRODUCTION

The USAID Advancing the U.S.-India Partnership Platform (APP) Activity aims to support USAID/India staff and stakeholders to be more efficient, effective, transparent and skilled in achieving planned development outcomes. Through the use of evidence, performance management techniques, and Collaborating Learning and Adapting (CLA) approaches, APP assists the Mission to advance goals mutually defined in cooperation with the Government of India (GOI) and the regional partner governments. This support platform will contribute to the development of state-of-the-art, Mission-wide monitoring and evaluation regime and advance the USAID/India Country Development Cooperation Strategy (CDCS), its projects and activities, by providing design, monitoring, evaluation, assessment, and learning, and organizational development services.

India's recent economic growth rate has masked problems still faced by the majority of its female citizens. Living with economic insecurity and social discrimination, many women face constant threats of violence including sexual assault, domestic violence and trafficking, and female labor force participation is on the decline.

The World Economic Forum's (WEF) 2023 Gender Gap Index ranks India at 127 out of 146 countries in terms of gender parity on the basis of four indicators: economic participation and opportunity, educational attainment, health and survival, and political empowerment — an improvement of eight places from last year (India was ranked 135 in 2022). India has closed 64.3 percent of the overall gender gap, the report said. However, it underlined that India has reached only 36.7 per cent parity on economic participation and opportunity (ranked just a one-step higher than its neighbor Pakistan).

India is the most populous country in the lower-middle income group. It makes up 40 percent of the income group's population share and can often drive the aggregate level of the lower-middle income group. In India, the gap between male and female labor force participation is 57 percentage points. Per the World Bank, when India is separated out from the lower-middle income group, the gender gap in participation for all other lower-middle income countries is 10 percentage points lower.

India's impressive economic growth has not translated into better human development indices for women despite efforts on behalf of the Government of India (GOI), donors, philanthropies, and the civil society community. Though the GOI is committed to women's empowerment and human rights, formal and deep-rooted informal systems do not deliver on the promise of equality. The inability of the marginalized to protect their interests is the weakest link in India's democracy.

USAID in India is pursuing a comprehensive plan to address gender-related inequalities and promote women's entrepreneurship and economic empowerment, help end child early and forced marriage, and address gender-based violence. USAID builds partnerships and leverages local resources to ensure women have equitable access to high quality healthcare, sanitation, education, nutrition, finance, household decision-making, and more. USAID is leveraging private sector partners to create an enabling environment for women to succeed by training them closer to their homes and extending credit and market accessibility to transition from informal to formal workforce.

USAID India would like to explore a pan-India picture about the current policies, strategies, and programs to promote gender equality through a scoping study among key stakeholders, which includes but not limited to the government, donors, international organizations (such as the U.N.), philanthropies, civil society organizations, academia, and the private sector. With so many stakeholders focused on gender equality and women’s economic empowerment, is there evidence to prove that programming around economic empowerment has a corollary impact in advancing social and political equality for women? What are the various indicators they are using to measure the progress of gender gaps to advance gender equality and women empowerment: equal decision-making power, equal economic opportunities, pay and status, care work-life balance, elimination of gender stereotypes and freedom from gender-based violence. How are experts measuring the gaps and are they narrowing or widening in priority areas noted above per the distinct needs and challenges of women in different geographic locations of India? How do each one of them define women empowerment or gender equality?

Ideally, this assessment will be used to inform the design and themes of a large multi-stakeholder “Evidence Summit on Gender” co-hosted by USAID/India and GOI in March end or April first week. This summit will use some of the desk literature compiled in this assessment to identify key stakeholders working in this area across the spectrum of multilateral and bilateral donors, private sector, academia, and philanthropies.

A.2 OBJECTIVES FOR THE SCOPING STUDY TO GENERATE AN EVIDENCE BASED WHITE PAPER ON DEFINING GENDER EQUALITY AND WOMEN EMPOWERMENT IN INDIA.

The overall purpose of this RFP is to assist USAID/India to:

- Understand from different stakeholders which includes but not limited to the government, donors, international organizations (such as the U.N.), philanthropies, civil society organizations, academia, and the private sector about the current policies, strategies, and programs to promote gender equality.
- Identify views of women from a wide range of backgrounds and geographies what gender equality means to them.
- With so many stakeholders focused on gender equality and women’s economic empowerment, is there evidence to prove that programming around economic empowerment has a corollary impact in advancing social and political equality for women.
- What are the various indicators they are using to measure the progress of gender gaps to advance gender equality and women empowerment: equal decision-making power, equal economic opportunities, pay and status, care work-life balance, elimination of gender stereotypes and freedom from gender-based violence.
- Topline findings on measuring women's equality and recommendations on closing gaps. How are experts measuring the gaps and are they narrowing or widening in priority areas noted above per the distinct needs and challenges of women in different geographic locations of India.
- How do each one of them define women empowerment or gender equality.

This assessment will be used to inform the design and themes of a large multi-stakeholder “Evidence Summit on Gender” co-hosted by USAID/India and GOI in March end. This summit will use some of the desk literature compiled in this assessment to identify key stakeholders

working in this area across the spectrum of multilateral and bilateral donors, private sector, academia and philanthropies.

Methodology

The bulk of the assessment will be conducted using a participatory process involving the Mission's technical and related support offices, key implementing partners and all other relevant stakeholders outside of the Mission. The assessment will include a Desk Study/Literature Review and key informant interviews, roundtable discussions, and further literature review, if needed.

i) Desk Study/Literature Review:

During this stage, the assessment team will conduct a comprehensive literature review of pertinent documents including studies and assessments conducted by bilateral and multilateral donors, civil society, the GOI, and the academic community. The team will also review USAID documents including, but not limited to, the current USAID/India CDCS, gender analyses, portfolio reviews, strategic implementation plans, situation analyses, sector assessments, performance management plans, and evaluations reports. Also, during this phase, the team will assess key policies of donors and the GOI relating to gender. Finally, during this phase the team will begin to formulate its approach and materials for developing and finalizing the key informant interviews.

ii) Qualitative Interviews

Develop a list of key stakeholders working in this space for individual interviews and focus group interviews. The team, augmented by USAID gender advisor and other relevant staff members, will conduct discussions and interviews with key informants following standard protocols. All interviews will be transcribed and placed in a google drive that all members of the team can access for review and analysis. The following is an illustrative list of agencies/individuals to be interviewed:

USAID/India implementing partners:

- Contractors, grantees, recipients

Bilateral and Multilateral Donors and Foundations:

- The World Bank
- UN organizations (UN WOMEN, UNFPA, UNICEF, ILO, and UNDP)
- Asian Development Bank
- German Development Cooperation Office (KfW)
- GIZ India (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ))
- U.S. Embassy India Political/Economic Section and Public Affairs Section
- Japanese International Cooperation Agency (JICA)
- Bill and Melinda Gates Foundation
- Ford Foundation

GOI

- Ministry for Women & Child Development
- Department of Economic Affairs
- Ministry of Human Resources Development
- Ministry of Micros and Small Enterprise
- NITI Aayog

Private Sector, Academia and CSOs

- American Business Chambers like AMCHAM, USISPF, USIBC
- Federation of Indian Chambers of Commerce and Industry (FICCI)
- Indo American Chamber of Commerce (IACC)
- Confederation of Indian Industry (CII)
- Self-Employed Women's Association (SEWA)
- Various U.S. and Indian private sector companies and foundations
- International Center for Research on Women
- South Asia Women's Foundation
- Udaiti Foundation
- Ashoka University
- Barefoot College
- Azim Premji University
- Academia Researchers (Women's Study Departments) from Regional Local and Central Universities

SECTION B. SCOPE OF WORK

B.1 OVERVIEW OF THE SCOPE OF WORK

The final product to be developed by the bidder through this assessment will be to generate an Evidence Based White Paper that defines Gender Equality and Women Empowerment in India and Evidence Summit on Gender.

The assessment is expected to provide the following deliverables (as mentioned below) in close consultation and coordination with the USAID/India mission. The team shall meet with the USAID team bi-weekly for updates and any course correction if needed.

1. An **Inception report** comprising of –
 - A **work plan** that effectively outlines the action plan, aligned with corresponding time frames for each stage of assessment.
 - Furnish a comprehensive plan that meticulously covers the following elements:
 - i. A well-defined **process and methodology** for the proposed activities, exactly aligned with the Scope of Work. This should include proposed quantitative and qualitative sampling strategies, the design of questionnaires and surveys, determination of sample sizes, outlines for key informant interviews, and a structured timeline for the entire exercise, including regular check-in with the USAID team.
 - ii. List of **identified stakeholders** for the assessment with specific focus on the government, donors, and the private sector, which should be presented to USAID/India for review and further inputs before commencing any data collection process. *Note: A broad list of stakeholders has been outlined in the methodology section.*
 - iii. Final Launch of the assessment at the “**Evidence Summit on Gender**” to present the findings and discussion around outcomes.
2. **Mission Debriefing:** A Mission debriefing (with a PowerPoint presentation) that coincides with submission of the draft report, providing a preliminary report on the study/assessment and the action plan with the findings.
3. **The Final Assessment Report:**

The final report should reflect on USAID’s global vision of ‘*Progress Beyond Programs*’ that focuses on sustainability of the impact beyond development programming. The Report will succinctly describe:

 - The gender inequality and women empowerment policies, strategies, and programs in India related to USAID/India’s current and future strategic plan and program portfolio and manageable interest.
 - Data findings to show how the USAID and other stakeholders programming around economic empowerment is helping India to close gender gaps in areas like decision-making

power, economic opportunities, pay and status, care work-life balance, gender stereotypes and gender-based violence.

- An analysis of the most binding constraints to promoting gender equality in India to include whether economic empowerment approaches have the desired result of improving gender equality in social and political contexts.
- A meta- analysis of existing relevant gender and economic empowerment research studies in India and significant issues/approaches that need to be addressed at the strategic level.
- Specific recommendations on how everyone collectively can better address these gender-related gaps.
- Up-to-date analysis on other stakeholder’s work on gender equality, and specific recommendations on how USAID/India can leverage its own comparative advantage to maximize the impact of this collective work.
- A bibliography of sources consulted, including interviews, focus groups, and any other data collection method.
- Gender data, concerns, priorities, and approaches in such a way that it not only informs the updated USAID/India’s results framework but, much more importantly, also provides useful guidance to other stakeholders. It should, where appropriate, include examples that demonstrate the application of gender analyses and lessons from experience with ongoing programs (both within and outside of USAID) that address gender constraints.

B.2 DETAILED DESCRIPTION OF SCOPE OF WORK

The response to this RFP is expected to contain a technical proposal laying out the proposed approach and implementation plan for the scoping study, including a timeline and plan for the preparatory work as well as a detailed breakdown (wherever needed).

Detailed Description of Scope of Work	
1.	The selected bidder will hold a kick-off meeting with APP and stakeholder(s) to discuss and finalize the scoping study design, list of stakeholders, timeline for data collection, and agenda.
2.	The selected bidder must provide qualified personnels to design, lead, and conduct the scoping study, including all travel costs for proposed personnel to various locations to gather relevant data for the scoping work.
3.	The selected bidder will conduct a comprehensive Desk/literature review of pertinent documents and analysis of secondary data sets. This will include a comprehensive review of existing literature, including academic papers, reports, policy documents, secondary datasets (like NFHS, NAS, NSSO etc.) and other relevant publications. This review aims to understand the current state of women's empowerment and gender equality in India and globally.
4.	The selected bidder will finalize the list of stakeholder sample to be covered and gather primary feedback from a wide range of stakeholders representing various thematic sectors, geography through conducting qualitative interviews (Focus groups, Key Informant Interviews, Thematic Round table discussions with experts) with is a key part of the data collection process.

5.	<p>Selected bidder will conduct a meta-analysis of gender and economic empowerment research studies ensuring below components and steps:</p> <ul style="list-style-type: none"> • Literature Search and Data Collection • Data Analysis and Synthesis: • Summarize the major findings related to gender and economic empowerment in India. • Summarize the key insights from the meta-analysis. • Reflect on the broader implications for gender equality and economic development in India.
6.	<p>The selected bidder will conduct Analysis of primary data from key informants’ interviews, consultations and focus group discussions to show how the USAID and other stakeholders programming around economic empowerment is helping India to close gender gaps in areas like decision-making power, economic opportunities, pay and status, care work-life balance, gender stereotypes and gender-based violence.</p>
7.	<p>The selected bidder will produce a high-level presentation and draft white paper for discussion with mission and presentation at Evidence Summit on Gender in April first week.</p>
8.	<p>The selected bidder will prepare a final report describing the results of the scoping study, lessons learned, and recommendations for further action.</p>

B.3 PERSONNEL

In order to meet the requirements of team composition for the assessment, the following is suggested for team composition:

Team Leader - 1 India based Gender and Development professional with expertise on advancing gender equality, women’s rights and safety.

Subject Matter Expert - 1 India based expert within depth knowledge of gender equality indicators and how they are measured to define the progress of gender equality and women empowerment.

Data Analyst - 1 Quantitative, Qualitative and Secondary Data Integration and Analysis Experience

If additional personnel or an alternative staffing plan is recommended by the Offeror, a justification should be included as part of the staffing plan.

SECTION C. DELIVERABLES AND PERIOD OF PERFORMANCE

C.1 PERIOD OF PERFORMANCE

The total period of performance will be approximately 3 months from the date of signing the contract. The anticipated contract is estimated to begin on or about February 14, 2024, and end on approximately June 15, 2024. The data collection for the scoping study should take place between February 14 to March 15, 2024.

C.2 LIST OF DELIVERABLES

Deliverable Schedule

Index	Time frame	Description
D01	To be completed Within 10 business days after contract signing	An Inception report comprising of – <ul style="list-style-type: none"> • Detailed work plan. • A well-defined process and methodology for the proposed activities, exactly aligned with the Scope of Work. • List of identified stakeholders for the assessment. • Tools for consultations (FGD, KII, Round Tables) with various stakeholders
D02	To be completed Within 4-5 weeks after contract signing	Secondary literature review and data collection from various stakeholders
D03	To be completed Within 6-7 weeks (approximately first week of April 2024) after contract signing	Analysis of data and a preparation of a topline presentation with draft white paper document (that will be presented at conclave and vetted by experts as part of the feedback process)
D04	Within 10 weeks after contract signing	Submission of draft scoping study report
D05	Within 16 weeks after contract signing	Submission of final report, whitepaper and all relevant documents, transcripts, and data

SECTION D. PAYMENT

D.1 PAYMENT SCHEDULE

The prospective Contractor will be paid based on the submission of deliverables as below:

Output	Contract Amount (%)	Amount in Value (USD)
Completion and acceptance of deliverable D01	15%	TBD
Completion and acceptance of deliverables D02 and D03	45%	TBD
Completion and acceptance of deliverable D04 and D05	40%	TBD

D.2 PAYMENT DETAILS

The prospective Firm will be responsible for any correspondent bank fees associated with transfers. The payment will be sent by the IDG home office in Virginia, United States of America, with funding provided by USAID, within thirty (30) days of receipt of an accurate invoice and accepted milestone deliverable.

SECTION E. PROPOSAL INSTRUCTIONS

E.1 QUESTIONS CONCERNING THE RFP

Questions regarding this opportunity must be submitted by **January 26, 2024**, at **5:00PM EDT** to procurement@internationaldevelopmentgroup.com. In the subject line reference: **Questions – Gender Scoping Study**.

E.2 PROPOSAL DUE DATE

Proposals, consisting of the documentation required in Section E must be submitted electronically to procurement@internationaldevelopmentgroup.com on or before the date listed in the cover page. All submitted documents must conform to the requirements outlined in the solicitation.

Documents received after the deadline may not be considered. If Offeror submits a proposal earlier than the deadline, IDG may choose to proceed with an earlier proposal evaluation process, which may result in an earlier award. This solicitation in no way obligates IDG to award a contract, nor does it commit IDG to pay any cost incurred in the preparation and submission of a proposal.

E.3 PROPOSAL SUBMISSION INSTRUCTIONS

Documents prepared in response to this RFP must be submitted in accordance with the instructions described below.

Language: Technical and financial proposals shall be submitted in English. Offers received in a language other than English shall be rejected.

Validity: Proposal submissions must remain valid for 45 days from the date of submission.

Format:

- The proposal should be prepared in two separate electronic volumes, separating the technical and financial proposals. Both proposals must be signed by an authorized representative of the Bidder.
- Technical proposals must be submitted as an Adobe PDF file. Financial proposals must be submitted with a detailed budget in the Excel budget template provided with clear quantities and unit prices (including required travel) and a detailed budget narrative in PDF or Microsoft Word describing the basis of the prices proposed. All text should be Times New Roman font, in no smaller than 12-point for text and 10-point for spreadsheets, and any font size for graphics if they are legible.

TECHNICAL PROPOSAL

The technical proposal must include the following:

Proposed Scoping Study Methodology, List of Stakeholders sample covered and geographical spread and Draft Implementation Plan: The Bidder must submit three main components in the technical proposal: (i) a brief statement summarizing the Bidder's understanding of this assignment overall; (ii) the technical approach and methodology to conduct the scoping study providing details on stakeholders sample covered, geographical spread and theme wise sectors covered to conduct FGDs, KIIs and Roundtables with experts

to collect primary data and (iii) the proposed implementation plan and timeline, including preparatory work. (**Maximum 5 pages**) Pages in excess of the 5-page limit will not be evaluated.

- **Personnel and Staffing Plan:** Bidders must submit a staffing plan (ANNEX 1) and the relevant CVs (ANNEX 2) of the proposed personnel who will design, lead, and facilitate the gender empowerment scoping study and any other personnel. The staffing plan will show each personnel and their role assignments. Each CV has a **maximum of three (3) pages**. Pages in excess of the 3-page limit will not be evaluated.

FINANCIAL PROPOSAL

In preparing the financial proposal/budget submitted in response to this solicitation, the Offeror shall note the following:

- In preparing the financial offer, the bidder must ensure the total estimated cost including any applicable taxes is within the maximum ceiling. Offeror is responsible for any taxes and duties payable with respect to the services rendered under the contract resulting from this RFP.

STRUCTURE OF PROPOSALS

The proposal submissions must be structured as follows:

Volumes: The proposal shall be prepared as two (2) separate electronic volumes:

Volume 1 – Technical Proposal (maximum 5 pages)

- Understanding of Requirements
- Methodology, Stakeholders sample covered and geographical spread for data collection and Implementation Plan
- Personnel (excluded from page limit above)
 - Appendix A: Staffing Plan (**no page limit**)
 - Appendix B: CVs of Proposed Personnel (**maximum 3 pages each**)

Volume 2 – Financial Proposal (no page limit)

- Detailed Excel budget (see RFP Annex 4)
- A detailed budget narrative
- Representations and Certifications: A completed copy of the representations and certifications must be submitted with the proposal. A copy of Section 889 Certification (Annex 5) filled out by the organization must be submitted with the proposal.
- Evidence of Responsibility: The Bidder will make an affirmative determination of responsibility and must address each element of responsibility in the template provided (Annex 6).
- Unique Entity Identification Number (UEI): The bidder must provide their SAM Unique Identifying Number. If unavailable, the bidder must provide supporting documentation to verify this has been applied for in advance of submission.

The proposal must be emailed to procurement@internationaldevelopmentgroup.com no later than the time and date shown on the cover letter. Note: Please make sure to type the email addresses as per instructions. It is the offeror's responsibility to verify receipt of their quote by IDG.

SECTION F. EVALUATION CRITERIA FOR AWARD

F.1 GENERAL EVALUATION INFORMATION

The proposal will be evaluated according to the following general criteria (detailed criteria is outlined in the next Section):

- Previous organizational experience successfully implementing similar projects.
- Demonstrated understanding of the requirements set forth in the RFP;
- Relevance and quality of proposed training design and implementation plan;
- A review of the qualifications and experience of personnel responsible for managing the Project; and
- Reasonableness of the proposed prices.

The Bidder's proposal should contain the Bidder's best terms from a price and technical standpoint.

F.2 AWARD OF CONTRACT

After completing negotiations, IDG will submit an approval request to USAID to obtain approval to award the contract. Once approved, IDG will promptly notify the Bidder. The Bidder is expected to commence the assignment on the date and at the location specified in the final subcontract.

F.3 FRAUD AND CORRUPTION

IDG does not tolerate fraud, collusion among Bidders, falsified proposals/bids, bribery, or kickbacks. Any firm or individual violating these standards will be disqualified from this procurement, barred from future procurement opportunities, and may be reported to both USAID and the Office of the Inspector General.

F.4 CONTRACTING ELIGIBILITY

As per USAID requirements, all prospective companies wishing to submit a proposal must be owned and operated independently and may not be owned (in full or in part) or operated by any government entity. Any company or enterprise in which the government has a controlling interest is not eligible for this procurement.

ANNEX 1 - STAFFING PLAN

Expectations regarding the staffing plan should be conveyed in the table below. The Bidder may suggest integrating additional resources or roles in the team, in which case The Bidder is expected to insert a clear justification in this Section of the proposal.

Team Composition, Assignments, and Qualifications Template

Name of Staff and Position Assigned	Position Requirements/Tasks/ Responsibilities	Relevant Qualifications and Experience

ANNEX 2 - CV TEMPLATE

[Name]

[Proposed Position]

[Summary of personnel experience] Mr./Ms. ...

EDUCATION: [Degree], [Field of Study], [University], [Year Graduated]

PROFESSIONAL EXPERIENCE:

Year [Position], [Project if any], [Company name], [Country]

LANGUAGE: [Language][Level]

REFERENCES: [please specify three references]

[Name], [Position], [Company], [Email], [Phone number]

ANNEX 3 - FINANCIAL PROPOSAL SUBMISSION LETTER

[Location, Date]

To: [Name and address of Client]

Dear International Development Group LLC:

We, the undersigned, offer to provide the consulting services for [Insert title of assignment] in accordance with your Request for Proposal dated [Insert Date] and our Technical Proposal. Our attached Financial Proposal is for the sum of [Insert amount(s) in words and figures], all taxes inclusive. It is formed by [Insert amount(s) in words and figures] for the year 2023, and [Insert amount(s) in words and figures] for the year 2024.

Our Financial Proposal should be binding upon us subject to the modifications resulting from Contract negotiations, up to expiration of the validity period of the Proposal.

We understand you are not bound to accept any Proposal you receive.

We remain,

Yours sincerely,

Authorized Signature [In full and initials]: _____

Name and Title of Signatory: _____

Name of Bidder: _____

Address: _____

ANNEX 4 - BUDGET TEMPLATE

Please see the Excel attachment for the price proposal as an example.

ANNEX 5 - SECTION 889 CERTIFICATION

Section 889 Certification

DATE: **DATE**

FROM: **NAME**

TO: International Development Group Advisory Services, LLC

SUBJECT: Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (Section 889)

FIRM NAME certifies that it is in compliance with the below Federal Acquisition Regulations (FAR).

52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Nov 2021)

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it "does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument" in paragraph (c)(1) in the provision at [52.204-26](#) , Covered Telecommunications Equipment or Services—Representation, or in paragraph (v)(2)(i) of the provision at [52.212-3](#), Offeror Representations and Certifications—Commercial Products or Commercial Services. The Offeror shall not complete the representation in paragraph (d)(2) of this provision if the Offeror has represented that it "does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services" in paragraph (c)(2) of the provision at [52.204-26](#), or in paragraph (v)(2)(ii) of the provision at [52.212-3](#).

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

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) *Prohibition.* (1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".

(d) *Representation.* The Offeror represents that—

(1) It **will, will not** provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds "will" in paragraph (d)(1) of this section; and

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

It **does, does not** use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds "does" in paragraph (d)(2) of this section.

(e) *Disclosures.* (1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded "will" in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded "does" in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

Name and Title: _____

Signature : _____

Date: _____

ANNEX 6 - EVIDENCE OF RESPONSIBILITY

▪ Authorized Negotiators

[Names of authorized negotiators]

▪ Adequate Financial Resources

[Company Name] has adequate financial resources to perform the contract, or the ability to obtain them. [expand your certification with brief supporting information, as necessary]

1. Please briefly describe your relationship with your bank, your line of credit, etc. this should be one sentence. Where does your working capital come from?

▪ Ability to Comply

[Company Name] is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments. [expand your certification with brief supporting information, as necessary]

- Briefly describe the systems your company has in place for project management, administration, financing, monitoring, and reporting. These should be a couple of sentences. Briefly describe the systems your company uses to identify and mitigate risk throughout the life of a project. Confirm that your company complies with reporting requirements.
- Briefly identify the number of projects completed, the amount, and whether or not there were any cost overruns, and whether task orders were completed on time.

Include a statement that the company is able to comply with the proposed delivery of performance schedule, having taken into consideration all existing business commitments, commercial as well as governmental.

4. Record of Performance, Integrity, and Business Ethics

[Company Name] has a satisfactory performance record in accordance [expand your certification with brief supporting information, as necessary]

- Confirm that your company has complied with contract requirements in the past adhered to contract schedules, including the administrative aspects of performance.
- Confirm your company's record of forecasting and controlling costs.
- Confirm that your principals have never been debarred or suspended.
- Explain how the company will work with the Client to ensure work quality.

[Company Name] has a satisfactory record of integrity and business ethics. [expand your certification with brief supporting information, as necessary]

- Confirm that your company has never been accused of unethical business practices
- Reference your completion of the Representations and Certifications document.
- Identify your company's code of conduct or code of ethics, and briefly describe its contents

5. Organization, Experience, Accounting and Operational Controls, and Technical Skills

[Company Name] has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedures, property control systems, quality assurance measures, and safety programs applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors). [expand your certification with brief supporting information, as necessary]

- Identify the number of projects your company has completed as evidence of its experience.
- Reference your company's past performance record.
- Demonstrate that your company has the capacity in accounting and financial capacity to complete The Project.
- Identify the type of accounting software your company uses and justify the selection of this software. Is it secure and equipped to handle government contracts?

6. Equipment and Facilities

[Company Name] has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them. [expand your certification with brief supporting information, as necessary]

- Briefly describe your company's building and facility.
- Briefly describe your company's Information Technology systems including hardware, software, and internet connectivity.

▪ Eligibility to Receive Award

[Company Name] is otherwise qualified and eligible to receive an award under applicable laws and regulations. [expand your certification with brief supporting information, as necessary]

1. Recertify that neither your company nor any of your principals are presently debarred, suspended, proposed for debarment, or declared ineligible for the award of a contract by any Federal agency.
2. Certify that neither your company nor any of its principals have been convicted of or had a civil judgment rendered against them for a commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contractor subcontract.
3. Confirm that neither your company nor any of its principals has been convicted of committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property, and are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with the commission of any of the offenses enumerated above.

▪ Organization of Firm

With the signature below, [Company Name] certifies that the above statements are accurate, complete, and current.



Signature: .

Name: .

Title: .

Date: .