



Field Office:

34 Chavchavadze Ave, 8th floor
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Tel: 995 32 224 31 11

Good Governance Initiative (GGI) in Georgia (AID-114-C-15-00001)

Date of Issuance: 27 April, 2021

Closing Date for Questions: 4 May, 2021

GGI answers to bidder's questions: 7 May, 2021

Closing Date for Submission of Proposal: 18 May, 2021 5:30 PM, Tbilisi time

Subject: Tetra Tech ARD Request for Proposal No. GGI-RFP-064 entitled “*Support Akhaltsikhe City Hall to effectively conduct Participatory Budgeting process for FY2022 with active participation of the local citizens*”

Dear Sir/ Madam,

You are kindly invited to submit a technical and financial proposal relating to ARD, Inc.

Request for Proposal No. GGI-RFP-064

- ARD, Inc intends to issue a Firm Fixed Price subcontract for this work
- Costs incurred by respondents for the preparation of a proposal and the negotiation of contract are not reimbursable.
- ARD, Inc is not bound to accept any of the proposals submitted.
- ARD, Inc reserves the right to accept an offerors proposal without further discussion.
- ARD, Inc will only evaluate proposals from registered, qualified firms to execute and implement the work under this project.
- Offerors are required to obtain DBA Insurance prior to commencement of any services. See section 3. Financial Proposal for more information.
- The Offers must be able to complete all the items stated in the Statement of Work in Attachment A.
- Tetra Tech ARD reserves the right to order in phases or by activities that are most advantages to ARD, Inc.
- Offerors **MUST NOT** provide any goods and/or services that utilize telecommunications and video surveillance products from the following companies: Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company, or any subsidiary or affiliate thereof, in compliance with FAR 52.204-25.

Please note that in submitting a response to this RFP, the Offeror understands that USAID is not a party to this solicitation and the Offeror agrees that any protest hereunder must be presented – in writing with full explanation – to Tetra Tech ARD for consideration as USAID will not consider protests regarding procurements carried out by implementing partners. Tetra Tech ARD, at its sole discretion, will make a final decision on the protest for this procurement.



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Questions:

All questions and inquiries related to this request must be submitted prior to the Closing Date for questions shown above for this RFP. All "Offerors" must submit their questions to **ARD, Inc.** via the below email address:

smallgrants@ggi.ge

The subject line should have: **"Questions for RFP No. GGI-RFP-064"**

In compliance with standard procedure, all inquiries and comments will be shared with the rest of the Offerors along with ARD, Inc.'s response. Questions received after the closing date for questions may not be answered.

Proposal Submittal requirements:

- Proposals shall be submitted via e-mail.
- The Subject line of the email should read: **"Proposal for RFP No. GGI-RFP-064"**
- Proposals received after the exact time specified for receipts of offer shall be considered late and will be considered only at the discretion of ARD, Inc.

Respondents shall receive an email acknowledging that their Proposal has been received upon its submission.

Proposal Instructions and Required Format

It is requested that Offerors organize their Technical and Financial Proposals as noted below. This request is made to facilitate ARD, Inc.'s review of the submitted material thus enabling a rapid decision and contracting process.

The Offeror shall submit its best price offer/proposal to complete the Statement of Work (SOW) in Attachment A and shall contain the following information detailed in Sections 1 thru 4 below:

1. Proposal Cover Letter:

The proposal cover letter should be signed by an authorized representative.

2. Technical Proposal:

The technical proposal must be written in English. There should be a maximum of 10 type-written pages, excluding appendixes/supporting documents, with no more than 3 pages covering Company Information and Relevant Past Performance. (Desired Format - Type: Times New Roman, Font Size 11, Margins: 1" all around)



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The technical proposal shall address the subjects outlined below:

A. Firm Information

- Provide the name, address and copy of your firm's business registration.
- Provide the primary contact information for this project.
- If you intend to subcontract any portion of the requested work to other firms or institutions, provide the above information for each partner and the percentage of the work that they will be performing.
- Please describe your firm's management structure, list all owners.

B. Corporate Capabilities and Past Performance

- i. Summary of Corporate Capabilities.
- ii. Summary of relevant past experience your firm has had in performing work similar to that described in Attachment A. Statement of Work.
- iii. Performance references for similar projects.
For each project, please include the name of the client and his or her contact information (current and most recent information required, within the last three years). It is ARD, Inc.'s intention to contact some of these clients for testimonials regarding your firm's performance in these areas:
 - The quality of the work performed by the Offeror,
 - The timeliness of the effort performed by the Offeror, and
 - Whether the Client would use Offeror's services should they have similar needs in the future?

C. Technical Approach

- i. Please submit a detailed technical write-up of the proposed implementation strategy and management for this specific project detailed in Attachment A.
- ii. Please submit a detailed technical write-up of the proposed implementation strategy and management for this specific project. Offerors must include an excel timeline, Gantt chart, or similar should be included as a requirement.
- iii. Identify the Key Personnel that would be working on this project assuming an award. Please include a brief statement about their capabilities and experience. CVs should be provided.

3. Financial Proposal

The Offeror's proposed Financial proposal must represent its best price offer in response to the solicitation, and shall contain the following:

- A. Budget.** Offerors must use budget template in Attachment B.



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B. Budget narrative. A detailed narrative describing the basis on which the costs were derived should be provided to allow a complete analysis of the Offeror's cost/price.

Please note, in accordance with USAID regulations, Offerors should budget for worker's compensation insurance with USAID's approved DBA insurance provider – AON Risk Insurance. Details and pricing for DBA insurance can be found here: <https://www.usaid.gov/sites/default/files/documents/1868/AAPD17-01-Revised.pdf>. Offerors are requested to please include in the budget a line under ODCs for DBA insurance for budgeted staff (long and short term), and may include the costs of the wire transfer payment. As a reminder, DBA insurance is only applied as a percentage of an individual's actual base salary, not as a percentage of the fully burdened fixed daily rate.

Additionally, please note that the selected Offeror will need to ensure that a DBA insurance policy is obtained from AON Risk Insurance. The first deliverable of any awarded subcontract will be submission of documentation verifying that DBA insurance is in place.

4. Required Certifications

Offeror shall submit the required signed certifications as indicated in Attachment D.

List of RFP Attachments:

Attachment A: Statement of Work
Attachment B: Budget Template
Attachment C: Proposal Evaluation Criteria
Attachment D: Required Certifications

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Attachment (A)**Statement of Work****INTRODUCTION**

Tetra Tech ARD is implementing the Good Governance Initiative (GGI) in Georgia project, funded by the United States Agency for International Development (USAID). Its goal is to strengthen transparency, accountability, and effectiveness of governance in Georgia, within the legislative and executive branches at the central and local government levels. GGI's primary partners are different agencies in the Executive branch, as well as Parliament of Georgia and the objectives of the project are:

- Improved public administration at all levels
- Access to independent and reliable information and increased civic engagement
- evidence-based policy development and law-making
- Strengthened institutional oversight of government.

Among other activities, GGI intends to support City Hall of Akhaltsikhe Municipality to effectively conduct participatory budgeting processes for FY2022 with active participation of the local citizens.

Background

GGI has been providing support to Akhaltsikhe City Hall to introduce Participatory Budgeting process. Participatory budgeting enables citizens to influence government policies and hold government accountable.

In close cooperation with Estonian e-Governance Academy and its local partner (IDFI), GGI helped Akhaltsikhe City Hall to pilot VOLIS – an Estonian System for e-engagement of citizens in local activities and conduct participatory budgeting processes in Akhaltsikhe for FY2019 and FY2020. GGI also provided support to Akhaltsikhe City Hall to carry out participatory budgeting process for FY2021. The implementation of the winning projects is funded by Akhaltsikhe municipal budget.

Akhaltsikhe City Hall is committed to continue implementation of the participatory budgeting process for the FY2022 and following years and spare no efforts to ensure increased participation of the local citizens.



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OBJECTIVE AND INTENDED OUTCOME

The overall objective of this assignment is to support Akhaltsikhe City Hall to effectively conduct participatory budgeting process for FY2022 with active participation of the local citizens.

Specific objective is to support Akhaltsikhe City Hall to further **institutionalize** and **improve** Participatory Budgeting process as well as **conduct robust public awareness** and **education campaign** to promote benefits of participatory budgeting, provide detailed guidance and encourage local citizens to participate in the Participatory Budget (PB) process for FY2022. Specific purpose of public awareness and educational campaign is to:

- Highlight importance and benefits of Participatory Budgeting process;
- Build public trust towards Participatory Budgeting process and highlight commitment of the local government to fund and implement winner project;
- Call on the local citizens to actively participate in the PB process;
- Describe each step of citizens' participation in PB starting from proposal submission to voting as well as monitoring the implementation of the winner project;
- Highlight specific timelines of the Participatory Budgeting;
- Support municipal management to better institutionalize the process to ensure its uninterrupted implementations beyond 2022, including:
 - Improvement of legislative framework
 - Improvement of the project assessment/appraisal process/procedures with particular focus on its budget
 - Improvement of a methodology to evaluate PB process and the instrument

SPECIFIC REQUIREMENTS UNDER THE OBJECTIVE

The selected bidder in close coordination with **USAID GGI** and **City Hall of Akhaltsikhe Municipality** shall undertake and complete the following key tasks:

- Develop a detailed **work plan** in line with the scope of work of this assignment.
- Get thoroughly familiar with analytical reports prepared (as a result of GGI's interventions) on conducted PB process in Akhaltsikhe municipality including promotion campaigns together with set of recommendations for the next PB cycles (*selected bidder is also encouraged to get familiar with the similar reports prepared on conducted PB processes in Batumi and Kutaisi*).

Institutionalization of the PB Process (*Duration: 1 week*):

- Provide support to City Hall of Akhaltsikhe to further improve legislative package aimed



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at institutionalization of PB process in Akhaltsikhe Municipality.

Technical aspect of the PB process

- Provide support to Akhaltsikhe City Hall to improve and institutionalize existing online platform for PB (*or develop new online platform to ensure greater public participation*).

Communication Strategy Preparation (*Duration: 1 week*):

- Analyze existing communication capacities of the municipality.
- Analyze exiting methodology to effectively monitor winner project implementation process and develop recommendations for improvement.
- Conduct analysis of PB FY2019, FY2020 and FY2021 winner projects' implementation process (including progress, remaining phases if any, anticipated completion timelines).
- Conduct audience segmentation and message development (*by age, gender, what messages/tools will work best for each segment? What do we want them to know? What do we want them to do? How do we reach them?*);
- Preparation of draft communication materials (including presentation and handouts) and posters;
- Test and finalize communication material and posters with selected focus groups (*at least two focus group meetings*).

Communication Strategy Roll-out (*Duration: May, June, July, 2021*):

After the formal launch of the PB processes by Akhaltsikhe City Hall (May, 2021) organize follow-up activities such as but not limited to:

- Informational meetings and focus group discussions with local citizens in Akhaltsikhe municipality aiming at:
 - equipping participants with knowledge on the benefits of the PB;
 - providing detailed information on the PB process and procedures: including development and registration of the proposals and participation in voting;
 - providing detailed information on FY2019, FY2020 and FY2021 PB processes, winning projects and status of winning project implementation;
 - provide detailed information on how to monitor winner project implementation process;



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- encouraging participants to get engaged in the PB process (*at least 5 public discussions with participation of at least 200 local citizens, and at least 10 focus group discussions with participation of at least 100 participants*).
- Local TV station Talk shows dedicated to PB (*at least 3 talk shows*);
- Radio programs dedicated to PB (*at least 3 talk shows*);
- Articles in the local printed media, Facebook and other social media (*4 articles: from City Hall Officials - Mayor or/and Deputy Mayor; relevant local municipal representatives (possibly CSOs); Articles on international best practices and experience related to PB*);
- Promo newsletters through Facebook and other social media (*at least 20 newsletters*);
- Placing promotional posters in public places (*at least 300 posters*);

Selection of Projects Proposals for the Voting Phase *Duration: May, June, July, 2021*):

- Conduct coaching of the relevant staff of the Akhaltsikhe City Hall to effectively evaluate viability and adequacy of project proposals with particular focused on its implementation budget. Selected bidder should use methodology developed through GGI's earlier intervention.

Promotion of the PB Voting Phase *(Duration: August – first half of September, 2021)*:

- Promote voting phase in Akhaltsikhe Municipality using all possible channels of communication including but not limited to blogposts, articles, interviews, TV and Radio shows.

Learning and Promotion of Results: *(Duration: October, 2021)*:

- Disseminate information on the winning project in Akhaltsikhe Municipality using all possible channels of communication including but not limited to blogposts, articles, interviews, TV and Radio shows, featuring winner project initiators and local Government officials (Mayor or/and Deputy Mayor)

Evaluation of the conducted PB process *(Duration: December, 2021)*:

- Develop recommendations to further improve methodology to analyze PB process including promotion campaign (the methodology has been developed through GGI's earlier intervention).



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Based on the methodology conduct analysis of PB process of FY2022 and develop lessons learned together with the set of recommendations for the next PB cycles

Project Conclusion (Duration: December 2021):

- Develop a final report on the technical assistance to Akhaltsikhe City Hall in English language.

While planning and implementing Participatory Budgeting activities including promotion campaign the selected bidder should take into account recommendations developed as a results of the analysis of conducted PB process in Akhaltsikhe, Batumi and Kutaisi municipalities (*through GGI's interventions*).

Depending on the covid-19 status, use of online tools are highly encouraged in implementation of the above mentioned tasks.

DELIVERABLES

Following deliverables will be produced by the selected bidder for the assignment:

- Detailed work plan in line with the scope of work of this assignment (GEO-ENG);
- Recommendations to further improve existing legislative package aimed at institutionalization of PB process in Akhaltsikhe Municipality (GEO);
- Brief analytical report on existing communication capacities of Akhaltsikhe City Hall (GEO);
- Improved/increased usage of the online platform for PB or new online platform to ensure greater public participation;
- Recommendations to further improve methodology to effectively monitor winner project implementation process (GEO);
- One pager document on the progress of implementation of winner projects of PB FY2019, FY2020 and FY2021 in Akhaltsikhe City Hall (GEO);
- One pager document defining different segments of the audience to work with during the information campaign (GEO).
- One pagers with key messages tailored to each identified segment in Akhaltsikhe Municipality (GEO);
- Communication materials (including presentation and handouts) and posters (GEO);
- At least 3 talk shows aired in Local TV stations;
- At least 3 talk shows aired in the local Radio stations;
- At least 4 articles published in local printed media and through Facebook and other social media (*4 articles: from the City Hall Officials - Mayor or/and Deputy Mayor;*



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relevant local municipal representatives (possibly CSOs); Articles on international best practices and experience related to PB);

- Promo Newsletters published through Facebook and other social media (at least 20 newsletters)
- At least 5 public discussions with participation of at least 200 local citizens in total;
- At least 10 focus group discussions with participation of at least 100 participants in total;
- At least 300 posters are placed in public places;
- Brief report on the coaching sessions conducted for the relevant staff of Akhaltsikhe City Hall to effectively evaluate viability and adequacy of project proposals with particular focused on its implementation budget along with recommendations to improve exiting methodology (GEO).
- Proof of PB voting phase promotion conducted through all possible channels including but not limited to blogposts, articles, interviews, TV and Radio shows;
- Proof of promotion of winner project through all possible channels including but not limited to blogposts, articles, interviews, TV and Radio shows featuring winner project initiator and local Government officials;
- Recommendations to further improve methodology to analyze PB process including promotion campaign (GEO).
- Analytical report on the PB process of FY2022 in Akhaltsikhe including promotion campaign with lessons learned and set of recommendations for the next PB cycles. Analytical report should be developed in Georgian and based on the above mentioned methodology.
- All deliverables in the final form including the final report summarizing work conducted and the results achieved (*Final report should be produced in English*).

Minutes from all of the meetings and discussions (including participant sign in sheets/event tracking forms; issues discussed as well as photos/screenshots from the events) submitted to GGI.

The selected bidder shall provide **regular reporting** throughout the assignment, including bi-weekly progress reports using the formats provided by GGI (in English).

Branding instructions and official logos for the promotional products developed under this subcontract will be provided by GGI.

ACTIVITY TIMELINE:

The bidder will complete the work on or **before December 31, 2021**.



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Project implementation timeline may change due to developments related to the covid19 outbreak.

The implementation of the project must be carried out in full coordination and cooperation with **Akhaltzikhe City Hall and USAID GGI**.

The selected bidder shall be responsible for successful delivery and implementation of the Project within the specified timeframe and budget. Additionally, the selected Bidder shall follow the agreed tasks and achieve all desired goals and requirements, so the project is managed in an efficient and effective manner.

**Attachment (B)
Budget
Included as an Excel Spreadsheet**

BUDGET				
DIRECT LABOR				
Position	Name	Rate	Days (Basis)	Total
				-
				-
				-
				-
Total Direct Labor				-
TRAVEL, TRANSPORTATION and PER DIEM				
Description		Rate	Units (Basis)	Total
				-
				-
				-
				-



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Total Travel, Transportation & Per Diem				-
OTHER DIRECT COSTS				
Description	Rate	Units (Basis)	Total	
	2% of actual salaries (exclusive of fringe benefits)			
	Offerors may include cost of wire for DBA insurance payment			
DBA Insurance				
Total Other Direct Costs				-
Fee				-
Total Fee				-
TOTAL COSTS				GEL -

**Attachment (C)
Proposal Evaluation Criteria**

Proposals will be reviewed to check for eligibility and completeness of the submission. All eligible and complete proposals will be reviewed by an Evaluation Committee.

GGI intends to award a subcontract to the responsible bidder whose proposal conforms to the solicitation and represents the best value after evaluation in accordance with the criteria listed here. All bidders who receive more than 75 points from the evaluation process will be considered to be "qualified bidders." The subcontract will be awarded to the qualified bidder who offers the lowest price.

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Firm's Past Experience and Implementation of Similar Assignments (maximum 40 points)	USAID GGI considers past success in conducting similar activities as essential for this activity. Proposals will be evaluated on the Bidder's experience in the field of Public Finance Management as well as in conducting promotional activities aimed at ensuring greater public participation in the governance. Please submit information that will help establish the Bidders' successful record in such cases.
Adequacy of the Technical Proposal and Work Plan (maximum 50 points)	The proposal and work plan will be evaluated based on clarity, adequacy, timeframe and efficiency in order to reach targeted objectives.
Technical Experience and Demonstrated Competency of the Offeror's Team (maximum 10 points)	Tetra Tech ARD will evaluate CVs and qualifications of the proposed team members who would be involved in this activity, based on professional experience and expertise in the field of PFM and promotion activities as well as communications aimed at ensuring greater public participation in the governance.

Price will not be ranked by the Evaluation Committee but will be considered by ARD, Inc in determining the best overall value. Bidders are encouraged to present their most competitive pricing for this activity since the subcontract may be awarded without further negotiation to the qualified bidder who proposes the lowest price.

Attachment (D)**Certifications****1. CERTIFICATION REGARDING RESPONSIBILITY MATTERS.****FAR Reference 52.209-5.**

As prescribed in 9.104-7(a), insert the following provision:

Certification Regarding Responsibility Matters (AUG 2020)

(a) (1) The Offeror certifies, to the best of its knowledge and belief, that –



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(i) The Offeror and/or any of its Principals –

(A) Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have not within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; and

(C) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision.

(D) Have not within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

(1) Federal taxes are considered delinquent if both of the following criteria apply:

(i) *The tax liability is finally determined.* The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(ii) *The taxpayer is delinquent in making payment.* A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

(2) *Examples.*

(i) The taxpayer has received a statutory notice of deficiency, under I.R.C. § 6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not



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be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(ii) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. § 6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(iii) The taxpayer has entered into an installment agreement pursuant to I.R.C. § 6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(iv) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. 362 (the Bankruptcy Code).

(ii) The Offeror has not, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

- (b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional



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information as requested by the Contracting Officer may render the Contractor non responsible.

- (d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

2. KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING

22 CFR Part 140, Prohibition on Assistance to Drug Traffickers.

Note: This certification shall be filled by any key person proposed in the project.

I hereby certify that within the last ten years:

- 1. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any other country concerning narcotic or psychotropic drugs or other controlled substances.
- 2. I am not and have not been an illicit trafficker in any such drug or controlled substance.
- 3. I am not and have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

NOTICE:

- 1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain key individuals of organizations must sign this Certification.
- 2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.



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3. A false certification from a key person involved in the project, shall result in the termination of his/her contract with the operator.

3. CERTIFICATION REGARDING TERRORIST FINANCING

Implementation of Executive Order 13224

Certification Regarding Terrorist Financing, Implementing Executive Order 13224

- (a) The Recipient, to the best of its current knowledge, did not provide, within the previous ten years, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts, as that term is defined in paragraph (c).
- (b) The following steps may enable the Recipient to comply with its obligations under paragraph (a)
 - (1) Before providing any material support or resources to an individual or entity, the Recipient will verify that the individual or entity does not (i) appear on the master list of Specially Designated Nationals and Blocked Persons, which list is maintained by the U.S. Treasury's Office of Foreign Assets Control (OFAC) and is available online at OFAC's website: <http://www.treas.gov/offices/eotffc/ofac/sdn/t11sdn.pdf>, or (ii) is not included in any supplementary information concerning prohibited individuals or entities that may be provided by USAID to the Recipient.
 - (2) Before providing any material support or resources to an individual or entity, the Recipient also will verify that the individual or entity has not been designated by the United Nations Security (UNSC) sanctions committee established under UNSC Resolution 1267 (1999) (the "1267 Committee") [individuals and entities linked to the Taliban, Usama bin Laden, or the Al Qaida Organization]. To determine whether there has been a published designation of an individual or entity by the 1267 Committee, the Recipient should refer to the consolidated list available online at the Committee's website: <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>.
 - (3) Before providing any material support or resources to an individual or entity, the Recipient will consider all information about that individual or entity of which it is aware and all public information that is reasonably available to it or of which it should be aware.
 - (4) The Recipient also will implement reasonable monitoring and oversight procedures to safeguard against assistance being diverted to support terrorist activity.



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(c) For purposes of this Certification-

- (1) "Material support and resources" means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials."
- (2) "Terrorist act" means-
 - (i) an act prohibited pursuant to one of the 12 United Nations Conventions and Protocols related to terrorism (see UN terrorism conventions Internet site: <http://untreaty.un.org/English/Terrorism.asp>); or
 - (ii) an act of premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; or
 - (iii) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.
- (3) "Entity" means a partnership, association, corporation, or other organization, group or subgroup.
- (4) References in this Certification to the provision of material support and resources shall not be deemed to include the furnishing of USAID funds or USAID-financed commodities to the ultimate beneficiaries of USAID assistance, such as recipients of food, medical care, micro-enterprise loans, shelter, etc., unless the Recipient has reason to believe that one or more of these beneficiaries commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated or participated in terrorist acts.
- (5) The Recipient's obligations under paragraph (a) are not applicable to the procurement of goods and/or services by the Recipient that are acquired in the ordinary course of business through contract or purchase, e.g., utilities, rents, office supplies, gasoline, etc., unless the Recipient has reason to believe that a vendor or supplier of such goods and services commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated or participated in terrorist acts.

This certification is an express term and condition of the agreement and any violation of it shall be grounds for unilateral termination of the agreement by USAID prior to the end of its term."



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4. ANTI-KICKBACK PROCEDURES

FAR Reference 52.203-7. As prescribed in 3.502-3, insert the following clause:

Anti-Kickback Procedures (JUN 2020)

(a) Definitions.

"Kickback," as used in this clause, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime Contractor, prime Contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract, or in connection with a subcontract relating to a prime contract.

"Person," as used in this clause, means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

"Prime contract," as used in this clause, means a contract or contractual action entered into by the United States for the purpose of obtaining supplies, materials, equipment, or services of any kind.

"Prime Contractor" as used in this clause, means a person who has entered into a prime contract with the United States.

"Prime Contractor employee," as used in this clause, means any officer, partner, employee, or agent of a prime Contractor.

"Subcontract," as used in this clause, means a contract or contractual action entered into by a prime Contractor or subcontractor for the purpose of obtaining supplies, materials, equipment, or services of any kind under a prime contract.

"Subcontractor," as used in this clause,

(1) means any person, other than the prime Contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract, and

(2) includes any person who offers to furnish or furnishes general supplies to the prime Contractor or a higher tier subcontractor.

"Subcontractor employee," as used in this clause, means any officer, partner, employee, or agent of a subcontractor.



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- (b) The Anti-Kickback Act of 1986 (41 U.S.C.51-58) (the Act), prohibits any person from-
- (1) Providing or attempting to provide or offering to provide any kickback;
 - (2) Soliciting, accepting, or attempting to accept any kickback; or
 - (3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime Contractor to the United States or in the contract price charged by a subcontractor to a prime Contractor or higher tier subcontractor.
- (c)
- (1) The Contractor shall have in place and follow reasonable procedures designed to prevent and detect possible violations described in paragraph (b) of this clause in its own operations and direct business relationships.
 - (2) When the Contractor has reasonable grounds to believe that a violation described in paragraph (b) of this clause may have occurred, the Contractor shall promptly report in writing the possible violation. Such reports shall be made to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Department of Justice.
 - (3) The Contractor shall cooperate fully with any Federal agency investigating a possible violation described in paragraph (b) of this clause.
 - (4) The Contracting Officer may
 - (i) offset the amount of the kickback against any monies owed by the United States under the prime contract and/or
 - (ii) direct that the Prime Contractor withhold from sums owed a subcontractor under the prime contract the amount of the kickback. The Contracting Officer may order that monies withheld under subdivision (c)(4)(ii) of this clause be paid over to the Government unless the Government has already offset those monies under subdivision (c)(4)(i) of this clause. In either case, the Prime Contractor shall notify the Contracting Officer when the monies are withheld.
 - (5) The Contractor agrees to incorporate the substance of this clause, including subparagraph (c)(5) but excepting subparagraph (c)(1), in all subcontracts under this contract which exceed \$150,000.

**5. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE
CERTAIN FEDERAL TRANSACTIONS.**



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FAR Reference 52.203-11. As prescribed in 3.808(a), insert the following provision:

Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (SEPT 2007)

- (a) Definitions. As used in this provision—"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12).
- (b) Prohibition. The prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12) are hereby incorporated by reference in this provision.
- (c) Certification. The offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of this contract
- (d) Disclosure. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.
- (e) Penalty. Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

6. ACKNOWLEDGEMENT OF ETHICAL AND BUSINESS CONDUCT REQUIREMENTS

Tetra Tech ARD, Inc. is committed to integrity in procurement and subcontracting, and only selects offerors based on objective business criteria such as price and technical merit.

Tetra Tech ARD, Inc. does not tolerate fraud, collusion among offerors, falsified proposals/bids, bribery, or kickbacks. Any firm or individual violating these standards will be



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disqualified from this procurement, barred from future procurement opportunities, and may be reported to both USAID and the Office of the Inspector General.

Employees and agents of Tetra Tech ARD, Inc. are strictly prohibited from asking for or accepting any money, fee, commission, credit, gift, gratuity, object of value or compensation from current or potential offerors in exchange for or as a reward for business. Employees and agents engaging in this conduct are subject to termination and will be reported to USAID and the Office of the Inspector General. In addition, Tetra Tech ARD, Inc. will inform USAID and the Office of the Inspector General of any supplier offers of money, fee, commission, credit, gift, gratuity, object of value, or compensation to obtain business.

Offerors responding to this RFP certify that by submitting a proposal, they:

- i. Have disclosed any close, familial, or financial relationships with Tetra Tech ARD, Inc. or project staff. For example, if an offeror's cousin is employed by the project, the offeror must state this.
- ii. Have disclosed any family or financial relationship with other offerors submitting proposals. For example, if the offeror's father owns a company that is submitting another proposal, the offeror must state this.
- iii. Certify that the prices in the offer have been arrived at independently, without any consultation, communication, or agreement with any other offeror or competitor for the purpose of restricting competition.
- iv. Certify that all information in the proposal and all supporting documentation are authentic and accurate.
- v. Certify understanding and agreement to Tetra Tech ARD, Inc.'s prohibitions against fraud, bribery and kickbacks.

Please contact ARD.Ethics@tetrattech.com or tetrattech@ethicspoint.com with any questions or concerns regarding the above information or to report any potential violations.

SIGNATURE

By signature hereon, or on an offer incorporating these Representations, Certifications, and Other Statements of Offerors, the Contractor certifies that they are accurate, current, and complete, and that the Contractor is aware of the penalty prescribed in 18 U.S.C. 1001 for making false statements in offers.

By signing below the subcontractor provides certifications for:

1. Certification Regarding Responsibility Matters - AUG 2020. (FAR Reference 52.209-5),
2. Prohibition on Assistance to Drug Traffickers. (22 CFR Part 140),
3. Certification Regarding Terrorist Financing. (Implementation of Executive Order 13224),
4. Anti-Kickback Procedures – JUN 2020. (FAR Reference 52.203-7), and,



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5. Certification and Disclosure Regarding Payments to influence Certain Federal Transactions - SEP 2007 (FAR Reference 52.203-11).
6. Acknowledgement of Ethics and Business Conduct Requirements

RFP # and RFP Title:

Firm or Organization Name: _____

Name and Title: _____

Signature: _____ Date: _____

This entire Attachment D must be signed by Offeror and returned as part of the proposal submission.