

**REQUEST FOR PROPOSALS (RFP)**

April 12, 2021

Request for Proposals #: RFP-ATA-OPS -001

**Request for proposals for the provision of legal services by law firm**

Dear Sir/Madam:

Chemonics International Inc. (hereinafter referred to as “Chemonics”), under the Kyrgyz Agro Trade Activity, financed by the United States Agency for international Development, USAID Contract No. 7200AA18D00018/72011520F00004, is issuing a Request for Proposals (RFP) to select a qualified licensed and registered in Kyrgyz Republic law firms / companies to provide required legal services, relevant to operational and administrative aspects of the Branch of International Organization.

The attached RFP contains all the necessary information for interested Offerors to submit a proposal.

This RFP does not obligate Chemonics to execute a Legal Service Agreement, nor does it commit Chemonics to pay any costs incurred in the preparation and submission of the proposals. Furthermore, Chemonics reserves the right to reject any and all proposals, if such action is considered to be in the best interest of Chemonics.

**Request for Proposals**

**RFP # RFP-ATA-OPS-001**

**For the provision of services on**

**Request for proposals for the provision of legal services**

**Contracting Entity:**

**Chemonics International Inc.**

**Funded by:**

**United States Agency for International Development (USAID)**

**\*\*\*\*\* ETHICAL AND BUSINESS CONDUCT REQUIREMENTS \*\*\*\*\***

Chemonics is committed to integrity in procurement, and only selects suppliers based on objective business criteria such as price and technical merit. Chemonics expects suppliers to comply with our Standards of Business Conduct, available at <https://www.chemonics.com/our-approach/standards-business-conduct/>.

Chemonics does not tolerate fraud, collusion among offerors, 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.

Employees and agents of Chemonics are strictly prohibited from asking for or accepting any money, fee, commission, credit, gift, gratuity, object of value or compensation from current or potential vendors or suppliers 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, Chemonics 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 must include the following as part of the proposal submission:

* Disclose any close, familial, or financial relationships with Chemonics or project staff. For example, if an offeror’s cousin is employed by the project, the offeror must state this.
* Disclose 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.
* 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.
* Certify that all information in the proposal and all supporting documentation are authentic and accurate.
* Certify understanding and agreement to Chemonics’ prohibitions against fraud, bribery, and kickbacks.

Please contact mprovenza@chemonics.com with any questions or concerns regarding the above information or to report any potential violations. Potential violations may also be reported directly to Chemonics at to BusinessConduct@chemonics.com or by phone/Skype at 888.955.6881.

# SECTION 1: INSTRUCTIONS TO OFFERORS

1. **Purpose:** The purpose of this RFP is to obtain the services of a highly-qualified, licensed law firm/ company that can provide long-term legal support in various aspects, including local labor law and registration, related to the activities of the branch office of an international organization.
2. **Proposal Deadline:** Proposals must be received no later than **17:00 local time on April 26, 2021**. Proposals received after the specified time and date will be considered late and may be considered only at the discretion of Chemonics.
3. **Proposal Submission Instructions**: Proposals must be in Russian and English, a Technical Proposal, and a Cost Proposal. Proposals must be submitted **by email only** in two separate attachments to  susmanova@kyrgyzagrotrade.comand to procurement@kyrgyzagrotrade.com.
4. **Questions**: Questions regarding the technical or administrative requirements of this RFP may be submitted no later than **10:00 local time on April 21, 2021 by email** to susmanova@kyrgyzagrotrade.com Questions must be submitted in writing; phone calls will not be accepted. Questions and requests for clarification—and the responses thereto—that Chemonics believes may be of interest to other Offerors will be circulated to all RFP recipients who have indicated an interest in bidding.

Only the written answers issued by Chemonics will be considered official and carry weight in the RFP process and subsequent evaluation. Any verbal information received from employees of Chemonics, or any other entity should not be considered as an official response to any questions regarding this RFP.

1. **Cost of Proposal Preparation:** All costs incurred in the preparation of a proposal in response to this RFP will be the sole responsibility of the Offeror and will not be reimbursed. Unless otherwise stated, all materials submitted by Offerors in response to this RFP shall become the property of Chemonics International and are not returnable.
2. **Right to Reject:** Issuance of this RFP does not constitute an agreement commitment on the part of Chemonics. Chemonics international reserves the right to reject any or all proposals received in response to this RFP. A contract for services will be based on the factors described in this RFP.
3. **Selection:** The evaluation and selection process will be followed by contract negotiations. If negotiations are unsuccessful with the selected firm, Chemonics will proceed with negotiations with the next qualifying firm. The selected firm will be required to collect all pertinent information necessary to complete the required services in advance of all required deadlines. Therefore, all responding Offerors should keep this in mind when preparing their response to the RFP and their approach to the requested service.
4. **Contract Type**: One (1) firm fixed price Legal Service Agreement in Kyrgyz Som will be issued to the selected Offeror. Proposals in response to this RFP must be priced on an all-inclusive fixed-price basis.
5. **Payment**: Payment will be made in Kyrgyz Som, wired to the selected firm’s Kyrgyz bank account. Standard payment terms are net 30 days after receipt and acceptance of deliverables.
6. **Anticipated Timeline**: The anticipated timeline to complete the solicitation process and the proposed scope of work is two weeks (April 26, 2021 – May 10, 2021).
7. **Source/Nationality/Manufacture:** All goods and services offered in response to this RFP or supplied under any resulting award must meet USAID Geographic Code 937 and 110 in accordance with the United States Code of Federal Regulations (CFR), [22 CFR §228](https://www.ecfr.gov/cgi-bin/text-idx?SID=08ebdb764a062414feccba5748b6de5d&mc=true&node=pt22.1.228&rgn=div5). USAID Geographic Code 937 consists of any area or country including the cooperating country (which is the Kyrgyz Republic for this RFP), but excluding the “prohibited sources” which are Cuba, Iran, North Korea, Syria.
8. **Taxes and VAT**

The agreement under which this procurement is financed is not exempt from the payment of taxes, VAT, tariffs, duties, or other levies imposed by any laws in effect in the Cooperating Country, the Kyrgyz Republic.  Therefore, offerors must include taxes, VAT, charges, tariffs, duties, and levies in accordance with the laws of the Kyrgyz Republic.

1. **Eligibility**: By submitting an offer in response to this RFP, the offeror certifies that it and its principal officers are not debarred, suspended, or otherwise considered ineligible for an award by the U.S. Government. Chemonics will not award a contract to any firm that is debarred, suspended, or considered to be ineligible by the U.S. Government.

# SECTION 2: STATEMENT OF WORK

1. **Background**

Branch Office of Chemonics International in the Kyrgyz Republic is registered and operates on the territory of the Kyrgyz Republic since 2015. Currently Chemonics implements the USAID Kyrgyz Agro Trade Activity Project (ATA). The goal of ATA is to support job creation, strengthen value chains and improve the business enabling environment through interventions that boost productivity, upgrade processing, build international business-to-business linkages, facilitate access to finance, and support private sector–informed policy reform.

Offerors are responsible for ensuring that their offers are received by Chemonics in accordance with the instructions, terms, and conditions described in this RFP. Failure to adhere with instructions described in this RFP may lead to disqualification of an offer from consideration.

1. **Scope of work**
* Reviewing Employment, Service, and other types of agreements and contracts for compliance with the current Kyrgyz law and intentions of the parties.
* Advising on various legal aspects of employment matters in the Kyrgyz Republic.
* Preparing legal opinions/memoranda/summaries on various legal aspects of employment and personal data protection in the Kyrgyz Republic.
* Drafting or verifying compliance of employment/service contracts, financial liability agreements, employment policies and procedures, internal orders, and other corporate bylaws.
* Advising on and assisting with obtaining work permits and work visa for foreign employees.
* Legal representation in employment disputes (at both pre-trial and trial stages in the courts of the Kyrgyz Republic).
* Advising on various legal aspects of Kyrgyz tax and other mandatory payment issues, related to the activity of the Branch.
* Advising on and drafting required documents on change the head of Branch office, legal address, and other corporate details of the Branch office.
* Overseeing state tax audit process; drafting objections against tax audit report; drafting statements of claim and representing clients in court in tax disputes.
* Providing legal guidance related to Kyrgyz laws to inform compliant Branch office operations and signing for the Branch office;
* Advising on validity of acts of the Government of the Kyrgyz Republic, ministries, and administrative agencies;
* Legal representation before all judicial and governmental bodies, during the implementation of any of assignments.
* Provide legal opinion and flow chart consisting of information and details of the local operational process through closing and final registration of the branch office, including procedures, expected time frames, all related fees, and expenses in closing the office.
* Participate and present the Branch office in any necessary meetings and facilitate and meet with the local government/authorities, as necessary.
* All correspondence and paperwork have to be presented in both Russian and English languages.
* Provide any and all other legal service/s, that is/are not specifically noted in this Statement of Work.
1. **Relationships and Responsibilities**

The client for this contract is Chemonics International Inc. The selected offeror will work in coordination with Chemonics, and its point of contact will be indicated in the contract for services.

Chemonics will meet with the selected offeror at the beginning to explain any technical, financial/compliance areas of concern that they want emphasized and provide any advice concerning the performance of the service.

1. **Terms of Performance**

The performance of the service will start after signing of Legal Service Agreement and upon request or tasks assigned by the Chemonics. Activity timeframe is May 2021 – April 2022.

# SECTION 3: PROPOSAL CONTENT REQUIREMENTS

1. **TECHNICAL PROPOSAL**

Offerors will be requested to submit full technical proposal if their services are selected to proceed to next steps. The technical proposals must be organized in the following sequence:

1. Offeror Cover Letter: The Proposal must contain an Offeror Cover Letter. A sample letter is provided in **Annex 1** of this RFP.
2. Prior Related Experience Describe firm’s relevant experience. Please provide sufficient detail about the similar works previously conducted to allow for proper evaluation of the firm’s relevant experience and knowledge of the relevant regulations and standards.
3. Team Qualifications: The company should describe the team configuration as well as the qualifications of staff to be assigned to the working group commitment, including prior experience of the individual team members.
4. The list of current and former major clients, preferably international organizations, describing the accomplishment of similar tasks completed.
5. Conflict of Interest: Provide a statement of any potential conflicts your firm and/or key staff may have regarding providing these services to Chemonics. The statement should not only include actual conflicts, but also any working relationships that may be perceived by disinterested parties as a conflict. If no potential conflicts of interest are identified, so state in your proposal.
6. **COST PROPOSAL**

The cost proposal must contain the rates for each assignment described above.

A fixed price cost proposal must be a separate document and contain the following:

* 1. Detailed Budget: Spreadsheet detailing out every type of cost for each type of the assignment in Kyrgyz Som: labor, fringe, travel, other direct costs, overhead, fee. All estimated costs must be included in the detailed budget.

* 1. Validity: The cost proposal must remain valid for not less than ninety (90) calendar days after the offer deadline. The validity period must be indicated in the cost proposal.
	2. Required Certifications: The company must include the signed and dated certifications per **Attachment A, Certifications.** Please read carefully as your signature on the Certification forms certifies understanding and acceptance of the requirements.
	3. Other Required Documents: Offerors must also provide the following:
	4. Copy of registration or incorporation documents.
	5. Copy of company tax registration, or equivalent document.
	6. Law firm required license.
	7. DUNS # (see ANNEX III)

# SECTION 4: SELECTION PROCESS AND CRITERIA

One (1) fixed price contract for services will be awarded to the firm whose offer follows the RFP instructions, meets the eligibility requirements, and is determined via a trade-off analysis to be the best value based on application of the evaluation criteria outlined below.

1. **Proposal Evaluation**

Evaluation of each proposal will be scored on the factors identified below. The selection process is designed to ensure that the firm’s services are engaged on the basis of demonstrated competence and qualifications for the type of services to be performed and at fair and reasonable prices for Chemonics, in compliance with its competition policy and procedures.

The relative importance of each individual criterion is indicated by the number of points below:

|  |  |
| --- | --- |
| Prior relevant experience and past performance of law firm | 35 points |
| Team Qualifications and Composition  | 25 points |
| Work Approach, the list of current or former clients and companies | 20 points |
| Cost proposal  | 20 points |
| **TOTAL** | **100 points** |

Chemonics reserves the right to issue a contract without further discussion of proposals submitted. Therefore, proposals should be submitted initially on the most favorable terms, from both technical and price standpoints.

Chemonics contemplates award of a contract to the responsible Offeror with the highest total points awarded by the proposal evaluation team.

Upon final selection, one (1) Contract for Services may be issued by Chemonics to the selected company.

# ANNEX I

**SAMPLE OFFEROR COVER LETTER**

*The following cover letter must be placed on letterhead, contain address and contact information, and be completed/signed by a representative authorized to sign on behalf of the Offeror.*

*Date*

Chemonics International Inc.

Kyrgyz Republic

Reference: RFP-ATA-OPS-001 Provision of Legal Service

To Whom It May Concern:

We, the undersigned, hereby provide the attached offer to perform all work required to complete the activities and requirements as described in the above-referenced RFP. Please find our offer attached.

We hereby acknowledge and agree to all terms, conditions, special provisions, and instructions included in the above-referenced RFP. We further certify that the below-named firm—as well as the firm’s principal officers, and all commodities and services offered in response to this RFP—are eligible to participate in this procurement under the terms of this solicitation and under USAID regulations.

Furthermore, we hereby certify that, to the best of our knowledge and belief:

* We have no close, familial, or financial relationships with any Chemonics or project staff members.
* We have no close, familial, or financial relationships with any other Offerors submitting proposals in response to the above-referenced RFP; and
* The prices in our offer have been arrived at independently, without any consultation, communication, or agreement with any other Offeror or competitor for the purpose of restricting competition.
* All information in our proposal and all supporting documentation is authentic and accurate.
* We understand and agree to Chemonics’ prohibitions against fraud, bribery, and kickbacks.

We hereby certify that the enclosed representations, certifications, and other statements are accurate, current, and complete.

Sincerely,

# ANNEX II

Evidence of Responsibility

1. Offeror Business Information

**Company Name**:

**Address**:

DUNS Number:

2. Authorized Negotiators

Company Name proposal for Proposal Name may be discussed with any of the following individuals. These individuals are authorized to represent Company Name in negotiation of this offer in response to RFP No.

List Names of Authorized signatories

These individuals can be reached at Company Name office:

Address

Telephone/Fax

Email address

3. Adequate Financial Resources

Company Name has adequate financial resources to manage this contract, as established by our audited financial statements (OR list what else may have been submitted) submitted as part of our response to this proposal.

If the offeror is selected for an award valued at $30,000 or above, and is not exempted based on a negative response to Section 3(a) below, any first-tier subaward to the organization may be reported and made public through FSRS.gov in accordance with The Transparency Acts of 2006 and 2008. Therefore, in accordance with FAR 52.240-10 and 2CFR Part170, if the offeror positively certifies below in Sections 3.a and 3.b and negatively certifies in Sections 3.c and 3.d, the offeror will be required to disclose to Chemonics for reporting in accordance with the regulations, the names and total compensation of the organization’s five most highly compensated executives. By submitting this proposal, the offeror agrees to comply with this requirement as applicable if selected for a subaward.

In accordance with those Acts and to determine applicable reporting requirements, Company Name certifies as follows:

1. In the previous tax year, was your company’s gross income from all sources above $300,000?

[ ]  Yes [ ]  No

1. In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which the DUNS number belongs) receive (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; **and** (2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements:

[ ]  Yes [ ]  No

1. Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? (FFATA § 2(b)(1)):

[ ]  Yes [ ]  No

1. Does your business or organization maintain an active registration in the System for Award Management ([www.SAM.gov](http://www.SAM.gov))?

[ ]  Yes [ ]  No

4. Ability to Comply

Company Name is able to comply with the proposed delivery of performance schedule having taken into consideration all existing business commitments, commercial as well as governmental.

5. Record of Performance, Integrity, and Business Ethics

Company Name record of integrity is (Instructions: Offeror should describe their record. Text could include example such as the following to describe their record: "outstanding, as shown in the Representations and Certifications. We have no allegations of lack of integrity or of questionable business ethics. Our integrity can be confirmed by our references in our Past Performance References, contained in the Technical Proposal."

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

(Instructions: Offeror should explain their organizational system for managing the subcontract, as well as the type of accounting and control procedure they have to accommodate the type of subcontract being considered.)

7. Equipment and Facilities

(Instructions: Offeror should state if they have necessary facilities and equipment to carry out the contract with specific details as appropriate per the subcontract SOW.)

8. Eligibility to Receive Award

(Instructions: Offeror should state if they are qualified and eligible to receive an award under applicable laws and regulation and affirm that they are not included in any list maintained by the US Government of entities debarred, suspended or excluded for US Government awards and funding. The Offeror should state whether they have performed work of similar nature under similar mechanisms for USAID. )

9. Commodity Procurement

(Instructions: If the Offeror does not have the capacity for commodity procurements - delete this section. If the Offeror does have the capacity, the Offeror should state their qualifications necessary to support the proposed subcontract requirements.)

10. Cognizant Auditor

(Instructions: Offeror should provide Name, address, phone of their auditors – whether it is a government audit agency, such as DCAA, or an independent CPA.)

11. Acceptability of Contract Terms

(Instructions: Offeror should state its acceptance of the proposed contract terms.)

12. Recovery of Vacation, Holiday and Sick Pay

(Instructions: Offeror should explain whether it recovers vacation, holiday, and sick leave through a corporate indirect rate (e.g. Overhead or Fringe rate) or through a direct cost. If the Offeror recovers vacation, holiday, and sick leave through a corporate indirect rate, it should state in this section the number of working days in a calendar year it normally bills to contracts to account for the vacation, holiday, and sick leave days that will not be billed directly to the contract since this cost is being recovered through the corporate indirect rate.)

13. Organization of Firm

(Instructions: Offeror should explain how their firm is organized on a corporate level and on practical implementation level, for example regionally or by technical practice.)

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*One of the authorized negotiators listed in Section 2 above should sign.*

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Key Individual Certification Narcotics Offenses and Drug Trafficking

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 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.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name:

Title/Position:

Organization:

Address:

Date of Birth:

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.

Subcontractor Size Self-Certification Form

**Reference Number**: [enter the funding agency's solicitation or contract number]

**Project Name**: [enter full name of project]

**Primary NAICS Code**: [enter the [NAICS](https://www.sba.gov/sites/default/files/files/Size_Standards_Table_2017.pdf) code that best describes the work being performed under the subcontract. i.e.: for technical assistance provision use 541990 or management consulting use 541611. For HHE use 484210 and for GIS use 541360. The NAICS codes most commonly used by Chemonics is 541611, 541618, 541620, 541990]

**Company Name**: Full legal name

**Address**: Street address

**City, State, Zip**: City, State Zip

**DUNS Number**: [enter the [Data Universal Numbering System (DUNS)](http://fedgov.dnb.com/webform) here. Subcontractors must have a DUNS, unless exempted, as a part of receiving a subcontract with Chemonics]

**Contact Person**: Name, Title

**Contact Phone Number**: (555) 555-5555

**Type of Entity**

If you have difficulty ascertaining the business size status, please refer to SBA’s website ([www.sba.gov/size](http://www.sba.gov/size)) or contact your local SBA office.

[ ]  Small Business [ ]  Large Business [ ]  Nonprofit/Educational [ ]  Government [ ]  Non-US

If “Small Business” is checked above, and if applicable, please identify any additional small business designations under which the company qualifies. You may wish to review the definitions for the below categories in the Federal Acquisition Regulation 19.7 or 52.219-8 ([www.acquisition.gov/far/](http://www.acquisition.gov/far/)) to determine applicability.

[ ]  Small Disadvantaged Business [ ]  8(a)

[ ]  HUBZone [ ]  Woman Owned Small Business

[ ]  Veteran Owned [ ]  Service-Disabled Veteran Owned

[ ]  Alaskan Native Corporation [ ]  Indian Tribe

By signature below, I hereby certify that the business type and designation indicated above is true and accurate as of the date of execution of this document, and I further understand that under 15 U.S.C. 645(d), any person who misrepresents a business’ size status shall (1) be punished by a fine, imprisonment, or both; (2) be subject to administrative remedies; and (3) be ineligible for participation in programs conducted under the authority of the Small Business Act.

Signature and Title (required) Date

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*CHEMONICS INTERNAL USE ONLY\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

HUBZone Status has been verified in the [System for Award Management database](https://www.sam.gov/portal/SAM/?portal:componentId=9615a076-c195-44d7-9bf4-ff1d3d101e6c&interactionstate=JBPNS_rO0ABXc0ABBfanNmQnJpZGdlVmlld0lkAAAAAQATL2pzZi9uYXZpZ2F0aW9uLmpzcAAHX19FT0ZfXw**&portal:type=action#1) or [Dynamic Small Business Database Search](http://dsbs.sba.gov/dsbs/dsp_searchhubzone.cfm)  as of / / conducted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

**FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) SUBAWARD REPORTING QUESTIONNAIRE AND CERTIFICATION**

**Prime Contract**

**Insert Prime Contract Name**

**Insert Prime Contract Number/Task Order Number**

**Subcontractor Data**

**Insert Subcontractor Name**

**Insert Subcontractor AddressLine1**

**Insert Subcontractor AddressLine2**

**Insert Subcontractor City, Insert Subcontractor State in USA, or Province/Other**

**Insert Subcontractor Zip code or PostalCode Insert Subcontractor Country**

**Subcontract Number: Insert subcontract number**

**Start Date: INSERT SUBCONTRACT START DATE**

**Subcontract Value:** **INSERT SUBCONTRACT VALUE**

1. In the previous tax year, was your company’s gross income from all sources **under** $300,000?

[ ]  Yes [ ]  No

1. If **“No”,** please provide the below information and answer the remaining questions.
2. **Subcontractor DUNS Number:** **Insert DUNS on record**
3. In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which the DUNS number belongs) receive (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements:

[ ]  Yes [ ]  No

1. Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986:

[ ]  Yes [ ]  No

1. Does your business or organization maintain a record in the System for Award Management ([www.SAM.gov](http://www.SAM.gov))?

[ ]  Yes [ ]  No

1. If you have indicated “Yes” for paragraph (ii) **and** “No” for paragraph (iii) and (iv) above, provide the names and total compensation\* of your five most highly compensated executives\*\* for the preceding completed fiscal year.
2. Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By signature below, I hereby certify that the information provided above is true and accurate as of the date of execution of this document, and I further understand that annual certification is required for information provided in paragraph (v) above.

Signature and Title (required) Date

\*“Total compensation” means the cash and noncash dollar value earned by the executive during the Subcontractor’s preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

(1) *Salary and bonus*.

(2) *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Financial Accounting Standards Board’s Accounting Standards Codification (FASB ASC) 718, Compensation-Stock Compensation.

(3) *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization, or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.

(4) *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.

(5) *Above-market earnings on deferred compensation which is not tax-qualified*.

(6) Other compensation, if the aggregate value of all such other compensation (*e.g.*, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites, or property) for the executive exceeds $10,000.

\*\*”Executive” means officers, managing partners, or any other employees in management positions**.**

**ANNEX III**

**DUNS and SAM Registration Guidance**

**What is DUNS?**

The Data Universal Numbering System (DUNS) is a system developed and regulated by Dun & Bradstreet (D&B) - a company that provides information on corporations for use in credit decisions - that assigns a unique numeric identifier, referred to as a DUNS number, to a single business entity. The DUNS database contains over 100 million entries for businesses throughout the world, and is used by the United States Government, the United Nations, and the European Commission to identify companies. The DUNS number is widely used by both commercial and federal entities and was adopted as the standard business identifier for federal electronic commerce in October 1994. The DUNS number was also incorporated into the Federal Acquisition Regulation (FAR) in April 1998 as the Federal Government's contractor identification code for all procurement-related activities.

**Why am I being requested to obtain a DUNS number?**

U.S. law – in particular, the Federal Funding Accountability and Transparency Act of 2006 (Pub.L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub.L. 110-252) - make it a requirement for all entities doing business with the U.S. Government to be registered, currently through the System for Award Management, a single, free, publicly- searchable website that includes information on each federal award. As part of this reporting requirement, prime contractors such as Chemonics must report information on qualifying subawards as outlined in FAR 52.204-10 and 2CFR Part 170. Chemonics is required to report subcontracts with an award valued at greater than or equal to $30,000 under a prime contract and subawards under prime grants or prime cooperative agreements obligating funds of $25,000 or more, whether U.S. or locally based. Because the U.S. Government uses DUNS numbers to uniquely identify businesses and organizations, Chemonics is required to enter subaward data with a corresponding DUNS number.

**Is there a charge for obtaining a DUNS number?**

No. Obtaining a DUNS number is absolutely free for all entities doing business with the Federal government. This includes current and prospective contractors, grantees, and loan recipients.

**How do I obtain a DUNS number?**

DUNS numbers can be obtained online at <http://fedgov.dnb.com/webform/pages/CCRSearch.jsp> or by phone at 1-800-234-3867 (for US, Puerto Rico, and Virgin Island requests only).

**What information will I need to obtain a DUNS number?**

To request a DUNS number, you will need to provide the following information:

* Legal name and structure
* Tradestyle, Doing Business As (DBA), or other name by which your organization is commonly recognized.
* Physical address, city, state, and Zip Code
* Mailing address (if separate)
* Telephone number
* Contact name.
* Number of employees at your location
* Description of operations and associated code (SIC code found at <https://www.osha.gov/pls/imis/sicsearch.html>)
* Annual sales and revenue information
* Headquarters name and address (if there is a reporting relationship to a parent corporate entity)

**How long does it take to obtain a DUNS number?**

Under normal circumstances the DUNS is issued within 1-2 business days when using the D&B web form process. If requested by phone, a DUNS can usually be provided immediately.

**Are there exemptions to the DUNS number requirement?**

There may be exemptions under specific prime contracts, based on an organization’s previous fiscal year income when selected for a subcontract award, or Chemonics may agree that registration using the D&B web form process is impractical in certain situations. Organizations may discuss these options with the Chemonics representative.

**What is CCR/SAM?**

Central Contractor Registration (CCR)—which collected, validated, stored, and disseminated data in support of agency acquisition and award missions—was consolidated with other federal systems into the System for Award Management (SAM). SAM is an official, free, U.S. government-operated website. There is NO charge to register or maintain your entity registration record in SAM.

**When should I register in SAM?**

While registration in SAM is not required for organizations receiving a grant under contract, subcontract, or cooperative agreement from Chemonics, Chemonics requests that partners register in SAM if the organization meets the following criteria requiring executive compensation reporting in accordance with the FFATA regulations referenced above.  SAM.gov registration allows an organization to directly report information and manage their organizational data instead of providing it to Chemonics. Reporting on executive compensation for the five highest paid executives is required for a qualifying subaward if in your business or organization's preceding completed fiscal year, your business or organization (the legal entity to which the DUNS number belongs):

(1) received 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; **and**

(2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; **and**,

(3) The public have **does not** have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the US Internal Revenue Code of 1986.

If your organization meets the criteria to report executive compensation, the following sections of this document outline the benefits of and process for registration in SAM.gov. Registration may be initiated at [https://www.sam.gov](https://www.sam.gov/portal/SAM/#1). There is NO fee to register for this site.

**Why should I register in SAM?**

Chemonics recommends that partners register in SAM to facilitate their management of organizational data and certifications related to any U.S. federal funding, including required executive compensation reporting. Executive compensation reporting for the five highest paid executives is required in connection with the reporting of a qualifying subaward if:

1. In your business or organization's preceding completed fiscal year, your business or organization (the legal entity to which the DUNS number belongs) received (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and,
2. The public have does not have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

**What benefits do I receive from registering in SAM?**

By registering in SAM, you gain the ability to bid on federal government contracts. Your registration does not guarantee your winning a government contract or increasing your level of business. Registration is simply a prerequisite before bidding on a contract. SAM also provides a central storage location for the registrant to supply its information, rather than with each federal agency or prime contractor separately. When information about your business changes, you only need to document the change in one place for every federal government agency to have the most up-to-date information.

**How do I register in SAM?**

Follow the step-by-step guidance for registering in SAM for assistance awards (under grants/cooperative agreements) at: <https://www.sam.gov/sam/transcript/Quick_Guide_for_Grants_Registrations.pdf>

Follow the step-by-step guidance for contracts registrations at:

<https://www.sam.gov/sam/transcript/Quick_Guide_for_Contract_Registrations.pdf>

*You must have a Data Universal Numbering System (DUNS) number in order to begin either registration process.*

If you already have the necessary information on hand (see below), the online registration takes approximately one hour to complete, depending upon the size and complexity of your business or organization.

**What data is needed to register in SAM?**

SAM registrants are required to submit detailed information on their company in various categories. Additional, non-mandatory information is also requested. Categories of required and requested information include:

\* General Information - Includes, but is not limited to, DUNS number, CAGE Code, company name, Federal Tax Identification Number (TIN), location, receipts, employee numbers, and web site address.

\* Corporate Information - Includes, but is not limited to, organization or business type and SBA-defined socioeconomic characteristics.

\* Goods and Services Information - Includes, but is not limited to, NAICS code, SIC code, Product Service (PSC) code, and Federal Supply Classification (FSC) code.

\* Financial Information - Includes, but is not limited to, financial institution, American Banking Association (ABA) routing number, account number, remittance address, lock box number, automated clearing house (ACH) information, and credit card information.

\* Point of Contact (POC) Information - Includes, but is not limited to, the primary and alternate points of contact and the electronic business, past performance, and government points of contact. \* Electronic Data Interchange (EDI) Information\* - Includes, but is not limited to, the EDI point of contact and his or her telephone, e-mail, and physical address. (\*Note: EDI Information is optional and may be provided only for businesses interested in conducting transactions through EDI.)