

## **EAST AFRICA TRADE AND INVESTMENT HUB (THE HUB)**

### **RFP Terms and Conditions**

#### **1.1 General Terms and Conditions**

Offerors agree to comply with the general terms and conditions for an award resulting from this RFP. Included in the RFP is a copy of the subcontract agreement that will be used. The selected Offeror shall comply with all Representations and Certifications of Compliance listed in Attachment B.

#### **1.2 Inspection & Acceptance**

The designated DAI representative will inspect from time to time the services being performed to determine whether the activities are being performed in a satisfactory manner, and that all equipment or supplies are of acceptable quality and standards. The subcontractor shall be responsible for any countermeasures or corrective action, within the scope of this RFP, which may be required by the DAI Chief of Party as a result of such inspection.

#### **1.3 Source and Nationality**

Under the authorized geographic code for its contract DAI may only procure goods and services from the following countries.

**Geographic Code 935:** Goods and services from any area or country including the cooperating country, but excluding Prohibited Countries.

DAI must verify the source and nationality of goods and services and ensure (to the fullest extent possible) that DAI does not procure any goods or services from prohibited countries listed by the Office of Foreign Assets Control (OFAC) as sanctioned countries. OFAC sanctioned countries may be searched within the System for Award Management (SAM) at [www.SAM.gov](http://www.SAM.gov). The current list of countries under comprehensive sanctions include: Cuba, Iran, North Korea, Sudan, and Syria. Goods may not transit through or be assembled in comprehensive sanctioned origin or nationality countries nor can the vendor be owned or controlled by a prohibited country. DAI is prohibited from facilitating any transaction by a third party if that transaction would be prohibited if performed by DAI.

By submitting a proposal in response to this RFP, Offerors confirm that they are not violating the Source and Nationality requirements of the goods or services being offered and that the goods and services comply with the Geographic Code and the exclusions for prohibited countries outlined above.

#### **1.4 Data Universal Numbering System (DUNS)**

There is a **mandatory** requirement for your organization to provide a DUNS number to DAI. The Data Universal Numbering System is a system developed and regulated by Dun & Bradstreet (D&B) that assigns a unique numeric identifier, referred to as a "DUNS number" to a single business entity. Without a DUNS number, DAI cannot deem an Offeror "responsible" to conduct business with and therefore, DAI will not enter into a subcontract/purchase order or monetary agreement with any organization. The determination of a successful offeror/applicant resulting from this RFP/RFQ/RFA is contingent upon the winner providing a DUNS number to DAI. Offerors who fail to provide a DUNS number will not receive an award and DAI will select an alternate Offeror.

All U.S. and foreign organizations which receive first-tier subcontracts/ purchase orders with a value of \$25,000 and above **are required** to obtain a DUNS number prior to signing of the agreement. Organizations are exempt from this requirement if the gross income received from all sources in the previous tax year was under \$300,000. DAI requires that Offerors sign the self-certification statement if the Offeror claims exemption for this reason.

For those required to obtain a DUNS number, see Attachment E - Instructions for Obtaining a DUNS Number - DAI'S Vendors, Subcontractors

For those not required to obtain a DUNS number, see Attachment E Self Certification for Exemption from DUNS Requirement

### **I.5 Procurement Ethics**

Neither payment nor preference shall be made by either the Offeror, or by any DAI staff, in an attempt to affect the results of the award. DAI treats all reports of possible fraud/abuse very seriously. Acts of fraud or corruption will not be tolerated, and DAI employees and/or subcontractors/grantees/vendors who engage in such activities will face serious consequences. Any such practice constitutes an unethical, illegal, and corrupt practice and either the Offeror or the DAI staff may report violations to the Toll-Free Ethics and Compliance Anonymous Hotline at +1 855-603-6987, via the DAI website, or via email to FPI\_hotline@dai.com. DAI ensures anonymity and an unbiased, serious review and treatment of the information provided. Such practice may result in the cancellation of the procurement and disqualification of the Offeror's participation in this, and future, procurements. Violators will be reported to USAID, and as a result, may be reported to the U.S. Department of Justice to be included in a Restricted Parties list, preventing them from participating in future U.S. Government business.

Offerors must provide full, accurate and complete information in response to this solicitation. The penalty for materially false responses is prescribed in Section 1001 of Title 18 of the United States Code.

In addition, DAI takes the payment of USAID funds to pay Terrorists, or groups supporting Terrorists, or other parties in exchange for protection very seriously. Should the Terrorist, groups or other parties attempt to extort/demand payment from your organization you are asked to immediately report the incident to DAI's Ethics and Compliance Anonymous Hotline at the contacts described in this clause.

By submitting an offeror, offerors certify that they have not/will not attempt to bribe or make any payments to DAI employees in return for preference, nor have any payments with Terrorists, or groups supporting Terrorists, been attempted.

## 2.0 Attachments

### 2.1 Attachment A: Proposal Cover Letter

#### Attachment I:

[On Firm's Letterhead]

<Insert date>

TO: Click here to enter text.  
Development Alternatives, Inc.

We, the undersigned, provide the attached proposal in accordance with **RFP**-Click here to enter text.-Click here to enter text. issued on Click here to enter text.. Our attached proposal is for the total price of <Sum in Words (\$0.00 Sum in Figures) >. I certify a validity period of Click here to enter text. days for the prices provided in the attached Price Schedule/Bill of Quantities. Our proposal shall be binding upon us subject to the modifications resulting from any discussions.

*Offeror shall verify here the items specified in this RFP document.*

We understand that DAI is not bound to accept any proposal it receives.

Yours sincerely,

Authorized Signature:

Name and Title of Signatory: Click here to enter text.

Name of Firm: Click here to enter text.

Address: Click here to enter text.

Telephone: Click here to enter text.

Email: Click here to enter text.

Company Seal/Stamp:

## 2.3 Attachment B: Representations and Certifications of Compliance

1. Federal Excluded Parties List - The Bidder Select is not presently debarred, suspended, or determined ineligible for an award of a contract by any Federal agency.
2. Executive Compensation Certification- FAR 52.204-10 requires DAI, as prime contractor of U.S. federal government contracts, to report compensation levels of the five most highly compensated subcontractor executives to the Federal Funding Accountability and Transparency Act Sub-Award Report System (FSRS)
3. Executive Order on Terrorism Financing- the Contractor is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Contractor/Recipient to ensure compliance with these Executive Orders and laws. Recipients may not engage with, or provide resources or support to, individuals and organizations associated with terrorism. No support or resources may be provided to individuals or entities that appear on the Specially Designated Nationals and Blocked persons List maintained by the US Treasury (online at [www.SAM.gov](http://www.SAM.gov)) or the United Nations Security Designation List (online at: [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml)). This provision must be included in all subcontracts/sub awards issued under this Contract.
4. Trafficking of Persons – The Contractor may not traffic in persons (as defined in the Protocol to Prevent, Suppress, and Punish Trafficking of persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime), procure commercial sex, and use forced labor during the period of this award.
5. Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions – The Bidder certifies that it currently is and will remain in compliance with FAR 52.203-11, Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions.
6. Organizational Conflict of Interest – The Bidder certifies that will comply FAR Part 9.5, Organizational Conflict of Interest. The Bidder certifies that is not aware of any information bearing on the existence of any potential organizational conflict of interest. The Bidder further certifies that if the Bidder becomes aware of information bearing on whether a potential conflict may exist, that Bidder shall immediately provide DAI with a disclosure statement describing this information.
7. Prohibition of Segregated Facilities - The Bidder certifies that it is compliant with FAR 52.222-21, Prohibition of Segregated Facilities.
8. Equal Opportunity – The Bidder certifies that it does not discriminate against any employee or applicant for employment because of age, sex, religion, handicap, race, creed, color or national origin.
9. Labor Laws – The Bidder certifies that it is in compliance with all labor laws..

10. Federal Acquisition Regulation (FAR) – The Bidder certifies that it is familiar with the Federal Acquisition Regulation (FAR) and is in not in violation of any certifications required in the applicable clauses of the FAR, including but not limited to certifications regarding lobbying, kickbacks, equal employment opportunity, affirmation action, and payments to influence Federal transactions.

11. Employee Compliance – The Bidder warrants that it will require all employees, entities and individuals providing services in connection with the performance of an DAI Purchase Order to comply with the provisions of the resulting Purchase Order and with all Federal, State, and local laws and regulations in connection with the work associated therein.

By submitting a proposal, offerors agree to fully comply with the terms and conditions above and all applicable U.S. federal government clauses included herein, and will be asked to sign these Representations and Certifications upon award.

## 2.4 Attachment C: Award contract terms

If you would like to review the contract template, kindly email [ProcurementTIH@eatradehub.org](mailto:ProcurementTIH@eatradehub.org) and request in writing.

## 2.5 Attachment D: Proposal Checklist

Offeror:

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Have you?

Submitted your proposal to DAI to the email address [tendersTIH@eatradehub.org](mailto:tendersTIH@eatradehub.org) as specified in General Instructions above?

Does your proposal include the following?

- Signed Cover Letter *(use template in Attachment A)*
- Separate Technical and Price Proposal files submitted attached to 1 email. Each attachment must be labelled as Technical Proposal and Price Proposal respectfully separately done (though sent in on one email) and each attachment labeled as technical proposal and financial proposal respectfully.
- Price Schedule *(use section 1.7.1 of the RFP)*
- Proposal of services that meets or exceeds the technical requirements as per Scope of work in the RFP
- Response to each of the evaluation criteria
- Documents used to determine Responsibility
- Evidence of a DUNS Number or Self Certification for Exemption from DUNS Requirement *(use attachment E below)*
- Past Performance *(use section 1.6 of the RFP)*

## 2.6 Attachment E. Instructions for Obtaining a DUNS Number

There is a Mandatory Requirement for your Organization to Provide a DUNS number to DAI.

- (a) Subcontracts/Purchase Orders:** All domestic and foreign organizations which receive first-tier subcontracts/ purchase orders with a value of \$25,000 and above are required to obtain a DUNS number prior to signing of the agreement. Organizations are exempt from this requirement if the gross income received from all sources in the previous tax year was under \$300,000. We will require that organizations sign the self-certification statement attached if the firm claims exemption for this reason (See Attachment B, "Certification Regarding Gross Income under \$300,000.)
- (b) Monetary Grants:** All domestic and foreign recipients of first-tier monetary grants (standard, simplified and FOGs) of any value are required to obtain a DUNS number prior to signing of the grant.

No Subcontracts/POs (\$25,000 + Above) or Monetary Grants Will Be Signed By Dai without Prior Receipt of A Duns Number.

*Note: The determination of a successful offeror/applicant resulting from this RFP/RFQ/RFA is contingent upon the winner providing a DUNS number to DAI. Organizations who fail to provide a DUNS number will not receive an award and DAI will select an alternate vendor/subcontractor/grantee.*

**Background:****Summary of Current U.S. Government Requirements- DUNS and Reporting in FSRs Database**

The Data Universal Numbering System (DUNS) is a system developed and managed by Dun and Bradstreet that assigns a unique nine-digit identifier to a business entity. It is a common standard world-wide and users include the U.S. Government, European Commission and the United Nations. The DUNS number will be used to better identify related organizations that are receiving U.S. federal funding, and to provide consistent name and address data for electronic application systems.

The U.S. Government requires that all applicants for first-tier monetary grants (i) and all first-tier subcontracts/purchase orders of \$25,000 or above have a DUNS number prior to DAI issuing an award to that entity.

**REQUIREMENT FOR DAI TO REPORT DATA IN THE FSRs DATABASE:**

In addition, in accordance with the Federal Funding Accountability and Transparency Act of 2008; FAR 52.204-10, "Reporting Executive Compensation and First-Tier Subcontract Awards" (Revised July 2010); and Subpart 4.14—"Reporting Executive Compensation and First-Tier Subcontract Awards," effective March 1, 2011, DAI is required to report any newly awarded first-tier subcontracts \$25,000 or above in the FSRs (Functional Security Requirements Specifications) database at <http://www.fsr.gov>.

In accordance with AAPD 11-01 amended, all foreign entities receiving first-tier monetary grants (standard, simplified and FOGs) with a value equal to or over \$25,000 and performing work outside the U.S. must obtain a DUNS number prior to signing of the grant. All U.S. organizations who are recipients of first-tier monetary grants of any value are required to obtain a DUNS number; the exemption for under \$25,000 applies to foreign organizations only. In accordance with the AAPD as well as 2 CFR Parts 25 and 170, DAI is required to report on grantees in the FSRs database. The reported information for subcontracts and grants will be available for the public to view at <http://usaspending.gov>.

**Instructions detailing the process to be followed in order to obtain a DUNS number for your organization begin on the next page.**

**THE PROCESS FOR OBTAINING A DUNS NUMBER IS OUTLINED BELOW:**

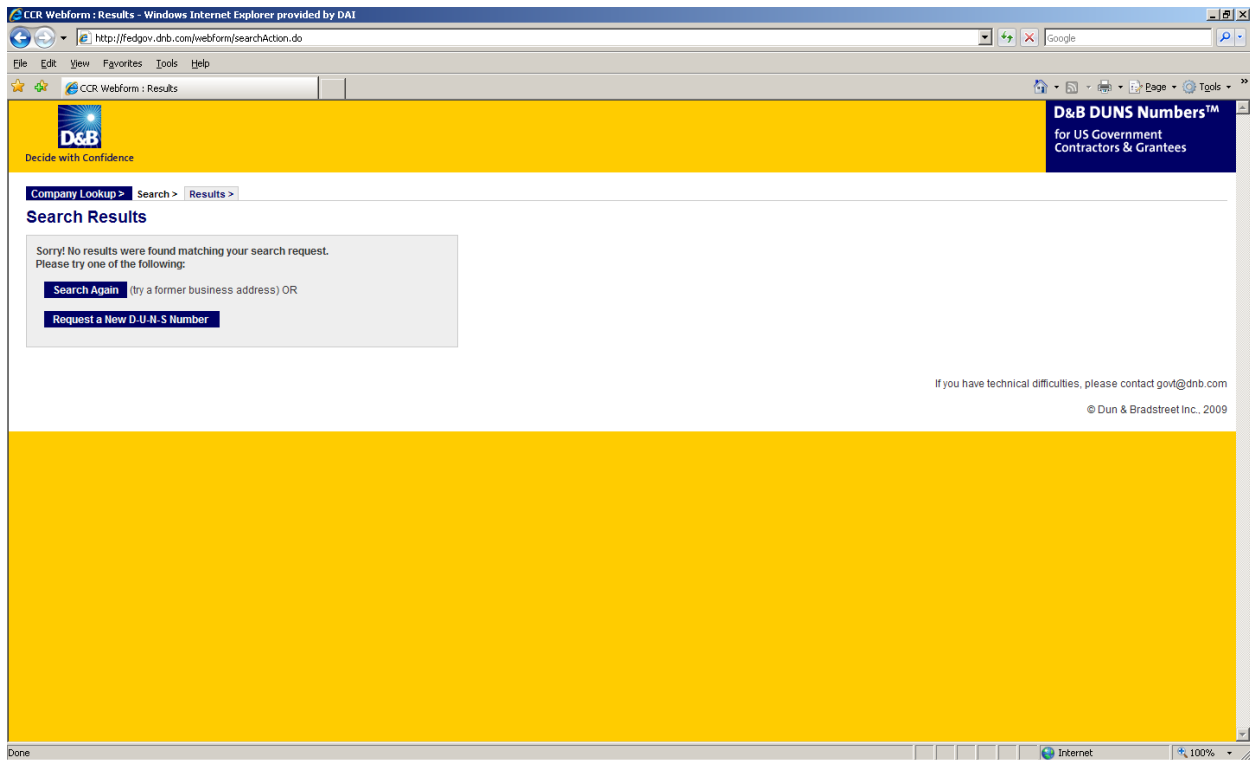
1. Log on to the D&B (Dun & Bradstreet) DUNS registration website to begin the process of obtaining a DUNS number free of charge.

<http://fedgov.dnb.com/webform/index.jsp>

Please note there is a bar on the left for Frequently Asked Questions as well as emails and telephone numbers for persons at Dun & Bradstreet for you to contact if you have any questions or difficulties completing the application on-line. DAI is not authorized to complete the application on your organization's behalf; the required data must be entered by an authorized official of your organization.

2. Select the Country where your company is physically located.

3. You will first be asked to search the existing DUNS database to see whether a DUNS number already exists for your organization/entity. Subcontractors/grantees who already have a DUNS number may verify/update their DUNS records.
4. Potential DAI subcontractors/vendors/grantees that do not already have a DUNS number will be shown the screen below. To request a new DUNS Number, the “Request a New D-U-N-S Number” button needs to be selected.



5. Enter the information regarding your organization listed on the next three screens. (See screen shots below.) Make sure you have the following information available (in English) prior to beginning the process of entering this section in order to ensure successful registration.
  - Legal Business Name (commas are allowed, periods are not allowed)
  - Address
  - Phone
  - Name of Owner/Executive
  - Total Number of Employees
  - Annual Sales or Revenue (US Dollar equivalent)
  - Description of Operations
6. Note that some fields are Optional, however all other fields must be completed to proceed further with the application process. For example, all applicants must complete the Organization Information



sections. The Company Name and Physical Address fields are self-populated based on information previously entered during the initial DUNS search. The question marks to the left of the field provide additional information when you click on them.

The screenshot shows a web browser window with the URL <http://fedgov.dnb.com/webform/newReq.do?hdnCompanyName=&hdnAddress=&hdnCity=&hdnState=&hdnZip=&hdnCountry=&hdnDuns=&hdnTradeStyleName=&newComp>. The page title is "Request for New D-U-N-S Number". The form contains the following fields:

Company Name	
Legal Name	DNB TEST, INC
Legal Structure	Proprietorship
Tradestyle Name 1 (optional)	
Tradestyle Name 2	
Tradestyle Name 3	
Phone Number of Business	20-555-1212

Physical Address	
Street	100 Jalan Abdul Rahman
City	Kabul
State	
Zip Code + 4IPostal Code	
Country	AFGHANISTAN

Mailing Address (optional) <input type="checkbox"/> Same as Physical Address	
Street/ P.O. Box	
City	

7. You must select the legal structure of your organization from the pull down menu. To assist you in selecting the appropriate structure that best represents your organization, a brief description of the various types follows:

- **Corporation** – A firm that meets certain legal requirements to be chartered by the state/province in which it is headquartered by the filing of articles of incorporation. A corporation is considered by law to be an entity separate and distinct from its owners. It can be taxed; it can be sued; it can enter into contractual agreements.
- **Government** - central, province/state, district, municipal and other U.S. or local government entities. Includes universities, schools and vocational centers owned and operated by the government.
- **Limited Liability Company (LLC)** - This is a type of business ownership combining several features of corporation and partnership structures. It is designed to provide the limited liability features of a corporation and the tax efficiencies and operational flexibility of a partnership. Its owners have limited personal liability for the LLC's debts and obligations, similar to the status of shareholders in a corporation. If your firm is an LLC, this will be noted on the organizations registration and licensing documents.
- **Non-profit** - An entity which exists for charitable reasons and is not conducted or maintained for the purpose of making a profit. Any money earned must be retained by the organization, and

used for its own expenses, operations, and programs. Most organizations which are registered in the host country as a non-governmental organization (NGO) rather than as a commercial business are non-profit entities.

**Community based organizations, trade associations, community development councils, and similar entities which are not organized as a profit making organization should select this status, even if your organization is not registered formally in country as an NGO.**

- **Partnership-** a legal form of operation in which two or more individuals carry on a continuing business for profit as co-owners. The profits and losses are shared proportionally.
- **Proprietorship-** These firms are owned by one person, usually the individual who has day-to-day responsibility for running the business. Sole proprietors own all the assets of the business and the profits generated by it.

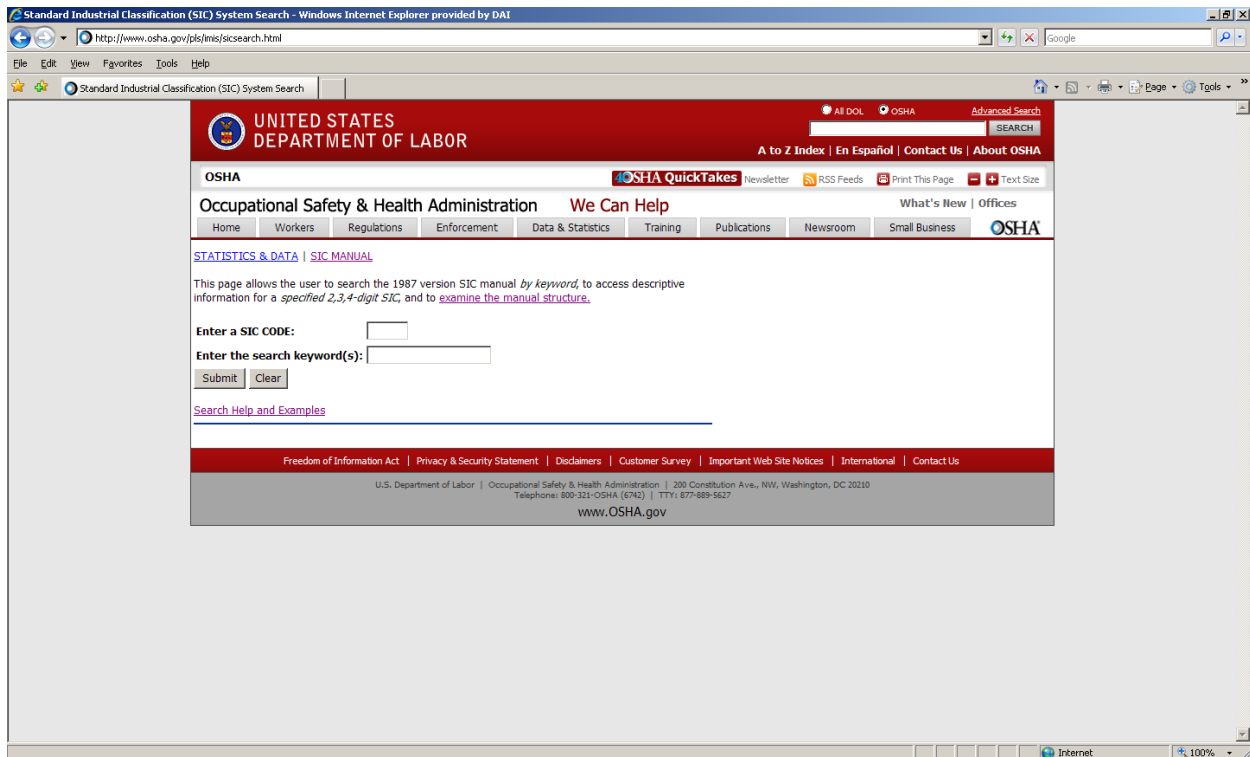
8. One of the most important fields that must be filled in is the Primary SIC code field. (See screen shot below.) The Primary Standard Industrial Code classifies the business' most relevant industry and function.

The screenshot shows a web browser window titled "CCR Webform: New Duns Number Request". The address bar shows a URL from fedgov.dnb.com. The form contains several sections:

- Address:** Street/P.O. Box, City, State, Zip Code + 4/Postal Code, and Country (dropdown menu).
- Organization Information:** Executive Name, Title (dropdown menu), Primary SIC code, Description of Operations, Socioeconomic Data (dropdown menu), Number of Employees (includes owners, partners, and/or officers), and Annual Sales or Revenue.
- Parent Organization (optional):** Name, Street, City, State, Zip Code + 4/Postal Code, and Country (dropdown menu).
- Notes (optional):** A text area for additional information.

A "Submit Your Request" button is located at the bottom of the form. At the bottom right of the browser window, there is a small text link: "If you have technical difficulties, please contact gov@dnb.com".

9. If you are unsure of which SIC Code your organization's core business falls under, please refer to the following website: <http://www.osha.gov/oshstats/sicser.html>



You will need to enter certain keywords to bring up the potential SIC Codes. In the case above, “Research” was entered as the keyword, and resulted in the following:



PLEASE NOTE: Many of the DAI subcontractors and grantees fall under one of the following SIC codes:

**8742** Management Consulting Services

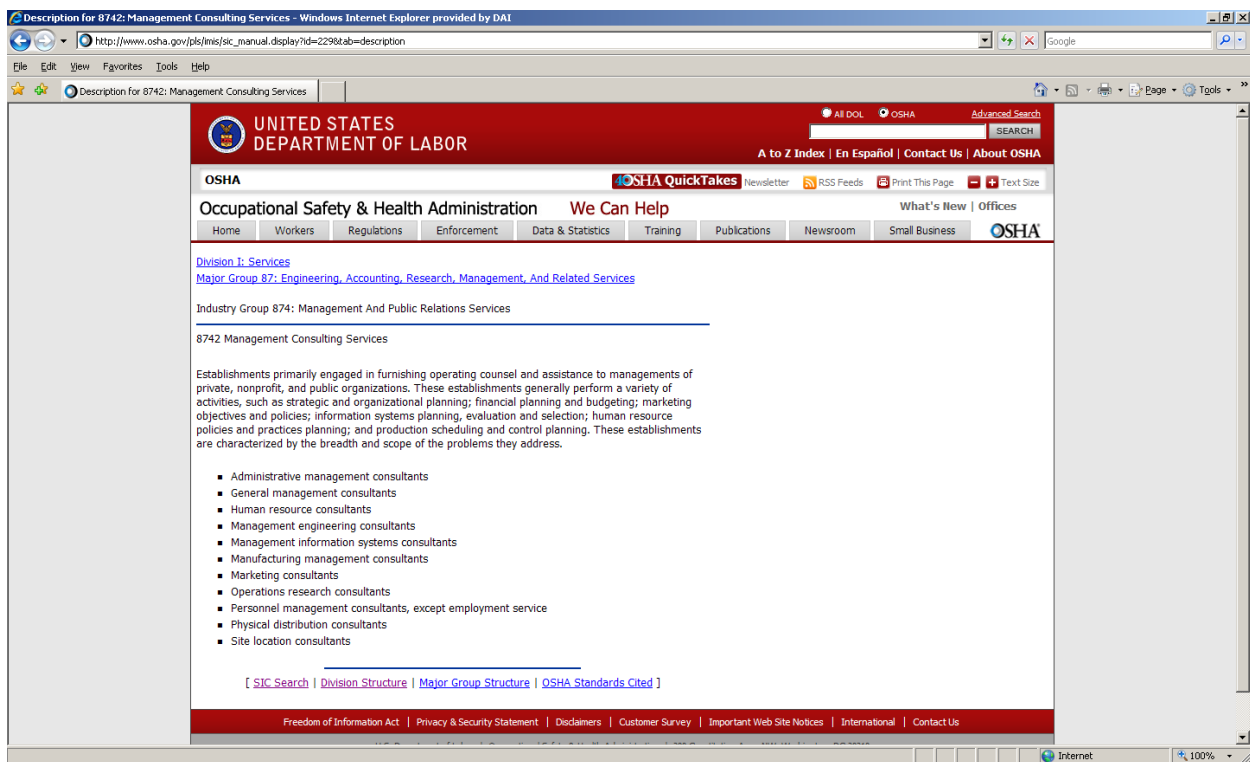
1542 General Contractors-Nonresidential Buildings, Other than Industrial Buildings and Warehouses or one of the codes within:

Industry Group 357: Computer And Office Equipment

Industry Group 355: Special Industry Machinery, Except Metalworking

Industry Group 356: General Industrial Machinery And Equipment

Industry Group 359: Miscellaneous Industrial And Commercial



10. Description of Operations- Enter a brief description of the primary services you provide the example below, “agricultural technical assistance” was chosen as the primary function of the business.

Country: AFGHANISTAN

Mailing Address (optional)  Same as Physical Address

Street/ P.O. Box:

City:

State:

Zip Code + 4/Postal Code:

Country: Select one

Organization Information

Executive Name: Mohammad Ali

Title: Owner

Primary SIC code:

Description of Operations: Agricultural Technical Assistance

Socioeconomic Data: No special Ownership Status

Number of Employees(includes owners, partners, and/or officers): 10

Annual Sales or Revenue: USD 500,000

Parent Organization (optional)

Name:

Street:

City:

State:

Zip Code + 4/Postal Code:

Country: Select one

Notes (optional)

[Submit Your Request](#)

11. The Annual Sales or Revenue figure should be provided in USD (US Dollar) equivalent.
12. Once all of the fields have been completed, click on “Submit Your Request” to be taken to the Verification page.
13. Note: Representative (Principal, Owner or Officer) needs to verify and provide affirmation regarding the accuracy of the data under criminal or civil penalties as per Title 18, Section 1001 of the US Criminal Code.
14. Once “Yes, Continue” button is clicked, the registration application is sent to D&B, and a DUNS number should be available within 24-48 hours. DUNS database can be checked in 24-48 hours by entering the Business Information in the Search window – which should now display a valid result with the new DUNS number for the entity.

CCR Webform : verification page - Windows Internet Explorer provided by DAI

http://fedgov.dnb.com/webform/NewDunsRequest.do

File Edit View Favorites Tools Help

CCR Webform : verification page

**D&B**  
Decide with Confidence

**D&B DUNS Numbers™**  
for US Government  
Contractors & Grantees

D.U.N.S Number Request > Search > Enter Your Company Information > Verify Information Page >

### Verification Page

<b>Company Name</b>	
Legal Name	DNB TEST, INC
Phone Number of Business	20-555-1212
<b>Physical Address</b>	
Street	100 Jalan Abdul Rahman
City	Kabul
State	
Zip Code + 4/Postal Code	
Country	AFGHANISTAN
<b>Organization Information</b>	
Executive Name	Mohammad Ali

You affirm that you are a principal, owner or officer of the entity for which you are submitting proposed information and/or changes and that you are properly authorized to submit these changes. You also agree not to knowingly provide any false or misleading information to D&B. Knowingly providing false or misleading information may result in criminal or civil penalties as per [Title 18, Section 1001 of the US Criminal Code](#), and may negatively impact the status of the D&B report maintained on this company.

This also includes the use of a Shelf Corporation. D&B defines a Shelf Corporation as one that exhibits either of the following characteristics: (1) An aged corporation where no prior business activities could be confirmed or (2) An aged corporation that was revoked, dissolved or went to a dormant status, and is subsequently reinstated and is under new control. It is D&B's policy that the historical business activity of a Shelf Corporation, if any, will not be factored into the determination of such Shelf Corporation's start date. As such, any individual who attempts to misrepresent the start date of their business through the use of a Shelf Corporation or any other means is immediately put on information alert status or higher-risk status. In addition, the criminal penalties mentioned above may apply.

Done

Internet 100%

**Self Certification for Exemption from DUNS Requirement**

**Self - Certification for Exemption from DUNS Requirement For Subcontractors and Vendors**

Legal Business Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Physical City: \_\_\_\_\_

Physical Foreign Province (if applicable): \_\_\_\_\_

Physical Country: \_\_\_\_\_

Signature of Certifier \_\_\_\_\_

Full Name of Certifier (Last Name, First/Middle Names): \_\_\_\_\_

Title of Certifier: \_\_\_\_\_

Date of Certification (mm/dd/yyyy): \_\_\_\_\_

The sub-contractor/vendor whose legal business name is provided herein, certifies that we are an organization exempt from obtaining a DUNS number, as the gross income received from all sources in the previous tax year is under USD \$300,000.

\*By submitting this certification, the certifier attests to the accuracy of the representations and certifications contained herein. The certifier understands that s/he and/or the sub-contractor/vendor may be subject to penalties, if s/he misrepresents the sub-contractor/vendor in any of the representations or certifications to the Prime Contractor and/or the US Government.

The sub-contractor/vendor agrees to allow the Prime Contractor and/or the US Government to verify the company name, physical address, or other information provided herein. Certification validity is for one year from the date of certification.