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Sustainable Democracy.

2011 Crystal Drive
Floor 10
Arlington, VA 22202

Tel: 202.350.6700
Fax: 202.350.6701
www.IFES.org

INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS (IFES)

REQUEST FOR APPLICATIONS (RFA) for Electoral Legal Reform in Nepal

RFA-18-016

February 5, 2018

1. Request for Application (RFA)

1.1. Purpose

IFES is currently engaged in implementing “Niti Sambad”, funded by USAID. The purpose of this Request for Applications (RFA) is to issue a cost reimbursable sub award to an organization that would lead an electoral legal reform initiative in Nepal. The RFA provides prospective organizations with the relevant operational and performance requirements.

1.2. RFA Schedule

IFES will conduct a competitive process to identify grantees per the timeline below:

Issuance of RFP	February 5, 2018
Questions Due	February 12, 2018
Response from IFES	February 16, 2018
RFA Closes—All Applications Due	March 1, 2018 at 17:00 PM Kathmandu local time.
Implementation Period	April 2018 – March 2020

2. General Information

2.1. Background

IFES is an independent, non-governmental organization providing professional support to electoral democracy. IFES supports citizens’ rights to participate in free and fair elections. Our independent expertise strengthens electoral systems and builds local capacity to deliver sustainable solutions.

As the global leader in democracy promotion, we advance good governance and democratic rights by:

- Providing technical assistance to election officials
- Empowering the underrepresented to participate in the political process
- Applying field-based research to improve the electoral cycle

Since 1987, IFES has worked in over 145 countries – from developing democracies, to mature democracies.

3. Application Preparation Instructions

3.1. Applicant’s Understanding of the RFA

In responding to this RFA, the applicant accepts full responsibility to understand the RFA in its entirety, and in detail, including making any inquiries to IFES as necessary to gain such understanding. IFES reserves the right to disqualify any applicant who demonstrates less than such understanding. Further, IFES reserves the right to determine, at its sole discretion,

whether the applicant has demonstrated such understanding. Such disqualification and/or cancellation shall be at no fault, cost, or liability whatsoever to IFES.

3.2. Good Faith Statement

All information provided by IFES in this RFA is offered in good faith. Individual items are subject to change at any time. IFES makes no certification that any item is without error. IFES is not responsible or liable for any use of the information or for any claims asserted there from.

3.3. Communication

Verbal communication shall not be effective unless formally confirmed in writing by the IFES officials identified in Section 3.5 of this RFA. In no case shall verbal communication govern over written communication.

3.3.1. Applicant Inquiries

Inquiries, questions, and requests for clarification related to this RFA should be submitted by email , **no later than February 12, 2018**, and be submitted to the representative listed below.

Mr. Abdullah Abdullah
aabdullah@ifes.org

Note: Questions/Answers and Amendment(s) related to this RFA can be found on IFES Procurement Notices Page on the following link: www.ifes.org/procurement-notice

3.3.2. Formal Communications shall include, but are not limited to:

- Questions concerning this RFA
- Expressions of Interest
- Pre-award negotiations under this RFA
- Addenda to this RFA

3.3.3. Addenda

IFES will make a good-faith effort to provide written responses to the questions or requests for clarifications that require addenda by February 16, 2018. All questions, answers, and addenda will be shared with all interested organizations.

3.4. Application Instructions

All applications should include the following, in order, for their application to be considered:

3.4.1. Technical Application

- The Technical Application must include a written proposal in English describing in detail the applicant's (a) Technical Approach, (b) implementation timeline, and (c) results framework to implement the Program Description as described in Article 4 of this RFA. The evaluation/selection criteria can be found in Article 3.6. Applicants should use the technical narrative template in Attachment A.

3.4.2. Cost Application – Budget & Budget Narrative

- The Budget should reflect costs associated with the technical activities and deliverables. All applicants must use the budget template provided in Attachment B and submit it in Excel format as part of their application. The Budget should be presented in local currency. Unit costs are required and, in the case of discrepancies between unit costs and total costs, the unit cost will be taken as the reference basis in the evaluation.
- If the applicant has never received a negotiated indirect cost rate, the applicant may elect to charge a de minimis indirect rate of 10% of modified total direct costs as per 2 CFR 200.414(f). If the prospective applicant chooses to charge the de minimis rate, the applicant must follow the requirements in 2 CFR 200.414(f).
- The applicant must agree to keep these costs valid for a minimum of 90 calendar days.
- The Cost Application must include a budget narrative that describes each cost element of the Budget in detail (see column H of Attachment B)

3.4.3. A brief outline of the applicant's organization and experience as requested in Attachment C.**3.4.4. Additional documentation**

- A completed pre-award survey as included in Attachment D
- A copy of the organization's most recent final, signed audits/financial statements
- Proof of registration with SWC
- Any other supporting document that will strengthen the application

3.5. Application Submission

Applicants must send final applications in electronic copy via e-mail, on or **prior to March 1, 2018 —by no later than 17:00 Kathmandu Local Time** to aabdullah@ifes.org.

3.6. Criteria for Selection

The evaluation of each response to this RFA will be based on its demonstrated competence, compliance, format, and organization. The purpose of this RFA is to identify those organizations that have the interest, capability, and financial strength to implement the project as described in Article 4 of this RFA.

Evaluation Criteria & Grading:**Criteria**

- | | |
|--|-----|
| 1. Technical Approach, Implementation Timeline, Results Framework | 50% |
| 2. A competitive budget with efficient and reasonable cost structure | 25% |
| 3. Past Performance and Organizational Capacity | 25% |

Evaluation Criteria Grading:

Highly Exceeds Expectations	5 Points
Slightly Exceeds Expectations	4 Points
Meets Expectations	3 Points
Meets most but not All Expectations	2 Points
Does Not Meet Expectations	1 Point

3.7. Selection and Notification

Applicants determined by IFES that possess the capacity to compete for this project will be selected to move into the negotiation phase of this process. Written notification will be sent to these applicants via e-mail. Those applicants not selected for the negotiation phase will also be notified.

4. Scope of Work

A clear and comprehensive electoral legal framework is at the foundation of credible elections in any country. The Constitution of Nepal (2015) required the drafting of nine laws related to elections, as well as related regulations and directives. This was a difficult task accomplished in a short time due to the timeline for elections established by the Constitution. The resulting electoral legal framework was adequate to conduct local, state and federal elections, however, many stakeholders expressed frustration with the haste in which that laws were passed without informed debate in the Legislative Parliament.

The objective of this project is to revisit the electoral legal framework with a diverse group of lawmakers and interested stakeholders, to address gaps and harmonize the laws with the Constitution of Nepal and international legal standards for elections. With the completion of Nepal's initial electoral cycle and the establishment of a new Federal Parliament, there is an opportunity for a detailed review of electoral laws to ensure they work in accordance with each other and reflect the inclusive spirit of the Constitution.

IFES is therefore seeking to partner with a Nepal CSO to initiate and lead this process. With support from and in cooperation with IFES, the CSO will:

- Develop a strategic approach for legal reform mapping both the necessary stages for review and analysis and the influential stakeholders that need to be involved.
- Create and support a steering committee including lawmakers, parliamentarians, officials from relevant ministries, civil society, and the Election Commission.
- Consult with Nepali and international legal experts to review and analyze the existing electoral legal framework to highlight areas for revision.
- Gather input from local stakeholders on changes to the laws through state level consultative forums or town halls
- Draft an election law (or laws) to govern the conduct of elections in Nepal considering international standards for democratic and inclusive elections, the Constitution of Nepal, recommendations of observers of the 2017 elections, and input of Nepali stakeholders.
- Develop an outreach plan to raise public awareness and advocate for electoral reform including seeking input from different marginalized groups.

Specific Requirements:

Applications are limited to organizations registered with the Social Welfare Council of Nepal, and may include local Civil Society Organizations (CSOs) or Non-Governmental Organizations (NGOs), or similar not-for-profit institutions.

Preference is for applications from an organization with previous experience in the field of electoral reform and/or legal drafting. Prior experience working with government officials and Parliamentary committees is also a significant advantage.

Locally registered implementing chapters of international or regional (network) organizations are eligible if they meet the following minimum criteria:

- ✓ The majority of Board members are based in Nepal
- ✓ The organization is largely financially independent of its international mother body
- ✓ Individuals and the following organizations are not eligible to access funding:
 - ✓ Governmental and semi-governmental institutions
 - ✓ International organizations
 - ✓ Political parties or organizations affiliated with or engaging in partisan activities
 - ✓ Organizations running on a for-profit basis

4.1. Timeline:

Applicants must submit a detailed timeline in their proposal showing the time required to implement the services requested. IFES requires all deliverables to be completed not later than March 31, 2020.

4.2. Monitoring & Evaluation

- As part of its due diligence, IFES conducts pre-award surveys on all potential grantees to assess capacity and inform the appropriate grant mechanism. In addition, applicants expected to expend \$750,000 or more in U.S. funded awards during their fiscal year must have an audit conducted in accordance with 2 CFR Part 200, Subpart F—Audit Requirements. If Applicable, applicants must ensure that funds are included in the grant budget for an audit.
- IFES will issue the appropriate grant mechanism depending on the nature of the work, the capacity of the grantee, the duration of the grant, and the overall value of the grant.
- IFES will provide continuous mentorship, training and oversight to ensure grant management practices are in line with anti-corruption principles as well as to build capacity of local grantees to fully manage and implement their programs in adherence to donor regulations and with a view towards sustainability.

4.3. Deliverables:

Deliverables and reporting will be determined based on the grant activities proposed and negotiated during the negotiation phase.

5. Additional Terms & Conditions

5.1. Non-Disclosure Agreement

IFES reserves the right to require any applicant to enter into a non-disclosure agreement.

5.2. Zero Tolerance for Fraud

IFES has zero tolerance for fraud. Fraud is any act or omission that intentionally misleads, or attempts to mislead, to obtain a benefit or to avoid an obligation. If you have concerns about potential fraud in any way related to IFES projects, contracts, or activities, please contact IFES' Compliance Hotline at compliance@ifes.org or at +1 202-350-6791.

5.3. Intellectual Property

Applicants should not use any intellectual property of IFES including, but not limited to, all logos, registered trademarks, or trade names of IFES, at any time, without the prior written approval of IFES, as appropriate.

5.4. Applications

All accepted applications shall become the property of IFES and will not be returned.

5.5. Governing Law

This RFA and the applicants' applications shall be governed by the laws of the Commonwealth of Virginia, USA.

5.6. Partial Awarding

IFES reserves the right to accept all or part of the application when awarding the grant.

5.7. No Liability

Issuance of this RFA does not constitute a commitment on the part of IFES to make an award nor does it commit IFES to pay for costs incurred in the preparation and submission of any application in response to this RFA. Further, IFES reserves the right to reject any or all applications received or stop solicitation process at any time, without assigning any reason or liability.

IFES shall not be liable to any applicant, person, or entity for any losses, expenses, costs, claims, or damages of any kind:

- Arising out of, by reason of, or attributable to the applicant responding to this RFA; or
- As a result of the use of any information, error, or omission contained in this RFA document or provided during the RFA process.

5.8. Entire RFA

This RFA, any addenda to it, and any attached schedules, constitute the entire RFA.

5.9. Attachments

- Attachment A: Technical Narrative Template
- Attachment B: Budget Template
- Attachment C: Organizational Capacity and Past Performance Template
- Attachment D: Pre-Award Survey

End of RFA



Attachment A: Technical Narrative Template

I. General Information

Complete Legal Name of Applicant Organization

Office Address

Legal Mailing Address (if different), including zip code

Office Telephone Number(s), including area code

E-Mail Address(es)

Director of Organization

Project Manager/Contact Person

Project Dates (month/year – month/year)

Project Title

DUNS Number

PAN Number

II. Technical Approach:

Please include the following components in in a maximum of 5 pages

- A. **Project Summary:** describe your project in one paragraph, including objectives, issue, target audience, and geographic coverage
- B. **Need for the project:** identify the problem your project would help to solve. Why is this project important?
- C. **Project's Goal and Objectives:** what is the specific goal of your effort? Does it comply with the goals and objectives of the competition?
- D. **Target Audience and Stakeholders:** what is your main target audience? What groups of stakeholders will the project primarily serve?
- E. **Activities:** identify and describe in detail each activity to be undertaken to produce results, justifying the choice of activities.
- F. **Expected Deliverables:** identify specific deliverables that you expect to develop within your project (research/analytical reports; specific strategies; public policy recommendations; etc.)

III. Implementation Timeline

Please use the following format to provide an implementation timeline

Project Month	Activity	Expected Result	Involved Stakeholders

IV. Results Framework

Please identify specific results that you expect to realize upon completion of your project and the quantitative and qualitative criteria for the project's success. How will you determine that the project goals have been accomplished? The framework should include:

- A list of results you expect to accomplish throughout the project
 - 1-4 performance indicators for each result including a detailed definition for each
 - The source, method, frequency and schedule of data collection,
 - Staff responsible for collecting data.
 - How the performance data will be collected
 - How data will be reviewed, analyzed and reported
-

Attachment B

Also Available in Excel Format

CSO (Bidder)
RFA No.

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Please Note: You can delete and add lines as needed or group and ungroup rows and columns.

Project Period
dd/mm/yyyy - dd/mm/yyyy

Title/Category	Name	Base Rate (USD)	Per	Units	Rate (USD)	Amount (USD)	Budget Notes/Narrative
1. DIRECT LABOR - (Labor & Benefits)							
<i>Salaries</i>							
1.1. <i>Example:</i> Project Director (salary)			month			-	<i>Example:</i> General project management; reporting to the donor; representing the project at all levels, including media; maintaining communication with the key stakeholders and partners; advocacy campaign strategic planning and coordination LOE: 60% of working time
1.2.			month			-	
1.3.			month			-	
<i>Subtotal Salaries</i>						-	
<i>Benefits</i>							
1.4.			month			-	
1.5.			month			-	
<i>Subtotal Benefits</i>						-	
1. Total Direct Labor (CCN) (Labor & Benefits)						-	
2. CONSULTANTS							
<i>Local Consultants</i>							
2.1.			day			-	
2.2.			day			-	
2.3.			day			-	
2. Total Consultants						-	
3. TRAVEL, TRANSPORTATION & PER DIEM (for staff and volunteers; please include participant travel expenses under							
3.1. (Travel)			trip			-	
3.2. (Per Diem)			day			-	
3.2. (Accommodation)			night			-	
3. Total Travel, Transportation & Per Diem						-	
4. PROJECT ACTIVITIES							
<i>4.1. Activity One</i>							
4.1.1.						-	
4.1.2.						-	
4.1.3.						-	
<i>4.2. Activity Two</i>							
4.2.1.						-	
4.2.2.						-	
4.2.3.						-	
<i>4.3. Activity Three</i>							
4.3.1.						-	
4.3.2.						-	
4.3.3.						-	
4. Total Project Activities						-	
5. OTHER DIRECT COSTS							
5.1. Bank Charges approx. % of total wired costs						-	
5.2. Communication						-	
5.3.						-	
5. Total Other Direct Costs						-	
TOTAL DIRECT COSTS						-	
6. OFFICE EXPENSES							
<i>Operational Costs</i>							
6.1. (Office Rent and Utilities)			month			-	
6.2. (Office Supplies)			month			-	
6.3.			month			-	
6. Total Office Expenses						-	
TOTAL COSTS						-	



Attachment C: Organizational Capacity and Past Performance Template

I. Summary

Briefly present your organization's mission, its core activities, and why it is best suited for this project

II. Human Resources

- A. *Please provide full legal name of organization's Director and / or Chief Executive Officer*
- B. *Please provide CVs for the core technical members of the team (legal experts, election experts, project manager etc.)*
- C. *Please provide hiring plan for full and part-time positions the organization including a list of positions and recruitment plan or cost-share with existing positions*

III. Past Performance

- A. *Briefly describe how your organization's previous experience prepares it to successfully implement the proposed project; highlight the organization's relationship and work experience with lawmakers or government officials if applicable.*
- B. *Please list the organization's major projects from the past five years in the following format:*

<i>Project Name</i>	<i>Project Activities</i>	<i>Donor</i>	<i>Award Amount</i>	<i>Period of Award</i>

- IV. **References:** *If applicable, contact information for three references from donor funded projects similar in scope.*

Attachment D

**PRE-AWARD SURVEY
OF ACCOUNTING SYSTEMS
AND FINANCIAL CAPABILITY QUESTIONNAIRE**

**FOR
NON-US NGO SUBRECIPIENTS**

Acceptance of a subaward from **IFES** creates a legal duty on the part of the subrecipient to use the available funds in accordance with the provisions of the subaward and applicable U.S. Federal regulations.

The purpose of this questionnaire is to provide IFES with current information to assess the financial and organizational capacity of a prospective subrecipient and to identify any need for technical assistance to ensure proper accountability in the event a subaward is made. All information requested in the questionnaire should be answered in English as completely as possible, using supplemental sheets if necessary.

The subrecipient's questionnaire should be returned to IFES as soon as possible. If the proposal is accepted for consideration, the subrecipient's completed questionnaire must be received prior to the issuance of a subaward by IFES.

SECTION A: General Information

Please complete this section which provides general information on your organization.

Legal Name of Organization _____

Mailing Address _____

Street Address _____
(if different) _____

Telephone _____ **Fax Number** _____ **Other (Email)** _____

1. **What is your organization type (profit, non-profit, private volunteer organization, university, etc.)?**

2. **Is your organization incorporated or registered?**

Yes: **No:**

3. **When and where was your organization incorporated or registered?**

Please provide a copy of your organization's incorporation or registration certificate.

Enclosed: **Not enclosed (Explain):**

4. **What is your organization's tax status?**

5. **Please provide a copy of any information which describes your organization, its mission and history:**

Enclosed: **Not enclosed (Explain):**

6. **Is your organization affiliated with any other organization:**

Yes: **No:**

If yes, please provide details:

7. **Please list the names of the following individuals:**

President/Director _____

Secretary _____

Chief Financial Officer _____

Controller/Accountant _____

8. List the number of employees of your organization:

Full-Time Employees: ____ Part-Time Employees: ____ Consultants: ____

9. Enter the beginning and ending dates of your organization's fiscal year:

From (Month, Day) _____ To (Month, Day) _____

10. Financial Information. Please complete the requested information and provide a copy of your most recent financial reports.

Current year information (indicate period) _____

Revenues: U.S.D. \$ _____ Local Currency : _____

Expenses: U.S.D. \$ _____ Local Currency : _____

Assets U.S.D. \$ _____ Local Currency : _____

Liabilities: U.S.D. \$ _____ Local Currency : _____

Exchange Rate: _____ per \$1 U.S.D.

Prior year information (indicate period) _____

Revenues: U.S.D. \$ _____ Local Currency : _____

Expenses: U.S.D. \$ _____ Local Currency : _____

Exchange Rate: _____ per \$1 U.S.D.

11. Will your organization have other sources of U.S. Government funds during the period of the IFES subaward

Yes: No:

If Yes, what is the estimated value of U.S. Government funding that your organization receives per year?

\$ _____

SECTION B: Internal Controls

Internal controls are procedures which ensure that: 1) financial transactions are approved by an authorized individual and are consistent with laws, regulations, and the organization's policies, 2) assets are maintained safely and controlled, and 3) accounting records are complete, accurate, and are maintained on a consistent basis.

Please complete the following questions concerning your internal controls:

1. List the name and position title for the following area(s):

- Responsible for cash, bank accounts, or equipment.

Cash: _____

Bank Account: _____

Equipment: _____

- Responsible for reviewing expenditures to make sure they are allowable.

- Responsible for keeping all receipts and other documentation to support expenses charged to this grant.

- Responsible for signing checks.

- Responsible for maintaining the accounting records.

- Responsible for reconciling bank statements to the accounting records.

- Responsible for preparing financial and narrative reports.

2. Describe the types of reconciliations performed, and how frequently they are performed.

Type of reconciliation

Frequency

3. Are timesheets maintained for each employee who is paid?

Yes:

No:

4. Is each employee's salary documented in an employment letter or contract?

Yes:

No:

5. Do you maintain inventory records?

Yes:

No: (if no, explain)

6. How often do you check inventory records to the actual inventory?

SECTION C: Accounting system

The purpose of an accounting system is to: 1) accurately record all financial transactions, and 2) ensure that financial transactions are supported by invoices, **timesheets** or other documentation. The type of accounting system often depends upon the size of an organization. Some organizations may have computerized accounting systems while others use a manual system to record each transaction in a ledger.

In all cases, IFES' subaward funds must be properly authorized, used for the intended purpose and recorded in an organized and consistent manner.

1. Briefly describe your organization's accounting system. At a minimum, describe: a) any manual ledgers used to record transactions (general ledger, cash disbursements ledger, accounts payable ledger, etc); b) any computerized accounting system used (please indicate the type); c) how recorded transactions are summarized for financial reporting purposes, and d) the frequency of financial reports.

2. Do you have written accounting policies and procedures?

Yes: No:

3. Are your financial reports prepared on a:

Cash basis: Accrual basis:

4. Can the accounting records identify the receipts and payments of an IFES grant from the receipts and payments of other activities?

Yes: No:

5. Can the accounting records summarize payments by budget category?

Yes: No:

6. How will you ensure that line item and overall budget limits for the IFES subaward will not be exceeded?

7. Do you maintain invoices, vouchers, and timesheets for all payments made from subaward funds?

Yes: No:

8. Are there any circumstances in which invoices, vouchers, and timesheets cannot or will not be obtained?

Yes: (explain) No:

9. Briefly describe your organization's system for filing and maintaining supporting documentation.

10. Will you be able to maintain accounting records including invoices, vouchers, and timesheets for at least three years after the final financial report is submitted?

Yes: No: (explain)

11. Do you have an audited indirect cost rate?

Yes: (enclose approved rates) No:

SECTION D: Funds Control

IFES' subrecipients receiving advances of subaward funds must maintain a separate bank account for IFES' funds. Access to the bank account should be limited to authorized individuals. Bank balances should be reconciled periodically to the accounting records. If cash cannot be maintained in a bank, it is very important to have strict controls over its maintenance and disbursement.

1. Can a separate bank account be established just for IFES' subaward funds?

Yes: **No:**

2. Will any cash from IFES funds be maintained outside the bank (in petty cash form, etc.)?

Yes: **No:**

If yes, please explain the amount of funds to be maintained, the purpose and person responsible for safeguarding these funds.

3. If you don't have a bank account, what do you do to make sure that cash is maintained safely?

4. If IFE'S subaward funds will be held in a non-U.S. bank, please answer the following:

a. Are bank deposits insured by the government?

Yes: **No:**

b. Do you intend to convert U.S. currency to foreign currency?

Yes: **No:**

c. Are there any government restrictions on the number of bank accounts a single organization may maintain?

Yes: **No:**

d. Are there any government or bank restrictions on the use of checks for making payments or withdrawals? (Please explain.)

Yes: **No:**

e. Are checks usually accepted by vendors?

Yes: **No:**

f. Will it be possible for you to establish a bank account in U.S. dollars?

Yes: **No:**

g. Are there any government or bank restrictions, taxes, or other charges that will be placed on U.S. dollar bank accounts? (Please explain.)

Yes: **No:**

h. Are there any taxes or other charges when converting U.S. dollars to local currency? (Please explain).

Yes:

No:

SECTION E: Audit

IFES' subaward provisions may require an audit to be performed of your accounting records. Please provide the following information on prior audits of your organization.

1. Have external accountants ever performed an audit of your organization's financial statements?

Yes: **No:**

2. If an audit was performed, please provide this office with a copy of your most recent report.

Enclosed:

3. Does your organization have regular audits?

Yes: **No:**

a. If yes, who performs the audit and how frequently is it performed?

b. If you receive an IFES' subaward, will IFES' subaward funds be included in such an audit?

Yes: **No:** **N/A (not applicable):**

c. If yes, would it appear as a separate project?

Yes: **No:** **N/A:**

d. Would the report be prepared in, or translated into English?

Yes: **No:** **N/A:**

4. Are there any reasons (local condition, laws, or institutional circumstances) that would prevent an independent accountant from performing an audit of your organization?

Yes: **No:**

If yes, please provide details:

Prepared by: _____
Printed Name

Signature

Title

Date

Approved by: _____
Printed Name

Signature

Title

Date

Please include any additional comments here: