

Department of State – U.S. Embassy, Kabul

Program Office: Public Affairs Section, U.S. Embassy, Kabul,
Afghanistan
Funding Opportunity Title: Balkh University Media Operations Center
Announcement Type: Cooperative Agreement
Funding Opportunity Number: **SCAKAB-13-CA-013-SCA-03012013**
Deadline for Applications: **April 1, 2013**
CFDA 19.501- Public Diplomacy Programs for
Afghanistan and Pakistan

CONTACT INFORMATION

- A) For questions relating to Grants.gov, please call the Grants.gov Contact Center at 1-800-518-4726.
- B) For assistance with the requirements of this solicitation, contact Pedro Palugyai, Grants Manager, Public Affairs Section, U.S. Embassy, Kabul, Afghanistan, at: Email: KabulPDProposals@state.gov (*Preferred method of communication*)

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I. EXECUTIVE SUMMARY

The Public Affairs Section (PAS) of the U.S. Embassy in Kabul, Afghanistan is pleased to announce an open competition for assistance awards through this Request for Grant Proposals (RFGP). PAS Kabul invites all eligible organizations to submit a proposal for Balkh University Media Operations Center (MOC). Please see Section III below for Eligibility Requirements and take note of sub-section C.

II. BACKGROUND

The U.S. Embassy Kabul Public Affairs Section seeks to enhance the Faculty of Journalism at Balkh University by constructing and equipping a new Media Operations Center (MOC). This building will enable the faculty and students to put into practical application the theories they have learned in the classroom. This will enable the University to promote and teach state-of-the-art media technologies and techniques.

The MOC shall contain the following key elements:

- 1) Radio recording and production studio with broadcast capability. The radio studio shall include soundproofing and controlled access consistent with industry best practices as well as adequate space for student observation during its operation;
- 2) Television recording and production studio (not including broadcast capability). The television studio shall include soundproofing, lighting, and controlled access consistent with industry best practices as adequate space for student observation during its operation;
- 3) Print production facility capable of producing newspapers and basic desktop publishing.

Each of the key elements above shall be constructed in accordance with industry norms and best practices with an emphasis on exposing students to equipment and facilities comparable to those used in private industry in Afghanistan. The MOC shall also contain:

- At least 10 classrooms with space to accommodate approximately 80 students each;
- At least 1 conference room to accommodate at least 200 people;
- Office space for the Dean of Journalism;
- Office space for the Vice Dean of Journalism;
- 1 office for reception and administrative functions;
- 7 offices, each adequate to accommodate two professors' desks;
- 1 "tea room" (i.e. small kitchen suitable for preparing tea); and
- Men's and women's restrooms, including ablution facilities, consistent with the number of anticipated users of the MOC.

The Recipient shall coordinate closely with Balkh University on all major design elements to ensure the University's acceptance of the MOC design prior to commencing construction. The MOC shall be constructed in compliance with International Building Code (IBC) and National Electric Code (NEC). Please see the Department of State Construction Grant Terms and Conditions, included as Attachment I to this RFGP, for further information on building standards and requirements.

As part of the project, the successful applicant shall provide equipment operations and maintenance training to at least six personnel identified by the University with the goal of ensuring the MOC's long term sustainability by building the University's capacity to successfully maintain, troubleshoot, and service media equipment. The Grantee shall not be responsible for training professors on the use of media equipment or curriculum development as these tasks are provided for under a separate grant award.

Balkh University shall be responsible for:

- Providing land on which to construct the MOC and access to the building site for the Grantee;
- Providing timely input to the Grantee on the design of the MOC;
- Providing electricity, water, and internet service connections to the MOC, and providing electricity, water, and internet service to the MOC on an ongoing basis after its completion;
- Site security for the MOC;
- Timely identification of personnel to receive equipment operations and maintenance training included under this grant;
- All costs associated with operating and maintaining the MOC following completion of this grant, including salaries of maintenance personnel; and
- Securing the needed radio broadcast license.

The Grantee shall be responsible for:

- All construction and construction-related tasks;
- All media production and associated equipment (television, print and radio) including procurement and installation;
- All internal electrical wiring and connections consistent with the requirements of the media equipment, climate control systems, lighting, and other electrical requirements;
- Voltage regulators, surge suppressors, uninterruptible power supplies (UPS), and other electrical equipment needed for the safe, continuous operation of media equipment;
- Solar power system to serve as a backup in the event of a grid power failure OR a diesel generator for the same purpose (the proposal should justify the Applicant's recommendation);
- All internal plumbing consistent with the MOC's requirements;

- All internal computer network cabling and equipment required to operate a computer network inside the MOC which is connected to Balkh University's campus network;
- All climate control systems needed to maintain a comfortable environment inside the MOC at all times of year; and
- All needed furnishings including desks, chairs, classroom white boards, etc.

The Grantee's Final Report for this project shall include written confirmation from a qualified building inspector that the MOC is compliant with all applicable building codes and standards as defined in the Department of State Construction Grant Terms and Conditions, included as Attachment I to this RFGP.

III. ELIGIBILITY REQUIREMENTS

Eligibility is open to all U.S., Afghan, and international organizations or companies with direct experience in construction projects of a similar nature including the construction of television and radio studios and installation of radio, television, and printing equipment. The Applicant should have a proven track record of success implementing projects in Afghanistan and Balkh Province. Non-Afghan organizations or companies are required to partner with an Afghan organization or company.

The Recipient is not allowed to earn a profit from its performance on this grant. If the applicant is a commercial organization, the applicant's proposal must contain a certification that the proposed budget does not include profit. The Recipient is allowed to pay reasonable profit to suppliers and sub-recipients under this award.

Applicants are not required to include funding from other donors. However, applications that include additional in-kind and/or cash contributions from non-U.S. Government sources will be more competitive, since cost-sharing demonstrates a strong commitment to the planned activities and will be considered to show greater cost effectiveness.

Applicants must:

- A. Be registered in the System for Award Management SAM located at www.sam.gov prior to submitting an application or plan; AND
- B. Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by an agency; AND
- C. **Understand and agree to the State Department Construction Grant General Terms and Conditions (attached to this RFGP as Attachment I) including the ability to provide a payment bond valued at 25% of the project cost and a performance bond valued at 25% of the project cost. Please also note that Sections 2, 7, and 8 of the Department Construction Grant General Terms and Conditions are not applicable to this award.**

IV. APPLICANT VETTING AS A CONDITION OF AWARD

Applicants are advised that successful passing of vetting to evaluate the risk that funds may benefit terrorists or their supporters is a condition of award. Applicants may be asked to submit information required by DS Form 4184, *Risk Analysis Information* (attached to this solicitation) about their company and its principal personnel. Vetting information is also required for all sub-award performance on assistance awards identified by DOS as presenting a risk of terrorist financing. When vetting information is requested by the Grants Officer, information may be submitted on the secure web portal at <https://ramportal.state.gov>, via Email to RAM@state.gov, or hardcopy to the Grants Officer. Questions about the form may be emailed to RAM@state.gov. Failure to submit information when requested, or failure to pass vetting, may be grounds for rejecting your proposal.

V. SUBMISSION INFORMATION

Award Period: 12 months

Number of Awards Anticipated: 1

Award Amount: The award ceiling is set at \$3,800,000. The Government reserves the right to award a grant in excess of this amount.

Application Deadline: All applications must be received on or before **April 1, 2013, 11:59 p.m., Kabul time**. Applications received after 11:59 p.m. will be ineligible for consideration. **Applicants are encouraged to begin the application process early**, as this will allow time to address any technical difficulties that may arise in advance of the deadline. There will be no exceptions to this application deadline.

Question Deadline: For questions on this solicitation please contact Pedro Palugyai, Grants Manager, Public Affairs Section, U.S. Embassy, Kabul, Afghanistan, at: Email: KabulPDProposals@state.gov (*Preferred method of communication*). The Funding Opportunity Title must be included in the email subject line.

Questions must be received on or before March 15, 2013, 11:59 p.m., Kabul time.

Answers to questions will be posted on <http://www.grants.gov> and <http://kabul.usembassy.gov/pdprp.html>.

Application Submission Process: There are two submissions methods available to applicants. Applicants may submit their application using Submission Method A **or** Submission Method B outlined below.

- **Submission Method A:** Submitting all application materials directly to the following email address: KabulPDProposals@state.gov. Applicants opting to submit applications via email to KabulPDProposals@state.gov **must** include the Funding Opportunity Title and Funding Opportunity Number in the subject line of the email.
- **Submission Method B:** Submitting all application materials through [grants.gov](http://www.grants.gov). For those opting to apply through [Grants.gov](http://www.grants.gov), thorough instructions on the application process are available at <http://www.grants.gov>. For questions relating to [Grants.gov](http://www.grants.gov), please call the [Grants.gov](http://www.grants.gov) Contact Center at 1-800-518-4726. Please note,

KabulPDProposals@state.gov is unable to assist with technical questions or problems applicants experience with grants.gov.

Applicants utilizing Grants.gov must register with Grants.gov prior to submitting an application. **Registering with Grants.gov is a one-time process; however, it could take as long as two weeks to have the registration validated and confirmed. Please begin the registration process immediately to ensure that the process is completed well in advance of the deadline for applications.** Until that process is complete, you will not be issued a user password for Grants.gov, which is required for application submission. There are four steps that you must complete before you are able to register: (1) Obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet (if your organization does not have one already) by calling 1-866-705-5711; (2) Register with System for Award Management (SAM); (3) Register yourself as an Authorized Organization Representative (AOR); and (4) Be authorized as an AOR by your organization. For more information, go to www.grants.gov. Please note that your SAM registration must be annually renewed. Failure to renew your SAM registration may prohibit submission of a grant application through Grants.gov.

VI. APPLICATION CONTENT

Applicants must follow the RFGP instructions and conditions contained herein and supply all information required. **Failure to furnish all information or comply with stated requirements will result in disqualification from the competition.** Applicants must set forth full, accurate, and complete information as required by this RFGP. The penalty for making false statements in proposals to the USG is prescribed on 18 U.S.C.1001.

Applications are accepted in English only, and final grant agreements will be concluded in English. The proposal must consist of the following:

Section 1 - Application for Federal Assistance (SF-424) and SF424C:

The SF424 is the standard cover sheet for grant applications. The SF424C is a budget summary sheet for construction related grant proposals. Please see below for a description of budget categories. Both these forms can be found on-line at: http://fa.statebuy.state.gov/content.asp?content_id=20&menu_id=68.

Section 2 - Abstract:

The abstract is limited to 300 words in length. It must provide a summary of the project to be undertaken, expected timeline, and cost.

Section 3 – Implementation Plan:

The applicant must specify the goals and objectives of the project. Goals are general statements of intent; Objectives define a specific problem or task to be accomplished. The objective should be SMART (Specific, Measurable, Attainable, Realistic, and Time-framed). The applicant should describe in detail the steps which will be taken to achieve

these goals. This description should include all components of the proposed project including, as needed, design, procurement, construction, installation, and training.

The proposal should clearly demonstrate how each of these project components directly relates to the project's stated goals.

- Describe how success will be measured, and should propose specific performance indicators which can be used to track progress and determine the project's success.
- Include a time-task plan that clearly identifies the timeline for carrying out the project's major activities.

Applicants are recommended to present the following for each project component:

- An overview of the proposed project component and its respective activities.
- A description of how the project component supports the overall goal of the project.
- A detailed outline of the methodology that will be used to implement the proposed component.
- An analysis of anticipated implementation risks and challenges.
- A summary of expected outputs with their expected impact, using performance indicators that will be used to track progress towards the anticipated results.

Section 4 - Organizational Capability:

Applications must include a clear description of the applicant's management structure, previous experience working in Afghanistan, experience working with Afghan government institutions (if applicable), previous experience with U.S. Government grants, and the organizational experience and background in Afghanistan related to the proposed activities. Besides information about the organization as a whole, this section must also identify the proposed management structure and staffing plan for the proposed project. The applicant should describe how its previous experience relates to the proposed project. The applicant's proposal must name all sub-recipients which will work under this Award and explain the specific tasks which each sub-recipient will perform. The applicant should explain how the sub-recipient's experience relates to its role in the proposed project. The applicant must demonstrate its understanding of, and experience with, the specific construction standards named in the Department of State Construction Grant General Terms and Conditions (Attachment I).

Section 5 - Appendices:

The proposal submission must include six appendices. Only the appendices listed below may be included as part of the application:

- 1. Budget Detail (Required)** – Applications will not be considered complete unless they include budgets that respond to the solicitation guidelines. Complete budgets will include detailed line-items outlining specific cost requirements for proposed activities. Applicants must adhere to the appropriate regulations found in 2 CFR 220

(previously OMB circulars A-21, cost principles for education institutions) and 2 CFR 230 (previously OMB circular A-122, cost principles for non-profits).

Detailed Line-Item Budget (in Microsoft Excel or similar spreadsheet format) that delineates funds requested from the Embassy and cost-share (see below for more information on budget format). Costs must be in U.S. Dollars. The budget must identify the total amount of funding requested, with a breakdown of amounts to be spent in the following budget categories: personnel; fringe benefits; travel; equipment; supplies; consultants/contracts; other direct costs; and indirect costs. The following provides a description of the types of costs to be included in each budget category.

A. Administrative and Legal Expenses – Identify any administrative and legal expenses. Allowable legal costs are generally only those associated with the purchase of land (not required for this grant) and certain services in support of construction of the project. For clarity, please itemize each expense in as much detail as possible (e.g., Administrative Director: \$30,000/year x 25% x 8.5 months; calculation: $\$30,000/12 = \$2,500 \times 25\% \times 8.5 \text{ months} = \$5,312.$).

B. Land Structures, Rights-of-Way, Appraisals, etc. – Not applicable to this grant.

C. Relocation Expenses and Payments - Not applicable to this grant.

D. Architectural and Engineering Fees – This includes basic engineering fees related to construction including start-up services and preparation of project performance work plan. For clarity, please itemize each expense in as much detail as possible (e.g., Architect: \$300/hour x 100 hours = \$30,000).

E. Other Architectural and Engineering Fees – This includes other engineering costs such as surveys, tests, soil borings, etc. For clarity, please itemize each expense in as much detail as possible (e.g., Site Surveyor: \$300/hour x 100 hours = \$30,000).

F. Project Inspection Fees – Inspection costs including verification of compliance with IBC and NEC standards.

G. Site Work – Costs of site preparation and restoration which are not included in the basic construction costs.

H. Demolition and Removal – Cost of demolition and removal of debris from the construction site.

J. Construction – Cost of construction.

K. Equipment – Cost of all equipment not included in the cost of construction. This includes the cost of radio, print, and television equipment for the MOC.

Please note that for the purposes of this grant, the Department of State defines equipment as an asset with a value of more than \$5,000 and a useful life of longer than one year. Any assets which do not meet both of these criteria are considered “supplies” and should be reported in the “Miscellaneous” category below.

L. Miscellaneous – Any cost which does not conform to one of the cost categories above. Please itemize these costs in as much detail as possible.

M. Contingencies – Estimated contingency costs, not to exceed 15% of the total grant award.

N. Cost-Effectiveness/ In-Kind Contributions – There is no minimum or maximum percentage of cost sharing required for this competition. However, the Embassy encourages applicants to provide the highest possible levels of cost sharing in support of its projects. Cost sharing demonstrates the applicant’s commitment to the project, belief in the achievability of its goals, and prospects for long-term sustainability. When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its application and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, written records must be maintained to support all costs which are claimed as contributions, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A-110, (Revised), Subpart C.23—Cost Sharing and Matching.

2. **Budget Narrative (Required)** - The purpose of the budget narrative is to supplement the information provided in the budget spreadsheet by justifying how the budget cost elements are necessary to implement project objectives and accomplish the project goals. The budget narrative is a tool to help the Embassy staff fully understand the budgetary needs of the applicant and is an opportunity to provide descriptive information about the costs beyond the constraints of the budget template. Together, the budget narrative and budget spreadsheets should provide a complete financial and qualitative description that supports the proposed project plan and should be directly relatable to the specific project components described in the applicant’s Implementation Plan. The description provided on the budget spreadsheets should be very brief.
3. **Resumes (Required)** – a resume, not to exceed 1 page in length, must be included for all proposed key personnel. The resumes should demonstrate the expertise of the proposed personnel in project management, financial management, media equipment and installation, architecture and engineering, construction, and construction standards and quality control. If individuals with these skills have not been identified, the applicant may submit a 1-page position description, identifying the qualifications and skills required for that position, in lieu of a resume. In the event that construction work performed under this Award

will be completed by a sub-recipient, the proposal must also include a resume for the sub-recipient's proposed key staff person.

- 4. Audit (Required)** – The Applicant should provide a copy of its most recent financial audit. In the event that construction work performed under this Award will be completed by a sub-recipient, the proposal must also include a copy of the sub-recipient's most recent financial audit.
- 5. Financial Statements (Required)** – The Applicant should provide a copy of its most recent years' financial statements including income statement, balance sheet, and cash flow statement. In the event that construction work performed under this Award will be completed by a sub-recipient, the proposal must also include a copy of the sub-recipient's most recent years' financial statements including income statement, balance sheet, and cash flow statement.
- 6. Previous Construction Projects (Required)** – The Applicant should provide information concerning the three most recent construction projects it has completed as well as information concerning any construction projects it has completed in Afghanistan. This information should include a summary of the project's scope, value of the construction contract, date of completion, location, photographs of the finished product, and contact information for a customer/reference for each project. In the event that construction work performed under this Award will be completed by a sub-recipient, the proposal must also include this information for the three most recent construction projects completed by the sub-recipient.

VII. AWARD SELECTION CRITERIA

U.S. Embassy Kabul Public Affairs will review all proposals for eligibility. Eligible proposals will be subject to compliance of Federal regulations and guidelines and may also be reviewed by the Office of the Legal Adviser or by other Department elements. The U.S. Embassy reserves the right to request any additional programmatic and/or financial information regarding the proposal.

Proposals will be funded based on an evaluation of how the proposal meets the solicitation review criteria, U.S. foreign policy objectives, and the priority needs of the U.S. Embassy. All proposals submitted under this request will undergo a technical review by embassy personnel; all proposals deemed technically eligible will be evaluated by an embassy review committee. Committee members may make conditions and recommendations on any given proposal in order to enhance the proposed program.

Proposals will be scored based on the applicants' response to each Review Criteria listed below. Review criteria will include:

1. Quality of the program idea and program planning (30%): The proposed project should be well developed, respond to the design outlined in the solicitation and demonstrate originality. The project should have clear goals and objectives and metrics for determining whether the project goals were met. It should be clearly and accurately written, substantive and with sufficient detail. The program plan should adhere to the program overview and guidelines described above, and should reference the applicant's capacity to meet all needs specified in the RFGP.

2. Ability to achieve program objectives (30%): Objectives should be reasonable and feasible. Applications should clearly demonstrate how the institution will meet the program's objectives and plan. Proposed personnel, institutional resources, sub-recipients, and partner organizations should be adequate and appropriate to achieve the program goals.

3. Institution's record and capacity (40%): The application should demonstrate an institutional record, including successful programming, responsible fiscal management, and compliance with reporting requirements, especially for U.S. Government grants.

4. Cost-effectiveness (Acceptable or Not Acceptable): The overhead and administrative components of the proposal, including salaries, should be consistent with prevailing market rates in Afghanistan. All other items should be necessary, appropriate, and directly relatable to the project's goals and objectives. Cost sharing is encouraged but not required.

VIII. AWARD ADMINISTRATION INFORMATION

Award Notices: The grant shall be written, signed, awarded, and administered by the Grants Officer. The Grants Officer is the Government official delegated the authority by the U.S. Department of State Procurement Executive to write, award, and administer grants and cooperative agreements. The assistance award agreement is the authorizing document and it will be provided to the Recipient through email or transmission. Organizations whose applications will not be funded will also be notified in writing.

Anticipated Time to Award: Applicants should expect to be notified if their proposal has been selected for award within 90 days after the submission deadline. PAS Kabul will provide information at the point of notification about any modification to the proposal or plan of work that will be required to finalize the grant agreement.

Issuance of this RFGP does not constitute an award commitment on the part of the U.S. government, nor does it commit the U.S. government to pay for costs incurred in the preparation and submission of proposals. Further, the U.S. government reserves the right to reject any or all proposals received. The U.S. government also reserves the right to make an award in excess of the award ceiling.

- **Reporting Requirements:** Grantees are required to submit quarterly program progress and financial reports throughout the project period. Progress and financial reports are due 30 days after the reporting period. Final programmatic and financial reports are due 90 days after the close of the project period.

IX. DISCLAIMER

If a proposal is selected for funding, the Department of State has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of State.

X. AVAILABILITY OF FUNDS

This RFGP is subject to funds availability. Awards will be granted only if appropriated funds are allocated to the United States Embassy in Kabul by Department of State central budget authorities.



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1. Kick-Off Meeting

After the award start date, DOS will contact the Recipient to arrange an award Kick-Off Meeting. The purpose of the project management conference is to explain to the Recipient its post-approval responsibilities for administration of the award, including its responsibilities with respect to the Terms and Conditions of the award and applicable Federal requirements. The Recipient's authorized representative, architect/engineer, and the Recipient's financial representative should attend and make the following documents available:

1. Evidence of bonding and insurance
2. Project safety plan
3. Quality assurance plan
4. Draft construction schedule

2. Security Interest

The Recipient shall execute a security interest or other statement of the Federal Interest in real property, acceptable in form and substance to DOS, which statement must be perfected and placed of record in accordance with local law, with continuances re-filed as appropriate. The Recipient must provide DOS with a written statement from a licensed attorney in the jurisdiction where the property is located certifying that the Federal Interest has been protected, as required under the award and in accordance with local law. The Recipient may use model documentation available from DOS. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, shall be returned to the Grants Officer. The Recipient may not dispose of, modify the use of, or change the terms of the real property title, or other interest in the project site and facilities without permission and instructions from DOS. No funds under this award shall be released until the Recipient has complied with this provision, unless other arrangements satisfactory to DOS are made.



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3. Insurance

a. The Recipient shall obtain adequate insurance for damage to, or theft of, materials and equipment in insurance coverage for loose transit to the site or in storage on or off the site.

b. The general liability policy required of the Recipient shall name "the United States of America, acting by and through the Department of State", as an additional insured with respect to operations performed under this award.

4. Construction Bond

Except as otherwise required by statute, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds \$100,000. For those contracts or subcontracts exceeding \$100,000, the DOS may accept the bonding policy and requirements of the recipient, provided the Grants Officer has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made then the minimum requirements shall be as follows:

(1) A performance bond on the part of the recipient for 25 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the recipient's obligations under such contract.

(2) A payment bond on the part of the recipient for 25 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

(3) Where bonds are required in the situations described in this part, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 223, "Surety Companies Doing Business with the United States." (d) All



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negotiated contracts (except those for less than the simplified acquisition threshold) awarded by recipients shall include a provision to the effect that the recipient, the DOS, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the recipient which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

5. Government Liability

The Recipient agrees that the Government shall not be responsible for personal injuries or for damages to any property of the Recipient, its officers, agents, servants, and employees, or any other person, arising from an incident to the Recipient's performance of this award. The Recipient shall hold harmless and indemnify the Government from any and all claims arising therefrom, except in the instance of gross negligence on the part of the Government.

6. Project Sign

Before construction begins, the Recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign satisfactory to DOS that identifies the project and indicates that the project is Federally funded. DOS also may require that the Recipient maintain a permanent plaque or sign at the project site with the same or similar information.

7. Land, Easements, and Rights of Way

The Recipient must disclose all encumbrances to DOS. DOS will not accept any encumbrance that interferes with the construction, intended use, operation, or maintenance of the project during its estimated useful life.

Prior to commencement of construction the Recipient must furnish evidence,



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satisfactory in form and substance to DOS, that title to real property is vested in the Recipient, and that it has obtained any rights-of-way, easements, State and local government permits, long-term leases, or other property interests.

8. Eminent Domain

In accordance with Executive Order 13406, "*Protecting the Property Rights of the American People*" the Recipient agrees:

- (a) Not to use any power of eminent domain available to the Recipient (including the commencement of eminent domain proceedings) for use in connection with the project for the purpose of advancing the economic interests of private parties; (b) Not to accept title to land, easements, or other interest in land acquired by the use of any power of eminent domain for use in connection with the project for such purposes; and
- (c) Any use of the power of eminent domain to acquire land, easements or interests in land, whether by the Recipient or any other entity that has the power of eminent domain, in connection with the project without prior written consent of DOS is an unauthorized use of the project. If the Recipient puts the project to an unauthorized use, the Recipient shall be required to compensate DOS for its fair share in accordance with 15 C.F.R. §§ 14.32.

9. Notification of Environmental Requirements

The Recipient agrees to notify the Grants Officer of any environmental requirement or restriction, regulatory or otherwise, with which it must comply.

10. Requirements During Construction

During construction, the Recipient is responsible for:

1. Ensuring project completion in accordance with approved plans and specifications;
2. Monitoring project progress and reporting progress to DOS;



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3. Providing for adequate construction inspection;
4. Promptly paying costs incurred for the project purposes;
5. Monitoring recipients' compliance with Federal, State, and local requirements.

11. Local Labor Laws

The Recipient shall comply with all local labor laws, regulations, customs and practices pertaining to labor, safety, and similar matters, to the extent that such compliance is not inconsistent with the requirements of this award.

12. Applicable Codes & Standards.

The design and construction shall be in accordance with established construction practices, and the latest revision/edition of the following referenced codes and standards, where applicable. UFC 1-300-09N, Design Procedures, provides design guidance and contains references to other UFC's and codes that are to be used for this award. UFC 1-200-1, General Building Requirements, is the building code guide and contains references to other UFC's and codes that are to be used in this award.

- American National Standards Institute Standards (ANSI)
- American Society of Testing and Materials (ASTM)
- National Electrical Manufacturers Association (NEMA)
- International Building Code (IBC)
- Electronic Industries Alliance (EIA)
- Federal, State, County, and local environmental regulations.
- National Fire Protection Association (NFPA)
- IEEE C2, National Electrical Safety Code
- National electrical Code 2011 (NEC)

Where discrepancies in the referenced standards and the award requirements occur, the more stringent requirements shall govern. The word "should" shall be interpreted as a requirement. If such a discrepancy occurs, the recipient shall immediately notify the GOR.



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13. Energy Efficiency

The Recipient shall apply, where feasible, sustainable, and energy efficient, design principles for the purpose of reducing pollution and energy costs and optimizing lifecycle costs associated with the construction.

14. Inspection and Testing Of Materials

The Recipient shall ensure that all materials and equipment used in the completion of the work shall be subject to adequate inspection and testing in accordance with accepted standards. Materials of construction, particularly those upon which the strength and durability of any structure may depend, shall be subject to inspection and testing to establish conformance with specifications and suitability for intended uses. The Recipient shall ensure that documentation of same is cataloged and retained.

15. Updates to Construction Schedule and Differing Site Conditions

The Recipient agrees to provide the Grants Officer on the last day of each month an updated construction schedule.

Differing Site Conditions

(a) The Recipient shall promptly, and before the conditions are disturbed, give a written notice to the Grants Officer of --

(1) Subsurface or latent physical conditions at the site which differ materially from those indicated in this award; or

(2) Unknown physical conditions at the site, of an unusual nature, which differ materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the award.

(b) The Grants Officer shall investigate the site conditions promptly after receiving the notice. If the conditions do materially so differ and cause an increase or decrease in the Recipient's cost of, or the time required for, performing any part of the work under this award, whether or not changed as



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a result of the conditions, an equitable adjustment shall be made under this clause and the award modified in writing accordingly.

(c) No request by the Recipient for an equitable adjustment to the award under this clause shall be allowed, unless the Recipient has given the written notice required; provided, that the time prescribed in paragraph (a) of this clause for giving written notice may be extended by the Grants Officer.

(d) No request by the Recipient for an equitable adjustment to the award for differing site conditions shall be allowed if made after final payment under this award.

16. Final Acceptance

The Recipient will schedule a walk-through of the facility when substantial construction has been completed. Representatives of the Recipient, the beneficiary (in cases where the beneficiary is not the awardee) the architect/engineer, and the sub-contractor(s) will make the final inspection. DOS must be given advance notice of the final inspection so that a representative of DOS may participate.

17. Operation of Project during Its Useful Life

If the Recipient is the beneficiary of the award, the Recipient agrees that, for the 20 year useful life of the facility funded with this award, the project will be properly and efficiently administered, operated, and maintained for the purpose authorized by this award and in accordance with the terms, conditions, requirements, and provisions of the award. If DOS determines at any time during the estimated useful life of the project, that the project and any project property is not being properly and efficiently administered, operated, and maintained, DOS shall have the right to terminate this award for cause and pursue any other remedies allowed by law. If the Recipient is NOT the beneficiary of the award this clause is null and void.

18. Recipient and Contractor Compliance with Applicable Requirements



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The Recipient shall comply, and must require each contractor or subcontractor to comply, with all applicable Federal, state, and local laws, regulations and international codes and standards. The Recipient is responsible for ensuring that all contracts necessary for design and construction of the Project facilities are implemented in compliance with the Terms and Conditions of this Award.

19. Terms and Conditions Incorporated by Reference.

This award incorporates the Department of State Overseas Terms and Conditions by reference, with the same force and effect as if they were given in full text. With the following exceptions:

1. Clause 11 unallowable costs part C. Contingencies are allowed in an amount not to exceed 15% and in a specific amount to be determined by the Grants Officer.
2. Clause 23 liability is superseded by clause 05 Government liability

Upon request the Grants Officer will make their full text available. Electronic copies containing the complete text are available at: <http://fa.statebuy.state.gov>, under Resources select Terms and Conditions to access the overseas terms and conditions applicable to the Recipient.