

BEST AVAILABLE COPY

PDFFC 943

**UNITED STATES OF AMERICA
AGENCY FOR INTERNATIONAL DEVELOPMENT**

- 1. Country of Performance: Russia
- 2. Contract: AEP-I-802-96-00030-00 Delivery Order No.802

NEGOTIATED PURSUANT TO THE FOREIGN ASSISTANCE ACT
OF 1961, AS AMENDED, AND EXECUTIVE ORDER 11223

<p>3. CONTRACTOR (Name and Address)</p> <p>Chemonics International Inc. 2000 M Street, N.W. Suite 200 Washington D.C. 20036 Tin#: 13-371004 CEC#: 10494830C</p>	<p>4a. ISSUING OFFICE</p> <p>USAID American Embassy Moscow PSC 77 APO AE, 09721</p>
---	---

<p>5. PROJECT OFFICE</p> <p>DIHR USAID/Russia</p>	<p>6. SUBMIT INVOICES TO:</p> <p>USAID/Russia/Controller/OFM PSC 77, APO AE 09721</p>
---	---

<p>7. EFFECTIVE DATE:</p> <p>September 25, 1997</p>	<p>8. COMPLETION DATE</p> <p>October 24, 1999</p>
---	---

9. ACCOUNTING AND APPROPRIATION DATA: See Article XX of this order.
Obligated Amount \$1,775,000

10. The United States of America, represented by the Contracting Officer signing this delivery order, and the Contractor agree that: (a) this delivery order is issued pursuant to the contract specified in Block 2 above and (b) the entire contract between the parties hereto consists of this delivery order and the contract specified in Block 2.

<p>11a. NAME OF CONTRACTOR:</p> <p>Chemonics International Inc.</p> <p>BY: <u>Elizabeth A. Bassan</u> Signature/Authorized Person <u>Elizabeth A. BASSAN</u> TYPED OR PRINTED NAME <u>3 October 1997</u> DATE</p>	<p>11b. UNITED STATES OF AMERICA Agency for International Development</p> <p>BY: <u>Orion Yeandel</u> Contracting Officer <u>Orion Yeandel</u> TYPED OR PRINTED NAME _____ DATE <u>25 SEP 1997</u></p>
---	--

ARTICLE I - TITLE - National Judicial College Judicial Reform Program**ARTICLE II - BACKGROUND/OBJECTIVES**

The purpose of this program is to assist Russia in the development of a credible and fair judiciary by creating partnerships between the National Judicial College and the Russian Court system and providing other targeted assistance. In doing so, it will be necessary to address the requirement of USAID/Russia's strategic objective 2.2 "Legal systems that better support democratic processes and market reforms" and USAID/Russia's intermediate result 2.2.2 "Better administration, application and enforcement of law." This partnership will be focused on improving training and institutional capacity in both of Russia's court systems: the Commercial Courts and the Courts of General Jurisdiction.

Program Goals and Strategy USAID's strategic objective 2.2 is "Legal systems that better support democratic processes and market reforms." This is related directly to the emergence of a law based society. In order to achieve this objective, it is necessary to work with the key institutions and individuals who influence legal reform. These institutions and individuals can be generalized into one of four groups. These are: legislatures, the Courts, lawyers, grassroots organizations/citizens. The legislatures provide the "rules of the game", the necessary foundation for any legal action. The courts are the "referees" who ensure that the rules are followed. Lawyers are the "coaches" who know the rules and teach the players how to play the game. People, the grassroots, are the "players," the ones for whom the game is being played, and the ones without whom the game would make no sense.

IR 2.2.2 - Better administration, application and enforcement of law - Judges in Russia are, on a whole, overworked and under-informed. They have to struggle against unwieldy administration and procedure, poor financing, constantly changing laws and the problems associated with playing a new and unfamiliar role in their legal system. USAID funded programs strive to keep judges abreast of the changes in the law, to educate them in how to effectively carry out their new role as the keepers of justice and to help them better deal with the masses of paperwork required of them.

Domestic and foreign investment in Russia will increase only when a more predictable, transparent, independent and better financed and trained judicial system is established. A strengthened judiciary, along with legitimate alternative dispute resolution mechanisms in major business centers, will allow the Government of Russia to fight crime and corruption more effectively by giving businesses and individuals safer, more predictable and transparent alternatives to the extrajudicial mechanisms of dispute resolution and corruption that now plague the economy.

Assistance to the Commercial Courts will result in improved ability of judges to hear and decide commercial cases. By creating a system which allows judges to quickly be trained on commercial law, litigants will be more confident in turning to the Russian courts and judicial interpretation of laws will be both more consistent and more in line with the intent of the drafters. Parties to a suit will have a greater assurance of a predictable outcome if

they litigate. Increased reliability of the Commercial Courts, coupled with the work supported by USAID and others on improving enforcement of decisions, will give investors the confidence they need in knowing that their investment is protected by a sound judicial system. Assistance modalities will include increasing the Commercial Courts capacity to train judges in substantive Russian commercial and administrative law, development of judges' reference materials in commercial and administrative law (bench books) and continuation of an Internet access program so the court can publish its decisions, training materials and other key documents on-line.

Further development of the Internet publishing program is considered important for two reasons. First, although Russia has a civil law system, current practice places increased emphasis on precedent as both a means of standardizing decisions and a response to the large gaps in commercial law. Second, increased access of Russian and international lawyers to the decisions of the court will bolster its growing reputation as a reliable institution for the settlement of disputes.

We can also support the creation of an independent judiciary in Russia. Recent changes in Russian legislation has provided an opportunity to review the status of the Russian Courts of General Jurisdiction. On December 31, 1996, Russian president Yeltsin signed a new law "On the Judicial System," which establishes a new, independent Judicial Department attached to the Supreme Court that will assume the administrative and financial responsibilities for court management previously held by the executive branch under the Ministry of Justice. On December 2, 1996, President Yeltsin also signed a decree calling for the establishment of a new judicial training institute under the Supreme Court, that could eventually replace the Legal Academy attached to the Ministry of Justice, which now conducts the bulk of judicial training.

Assistance to the Judicial Department is difficult to define precisely at the current time; the laws are very new and the budget to support an independent judiciary is still uncertain. Results to be sought include a judiciary that is administratively and financially fully independent from the Ministry of Justice. Assistance modalities include exchanges with U.S. and European experts in administration of judicial systems, formation of governing bodies of judges, etc.

Background USAID's work with Russian courts to date has been focused on both the Commercial Courts and the Courts of General Jurisdiction. The common theme of the two programs has been the preparation of judges to play their new role as impartial referees in an advocacy setting while training them on new, substantive Russian law.

The Commercial Courts are the more advanced of the two Russian court systems. They are one tenth the size of the Courts of General Jurisdiction, their judges are, on average, better qualified for the bench, their high level judges are reformists and their financial situation is relatively sound. The Supreme Commercial Court has been very effective at identifying its needs and then fulfilling them with a minimal amount of assistance from foreign donors. For that reason, USAID programs with the Commercial Court have

been able to reach a majority of its judges and have a significant impact upon them. This is now becoming evident as the Commercial Courts are being utilized more and more often to settle disputes between investors, enterprises and the government in areas such as tax and administrative law.

Past programs with the Commercial Court have been in one of three areas. The first has been in creating printed and video instruction materials, based on new Russian commercial legislation such as the Civil Code parts I and II, to be distributed to all the judges in the Commercial courts. The second has been to assist the Commercial Court in its own training program, allowing it to train a substantial majority of Commercial Court judges throughout Russia on new legislation as it is enacted. This assistance included preparation of materials and the training of trainers. Thirdly, a computerization program was undertaken at the Supreme Commercial Court, and the creation of an Internet hook-up is currently envisioned in order to allow the Court to put its decisions online.

The Courts of General Jurisdiction, as opposed to the Commercial Courts, are an extremely unwieldy organization with over 15,000 justices. They do not receive the financial support that is afforded to the Commercial Courts and their leadership is not considered to be as reformist. They do, however, take their role as the impartial arbitrator of disputes seriously, and wish to improve their ability to fulfil this role.

The USAID program with the Courts of General Jurisdiction has focused on the Law Academy, which is the training arm of the Ministry of Justice. Programs have attempted to increase the Law Academy's ability and capacity to train judges by introducing modern pedagogical techniques and preparing training materials on substantive Russian and American law topics. A mock trial courtroom was refurbished at the Law Academy, and training programs were brought to many of its regional branches.

Recently, the "Law on the Judicial System of the RF" was signed by President Yeltsin. This legislation envisions the re-creation of the Courts of General Jurisdiction as an institution independent of the Ministry of Justice. Representatives of the Court view this as an opportunity to rebuild the administrative structure of the system so as to maximize the effectiveness of judges. Changes in the future will include the creation of the Judicial Department, which will act as the administrative overseer of the courts and will be somewhat similar in structure to the Administrative Office of the US Courts. A new training institute for judges will also be created, which will replace the Law Academy. The creation of justices of the peace in the future is also contemplated.

Another implication of this new law is that the Council of Judges has been granted official status and a major role in reforming the Courts of General Jurisdiction. The Council of Judges will now play a role similar to that of the United State's Judicial Conference. The Council of Judges has about 115 member judges, meets twice a year, and works full time through its presidium of 15 people. It has been given broad legislative authority to work with the Supreme Court to set up and administer the new judicial department. Its most closely analogous US counterpart is the Executive Committee of the US Judicial Conference.

Through ARD/Checchi, USAID has begun an initial program of support to the Council of Judges. Activities have included exchanges between judges of the Judicial Conference of the U.S., the Administrative Office of the U.S. Courts and the All-Russia Council of Judges. Also, four high level members of the All-Russia Council of Judges were sent to the Federal Judicial Center for training on administrative issues that confront the operations of a court system, after which they addressed a general assembly of representatives of the Council.

New Focus of Rule of Law Program In the past, rule of law programs have relied heavily on the use of Americans in training Russians on US legal norms, in the hope that they would then be modified to fit Russian circumstances. While this is a necessary stage in the development of a legal system, Russian judges have advanced beyond this level of assistance. Russian judges need to become capable of training themselves on substantive Russian laws, and this is in fact their area of greatest need.

NJC/Chemonics' Judicial Reform Program should be as Russian centered as possible. Obviously, in creating such institutions as the Judicial Department, Russia still has much to learn from other countries. In other areas, such as commercial law, Russia has plenty of domestic material with which to work. The design of this program with the judiciary should strive to utilize the Russian expertise that is already present in Russia, and to create Russian expertise where it is not. There should be minimal reliance on the use of foreign consultants.

ARTICLE III - STATEMENT OF WORK

Result A: By September 1999, a new system exists under which commercial court judges are rapidly and effectively trained on commercial laws while, along with the investment community, kept fully informed of current decisions in important cases.

In order to achieve Result A, NJC/Chemonics will complete the following tasks:

1. Provide assistance to the Commercial Courts in order to help them develop their ability to provide in house training on new, Russian commercial law. This may include development of Russian language materials and training in Russian substantive law, covering such topics as: tax law, customs law, banking law, bankruptcy, etc. Contractor will complete this task by creating a system by which the Commercial Court itself can produce materials and hold seminars while ensuring the distribution of new legislation, utilizing materials developed by other donors and USAID contractors and grantees, such as ABA/CEELI and ARD/Checchi. Possible programs under this section include:
 - a. Training systems assessment by Judge Gossett, Mr. Myers, and Ms. Ballard-Reisch (fall 1997).
 - b. 1 Reno, Nevada-based 10-day training course for 6 Russian judges and/or training specialists, with 3 day side-trip to San Francisco (visits to state and federal courts) and 4 day visit to Washington, D.C. for possible consultations with Administrative Office of the U.S. courts and Federal Judicial Center representatives (17 days total, together with 2 travel days). To be led by Mr. Zimmerman, Ms. Ballard-Reisch, and Ms. Vidal (winter 98).

- c. Ongoing work on general curriculum development, materials selection and preparation, and training administration by Judge Gossett, Mr. Myers, and the Russian training specialist, together with up to three consultancies by Judge Payant, Ms. Ballard-Reisch, and Ms. Vidal (ongoing throughout Years 1 and 2).
2. Provide equipment and training to the Supreme Commercial Court and appeals-level courts for Internet access for sharing of substantive information on decisions. Possible programs under this section include:
- a. Internet usage and software needs assessment by Mr. Wade and the Russian MIS specialist (winter 1997-98)
 - b. Training consultancies on Internet usage and Web-site development by Mr. Wade (two) and the Russian MIS specialist (up to five)(Years 1 and 2).
 - c. One workshop on Web-site development and Internet usage (spring 1998).
 - d. Purchase of up to 36 computers and 10 printers for Supreme Commercial Court and regional or appellate courts for Internet and court system connectivity
3. In year two, if conditions are favorable, explore the possibility of launching a pilot project in one Oblast to replace the current protocol system of court reporting, written by the judge and often incomplete or inaccurate, with recording or stenography equipment. If undertaken, evaluate the pilot project after six months for possible roll-out. Possible programs under this section include:
- a. Assessment of court reporting needs by Mr. Zimmer (fall 1998).
 - b. Two consultancies on court reporting by Mr. Zimmer (Year 2).
 - c. 20 Tape recorders for regional pilot court program (Year 2).

Result B: By September 1999, the Courts of General Jurisdiction have effective governing, training and administrative organs which aid it in attaining independence from the Ministry of Justice.

In order to achieve Result B, NJC/Chemonics will complete the following tasks:

1. Assist the new Judicial Department by holding a limited number of workshops, in coordination with its European donor counterparts (the Council of Europe, the Dutch and the Germans) to address the organizational and administrative needs of the new judicial department, i.e., systems development, court administration and case management. Provide the newly forming Russian judicial department with material information and organizational design support, link key personnel in the department with their US counterparts, and provide training and exchange programs, if and when this becomes appropriate. Possible programs under this section include:
 - a. Consultations by Judge Gossett and Mr. Myers with major representatives from the Council of Judges, Supreme Court, Ministry of Justice, and (eventually) the Judicial Department (ongoing).
 - b. One workshop on next steps for the new Judicial Department, including some participation by NJC-affiliated judges (e.g., Barteau, Donald, Plotkin) and possibly representatives of the Administrative Office of the U.S. Courts and the Federal Judicial Center (mid-1998).

- c. One Moscow workshop on selected judicial administration issues, with participation of Messrs. Friesen and Zimmer (probably 1999).
- d. Up to three consultancies on selected judicial administration issues by Mr. Friesen, Mr. Zimmer, and possibly some representatives from the AO and the FJC (Year 1 and Year 2).
- e. Possible Washington, D.C. consultations between Russian high court leadership and the AO and FJC (during annual work planning visits of high court representatives to the U.S.)(July 1998 and July 1999).

2. Explore the possibility of helping the judicial department produce a set of policies and guidelines for the courts that would be analogous to the US "Guide to Judiciary Policies and Procedures" or the creation of similar materials. Possible programs under this section include:

- a. Ongoing consultations by Judge Gossett and Mr. Myers with general jurisdiction court leadership (likely Year 2).
- b. Possible consultancy by AO representative (likely Year 2).
- c. Assistance with publications cost.

3. Assist the Supreme Court in creating the new Judicial Training Institute. While this institute has not yet come into existence, it will, among other activities, assume responsibility for the training of judges of the Courts of General Jurisdiction from the Law Academy. NJC/Chemonics will follow the development of this new institution and, when conditions permit, will supply this new institute with already existing and newly created training materials, along with training of the staff in modern pedagogical techniques. All training and materials should be based on substantive Russian law. It is imperative that this activity go forward only when it is clear that the Supreme Court is capable of forming the new institute, and any decision to proceed should be made in close coordination with USAID/Russia.

Possible programs under this section include:

- a. Assessment of training needs by Judge Gossett, Mr. Myers, and Ms. Ballard-Reisch (fall 1997).
- b. Possible work on general curriculum development, materials selection and preparation, and training administration by Judge Gossett, Mr. Myers, and the Russian training specialist, together with up to two consultancies by Judge Payant, Ms. Ballard-Reisch, and Ms. Vidal (most likely in Year 2).
- c. Up to four consultancies per year on substantive law and training delivery by Judges Donald, Plotkin, and Barteau (including possible team teaching as part of regular Russian training sessions)(ongoing throughout Years 1 and 2).

4. Provide the Council of Judges with assistance necessary to develop its ability to function as a governing body for Russian judges. This includes further development of already existing links to the United State Judicial Conference, assistance in creating a committee system within the Council of Judges and improving members' ability to interact with each other on a regular basis. Possible programs under this section include:

- a. Ongoing consultations on Council of Judges needs by Judge Gossett, Judge George, Mr. Myers and other appropriate personnel, including establishment of E-mail linkages with the AO (Years 1 and 2).

- b. One workshop on special topics requested by Council of Judges (later in Year 1).
- c. Up to two consultancies by NJC-affiliated judges and/or AO representatives (Years 1 and 2).

5. Track the development of a system of justices of the peace. It has been proposed that justices of the peace will be reintroduced in Russia. Currently, it is not clear when this will occur. If it does, however, the contractor should be prepared to respond to this development in an appropriate fashion. Possible programs under this section include:

- a. Monitoring of ongoing legislative and policy developments by Judge Gossett and Mr. Myers.
- b. Potentially one consultancy by NJC judge on the subject (Year 2).

Partnership for Freedom

In light of the diminished role USAID will play in the future of legal reform in Russia, it is necessary to create partnerships between US and Russian legal institutions.

NJC/Chemonics ability to create a sustainable partnership will be judged against the following criteria:

- 1. Similarity in function between the US and Russian institutions;
- 2. Ability to attract non-USAID resources to the project in the short term;
- 3. Ability to continue support after USAID funding ceases;
- 4. Ability to foster additional partnerships between US and Russian legal institutions;
- 5. Ability to show clear mutual benefits between US and Russian Institutions.

Coordination

NJC/Chemonics will coordinate their activities closely with other USAID funded Rule of Law programs, such as the American Bar Association, and also with non-USAID programs, such as the Russian Foundation for Legal Reform and the Know How Fund. Coordination includes sharing of all materials developed at USAID expense, informing other parties of upcoming activities and holding joint programs, when appropriate.

Personnel

The Moscow office will consist of 2 ex patriate professional staff who should, at a minimum, hold degrees in law and have 10 years legal experience. At least 1 ex-patriate must demonstrate proficiency in the Russian language equivalent to FSI S3/R3 and the other must achieve Russian language abilities equivalent to FSI S2/S2 within one year of arriving at post. At least one ex patriate will have experience as a sitting judge in the US and will be a member of the NJC teaching staff.

Current ex patriate staff will consist of:

- 1. Chief of Party - Judge F.A. Gossett
- 2. Deputy Chief of Party - Douglas Myers

Any changes to ex patriate staff must be approved by USAID/Russia. All other specialists and consultants must have, at a minimum, a masters degree and 10 years experience in their respective fields. Russian staff will be hired under consultation with, and approval from, USAID/Russia.

ARTICLE VI - REQUIRED REPORTS

Start-up plan The start-up plan as outlined in NJC/Chemonics' August 20 response to USAID/Russia will serve as the work plan for the first ten weeks of activity.

Annual work plans After completion of the first ten weeks, work plans will be submitted on an annual basis. Year one will commence at the completion of the start-up plan; subsequent years will commence on the first of October. All annual work plans must contain detailed program and budget descriptions. No work under a workplan will proceed without prior written approval of that workplan by USAID/Russia. USAID/Russia will provide comments to NJC/Chemonics no later than two weeks after receipt of a workplan.

Semi-annual reports NJC/Chemonics' will submit semi-annual progress reports to USAID/Russia on the first of February and August of each year. These reports will describe progress made towards goals and compare that progress to planned achievements under the work plan. In addition, these reports should contain detailed program expenditures, broken down by activity.

Financial Reports NJC/Chemonics will submit monthly expenditure reports, containing a summary page which reflects spending by line item for both the month and for life of project, followed by a detailed breakdown of all spending under each line item category.

Activity Approvals NJC/Chemonics will submit individual requests for approval to the Contracting Officer's Technical Representative (COTR) for each activity, as outlined in the work plan, immediately before carrying out that activity. No activity shall proceed without COTR approval. COTR approvals will also be required for any changes to planned activities.

Final Report NJC/Chemonics will submit, within 60 days following the termination of this task order, a detailed final report which includes:

1. A financial report detailing how funds were expended, by line item;
2. A summary of the accomplishments and shortcomings of the contract, referenced to the results required under this task order;
3. Comments and recommendations for future judicial reform programs;
4. Status of all Russian institutions with which NJC/Chemonics worked;
5. A complete list of all host country and American contacts, and;
6. A description of all partnerships created and their expected future activities.

ARTICLE VII - LEVEL OF EFFORT

- A. The estimated level of effort is 3801 person days of LOE. The functional labor specialist categories are as follows:

<u>Labor Category/Title</u>	<u>Person-days</u>
<u>EXPATRIATE</u>	
<u>LONG-TERM</u>	
Sr. Level Judge*	505
Sr. Level Lawyer**	505
<u>SHORT-TERM</u>	
Sr. Level Judge (7)	280
Sr. Level Lawyer (1)	56
Sr. Level Court Administrator (2)	112
Sr. Level Training Specialist (3)	112
Sr. Level MIS Specialist (1)	15
Sr. Level Program Implementation Specialist (2)	78
Sr. Level Social Scientist (1)	28
Jr. Program Specialist (1)	125
Jr. Level Training Specialist (1)	30
Mid-Level Training Specialist (1)	145
<u>RUSSIAN PROFESSIONAL</u>	
Mid-Level Lawyer (2)	170
Administrative Support (1)	480
Jr. Financial Analyst (1)	480
Jr. Level MIS Specialist (1)	100
Jr. Level Management Specialist (1)	480
Mid-Level Training Specialists (TBD)	<u>100</u>
TOTAL LOE	3801

B. Subject to the ceiling price established in this Delivery Order and the prior written approval of the Project Officer, the Contractor is authorized to adjust the number of work days actually employed in the performance of the work by each position specified in this order. The Contractor shall attach a copy of the Technical Officer's approval to the final voucher submitted for payment.

C. It is the Contractor's responsibility to ensure that the technical Officer approved adjustments to the work days ordered for each category of specialist do not result in costs incurred which exceed the ceiling price of this delivery order. Under no circumstances shall such adjustments authorize the Contractor to be paid any sum in excess of the ceiling price.

ARTICLE VIII - TECHNICAL DIRECTIONS

Technical direction during the performance of this order shall be provided by William Hammink or his designee.

ARTICLE IX - TERM OF PERFORMANCE

- A. The effective date of this delivery order is September 25, 1997, and the estimated completion date is October 24, 1999.
- B. Any extension of time required for completion of work under this order must receive prior written approval of the Contracting Officer. The Contractor's request for extension of time must provide justifiable rationale for such an extension and a plan for use of available resources, not in excess of those contracted for under this order, for completion of the effort. The Contractor retains responsibility for ensuring that any proposed extensions do not result in costs to the Government which exceed the total amount obligated for the performance of work hereunder. Under no circumstances will such extension authorize the Contractor to be paid any sum in excess of the total amount obligated in the order.

ARTICLE X - INSPECTION AND ACCEPTANCE

Inspection and acceptance of services and deliverables required by this order will be performed by the USAID/Russia Cognizant Technical Officer (CTO).

ARTICLE XI - CEILING PRICE

A.	For Work Ordered:		\$1,501,046
B.	For Other Direct Costs:		
	Travel, Transportation and Per Diem Allowances	\$478,683	
	Participant Training	264,207	
	Other Direct Costs	295,018	
	Subtotal	<u>711,046</u>	<u>1,748,954</u>
	Ceiling Price (A+B)		\$3,250,000

This Delivery Order is being incrementally funded. The amount of funds currently obligated is \$1,775,000.

ARTICLE XII - USE OF GOVERNMENT FACILITIES AND PERSONNEL

- A. The Contractor, and any employee or consultant of the Contractor, is prohibited from using U.S. Government facilities (such as office space or equipment), or U.S. Government clerical or technical personnel in the performance of the services

11

specified in the Contract, unless the use of Government facilities or personnel is specifically authorized in the Contract, or is authorized in advance, in writing by the Contracting Officer.

- B. If, at any time, it is determined that the Contractor, or any of its employees or consultants, have used U.S. Government facilities or personnel without authorization, then the amount payable under the Contract shall be reduced by an amount equal to the value of the U.S. Government facilities or personnel used by the Contractor, as determined by the Contracting Officer.
- C. If the parties fail to agree on an adjustment made pursuant to this clause, it shall be considered a "dispute" and shall be dealt with under the terms of the "Dispute" clause of the Contract.

ARTICLE XIII - EMERGENCY LOCATOR INFORMATION

The Contractor shall provide emergency locator information as required by the Mission Administrative Officer on or before arrival in the host country.

ARTICLE XIV - LOGISTIC SUPPORT

All logistics shall be arranged and supplied by the contractor.

ARTICLE XV - ACCESS TO CLASSIFIED INFORMATION

The Contractor will not have access to classified information.

ARTICLE XVI - DUTY POST

The duty post of this Delivery Order is Russia.

ARTICLE XVI - WORK WEEK

The Contractor is authorized up to a 6 day work week, with no premium pay, when working in the field. This work week shall be schedule to coincide with the work week for those employees of the USAID Mission and the Cooperating Country associated with the work of this order.

ARTICLE XVIII - PAYMENT

Payment will be made in accordance with Block 6 of the Cover Page and Article XI of this order.

ARTICLE XIX - APPLICABLE CLAUSES

This Delivery Order is issued under Contract No. AEP-I-00-96-00030-00 as modified. Contract Clauses contained therein are applicable to this Delivery Order. This Delivery Order does not change or modify the Contract in any way. In no event will any understanding, agreement, modification, change order or other matter which modifies the terms of the Contract between the Contractor and any person other than the Contracting Officer be effective and binding upon the U.S. Government. Notwithstanding the above, the following clauses are set forth herein, as they shall be considered specifically applicable to the funds contained in this order. FAR 52.232-22, "Limitation of Funds (APR 1994)"

ARTICLE XX - FISCAL AND APPROPRIATION DATA

MAARD NO.: 118-0007-97-0203
FUND ACCOUNT: 97NOA
RCN: R707045
BPC; WNI79722118KG13
Amount: \$1,775,000

SOURCE OF FUNDS: USAID/Russia

TOTAL AMOUNT OBLIGATED: \$1,775,000
CEILING PRICE: \$1,775,000

AGENCY FOR INTERNATIONAL DEVELOPMENT
MODIFIED ACQUISITION AND ASSISTANCE REQUEST DOCUMENT

Status:
Page: 1 of 5

1. Benefitting Country RUSSIA	2. Request No. {OFM will assign Request #} 113-0007-97-0203	3. Amend No. Original
4. Authorized Agent Orion Yeandel	5. Request Title Judicial Reform Program	6. Date Award Needed By: September 30, 1997
7. Type of Action <input checked="" type="checkbox"/> New Award <input type="checkbox"/> Mod to Existing Award <input type="checkbox"/> Inc Funding <input type="checkbox"/> Acquisition <input checked="" type="checkbox"/> Assistance <input type="checkbox"/> Inter-Agency <input checked="" type="checkbox"/> Unilateral Agreement <input type="checkbox"/> Subobligation Under a Bilateral Agreement		8. Contract/Grant/Cooperative Agreement No./ Reference No. (If this is for an order or a modification to an award)

9. USAID Funding (attach a detailed budget in support of line items as Attachment A) {PPD provides this info.}			
Activity:	Rule of Law	Fund Account:	97N0A Amount Committed: \$1,775,000
Activity:		Fund Account:	Amount Committed:
Activity:		Fund Account:	Amount Committed:
Activity:		Fund Account:	Amount Committed:
Activity:		Fund Account:	Total Commitment: \$1,775,000

Organization/Activity Chaining to the Lowest level: {PPD provides block 8 information for Requestor.}
 Project 0007, SO 2.2 Rule of Law **RK**

10. Instructions to Authorized Agent: This Request replaces NMS Request Number [] **or** This Request was processed outside of NMS or is New.

Please enter into a contract with Chemonics under their Global IQC. The total amount of this IQC will be \$3,250,000 of which \$1,775,000 will be obligated under this action. The Scope of Work and Budget are attached.

RECEIVED 13 SEP 1997

**FUNDS AVAILABLE US AID
 MOSCOW
 Checked by **AND 9/15/97**
 Authorized by **SM****

R707045

11. Address of Voucher Paying Office Contact: **Controller**

Addressee:	American Embassy, Moscow	Office and Room:	OFM
Address (line one):	PSC 77 USAID	Address (line two):	APO AE 09721
Location:	USAID/Moscow,	Phone:	011-7-095-956-4480

12. Participants		
Requestor	Keith McCue, DIHR	Signature: <i>[Signature]</i>
Program Manager	William Hammink, DIHR	Signature: <i>[Signature]</i>
Contracting Officer	Orion Yeandel / 12 SEP 1997	Signature: <i>[Signature]</i>
Negotiator	Orion Yeandel /	Signature: <i>[Signature]</i>
Controller (Mission funded)	Sarah Mendenhall	Signature: <i>[Signature]</i>
FM/A (AID/W funded)		Signature: <i>[Signature]</i>

13. The Program Manager is responsible for recording the commitment as soon as the issue that prevented this from being recorded in A&A is resolved. {At USAID/Russia, signature here indicates commitment of funds.}

Signature: **J Allen-MacDonald**
 Program Manager's Signature:

Request No.: ??

16. Special Provisions

A. Language Requirements (Include funds in budget or training as required.) None

B. Access to classified information: None Access Type:

C. Duty post(s) and duration of technical specialists(s) services at post(s) (months):
Russia D. Dependents' travel and support
Paid for by Contractor

E. Geographic code applicable to procurement waiver(s)
 1. 000 2. 935 3. 941 4. 899 5. Other (specify) "US and Cooperating Countries"

F. Salary approval(s) to exceed FS-1 salary are:
 1. attached 2. in process 3. N/A

G. Cooperating country acceptance
 1. has been obtained 2. is in process 3. is not applicable to services required

H. Clearance for procurement of IRT equipment, software, and services is:
 1. attached 2. is in process 3. N/A

I. OMB approval of any report to be completed by ten or more members of the general public under the statement of work. 1. attached 2. in process 3. N/A

J. Participant Training is is not being funded.

K. Requirement (contracts only) is recommended for:
 SB Set-Aside SDB Set Aside SBA 8(a) Program No Recommendation

L. Other (specify)

17. PROVISIONS FOR LOGISTIC SUPPORT	IN KIND SUPPLIED BY		FROM LOCAL CURRENCY SUPPLIED BY		TO BE PROVIDED OR ARRANGED BY SUPPLIER	NA
	USAID	COOPERATING COUNTRY	USAID	COOPERATING COUNTRY		
(1) Office Space					x	
(2) Office Equipment					x	
(3) Housing and Utilities					x	
(4) Furniture					x	
(5) Household Appliances					x	
(6) Interpreter					x	
(7) Vehicles (official)					x	
(8) Medical Facilities					x	

Commissary use: YES NO Pouch Use: YES NO Embassy Health Room Privileges: YES NO

Request No: ??

18. Relationship of Contractor, Recipient, or Participating Agency to Cooperating Country and to USAID:

Relationship and Responsibilities:

Contractor will follow all requirements as stipulated in attached scope of work.

19. Government furnished property/Government furnished equipment

20. Summary of attachments that accompany the request (check applicable boxes)

- A. Detailed budget estimate in support of line items
- B. Evaluation criteria for competitive procurement
- C. Justification for procurement by other than full and open competition or noncompetitive assistance
- D. Statement of work or program description
- E. Waiver(s), justification(s), clearance(s), approval(s)