

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CENTERS FOR DISEASE CONTROL AND PREVENTION
OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF KENYA

FOR

COOPERATION IN PREVENTING AND CONTROLLING HIV/AIDS AND
OTHER DISEASES OF PUBLIC HEALTH INTEREST

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ARTICLE 1. PURPOSE

Section 1.1. The Government of the United States of America, acting through the United States Department of Health and Human Services, including its Centers for Disease Control and Prevention (HHS/CDC), and the Government of Kenya (GOK), acting through the Ministry of Finance and the Ministry of Public Health and Sanitation, hereinafter referred to as 'Parties,' wish to cooperate in a mutual effort to support public health activities and interventions in Kenya, including through the President's Emergency Plan for AIDS Relief (PEPFAR), the President's Malaria Initiative (PMI), and other CDC public health programs, research, and capacity building activities.

Section 1.2 An additional purpose of this MOU is to comply with the Ministry of Finance requirement that it be notified of the names of governmental and non-governmental entities which receive funding assistance for the activities listed in Section 1.1.

Section 1.3. HHS/CDC wishes to furnish, and the GOK wishes to receive assistance through funding to governmental entities and conduct of CDC in-country operations for accomplishing the public health objectives referenced in Section 1.1. Also, HHS/CDC and GOK wish to enhance the value of public health funding (including grants, cooperative agreements and contracts) provided by HHS/CDC to NGOs in additional furtherance of these objectives. Accordingly, the Parties have concluded the present Memorandum of Understanding, hereinafter referred to as the 'MOU', setting forth the understanding with respect to their current activities in support of the stated objectives and implementing relevant provisions of the *Memorandum of Understanding between the Centers of Disease Control and Prevention of the Department of Health and Human Services of the United States of America and Government of Kenya through the Ministry of Health for Cooperation in Preventing and Controlling HIV/AIDS and other Infectious Diseases*, entered into on April 24, 2003, and the *Economic Co-Operation Agreement between the United States of America and the United Kingdom*, entered into on July 6, 1948 and the *Agreement between the United States of America and the United Kingdom*, entered into on July 13, 1951.

ARTICLE 2. Nature of the Assistance

Section 2.1. HHS/CDC will provide funds for technical assistance, public health research, surveillance, programs, and capacity building and in order to conduct such activities, will provide goods, commodities, including supplies, equipment, and vehicles. Examples of this includes providing such items as antiretroviral therapy, HIV test kits and equipment, and malaria bed nets with a focus on the poor and destitute. Contributing towards these public health objectives, the Parties agree to work together to achieve the following results in Kenya:

- 1) Increase the number of Kenyans receiving antiretroviral therapy, cotrimoxazole prophylaxis, and other aspects of effective care, treatment, and prevention services for people with HIV/AIDS
- 2) Increase the number of Kenyans receiving effective HIV prevention services
- 4) Reduce the transmission and improve the treatment of malaria
- 5) Build capacity to detect, respond to, and prevent emerging infectious diseases and other illnesses of public health importance
- 6) Support and improve capacity to conduct research on HIV, malaria, tuberculosis, respiratory and diarrheal diseases, and other illnesses of public health importance in Kenya
- 7) Improve public health surveillance systems
- 8) Support public health training and capacity building efforts

ARTICLE 3. Implementation

Section 3.1. Partners/Grantees Implementing the Program. In order to provide the assistance described above and in Annex 1, CDC may enter into such contracts, grants, cooperative agreements, and other instruments with public and non-governmental organizations, as HHS/CDC deems appropriate. HHS/CDC has ongoing or planned commitments for program implementation with the following Kenyan or international Partners/Grantees:

Partner/Grantee	Services Provided
African Medical & Research Foundation	Prevention of mother to child transmission of HIV; HIV anti-retroviral therapy services; Counseling and Testing; Training, Palliative Care
American Association of Blood Banks	Technical assistance to the Ministry of Health's National Blood transfusion services for Blood Safety
Association of Public Health Laboratories	Development of appropriate lab technologies and training of laboratory staff
Association of Schools of Public	Nursing workforce project with Emory University

Health	developing information and management systems for health manpower
CARE	HIV prevention services through sub grants to non-governmental organizations, community based organization and faith based organizations; prevention of mother to child transmission of HIV; counseling and testing; anti-retroviral; training; provide safe water; build capacity; caregivers program; increase abstinence
Columbia University (CU)	ARV Therapy, Palliative Care
Community Housing Foundation International	HIV prevention, care and treatment services through sub grants to non-governmental organizations, community based organization and faith based organizations; organizational and technical capacity; Blood Safety; Other Preventions, Palliative Care, TB and HIV, Care of Orphans and Vulnerable Children, Counseling and Testing, ART Therapy, Other/Policy Analysis & System
CTS Global, Inc.	Consultant employment company that provide consultants to CDC in oversight of technical partners covered by this MOU.
Eastern Deanery AIDS Relief	Anti-retroviral Therapy, Counseling and Testing, TB and HIV, Lab, Palliative Care
Government of Kenya AIDS/STI Control Program National Leprosy and TB Program National Public Health Laboratory Services and Other Departments Kenya Medical Training College	Prevention of mother to child transmission of HIV, HIV anti-retroviral therapy services, HIV prevention services, HIV counseling and testing services, TB and HIV coordinated services, program evaluation; other prevention, palliative care, laboratory services, surveillance and strategy information activities
Government of Kenya National Blood Transfusion Services Support for Blood Donor Recruitment	Blood Safety
German Technical Corporation	Surveillance Projects and outbreak investigations
Hope Worldwide	Counseling and Testing (CT), Abstinence, Being Faithful, Youth (ABY)
Impact Research and Development	Counseling and Testing, Abstinence, Being Faithful, Youth, Other Prevention, System Information, VCT, training
International Medical Corps	TB and HIV coordinated services, HIV counseling and testing, and, prevention of mother to child transmission of HIV: Training
International Rescue Committee	Prevention of mother to child transmission of HIV; Counseling and Testing Abstinence, Being Faithful, Youth, HIV Prevention Services, Other

	Prevention, Palliative Care, ART Therapy, outbreak response
John Snow Inc. - Making Medical Injections Safer	Injection Safety work with the Ministry of Health and other facilities
Kenya AIDS NGOs Consortium	Counseling and Testing, ABY, HIV Prevention Services, Other Prevention (OP), System Information
Kenya Medical Research Institute	Prevention of mother to child transmission of HIV, HIV anti-retroviral therapy services, HIV prevention services, HIV counseling and testing services, TB and HIV coordinated services, program evaluation; youth interventions; other prevention; palliative care, laboratory, strategy information activities
Kenya Uniformed Services Project	Prevention of mother to child transmission of HIV, HIV prevention services, HIV counseling and testing services, TB and HIV coordinated services, and program evaluation
Liverpool VCT and Care-Kenya Mildmay Mission Hospital	Counseling and Testing, Lab, Other Prevention, Palliative Care, ART Therapy HIV anti-retroviral therapy services
Network of AIDS Researchers of Eastern and Southern Africa	Prevention of mother to child transmission of HIV; Counseling and Testing; Training; Anti-retroviral
New York University School of Medicine	HIV anti-retroviral therapy services; Palliative Care
Pathfinder International	Prevention of mother to child transmission of HIV; Counseling and Testing; Training; Anti-retroviral
Population Council	Evaluation and piloting of prevention, counseling and testing, abstinence, being faithful, youths; training, adolescent care and treatment programs
Prinz Leopold Institute of Tropical Medicine	Abstinence, being faithful, youth, and other prevention activities with high risk populations
The American Society of Clinical Pathology	Technical assistance and training in laboratory quality assurance and classification of lab personnel
University of California at San Francisco	HIV anti-retroviral therapy services, Palliative Care
University of Manitoba	HIV anti-retroviral therapy services, Palliative Care
University of Nairobi	HIV anti-retroviral therapy services; PMCT
University of Pittsburgh	Prevention of mother to child transmission of HIV; Training; Palliative Care ARV Therapy, Palliative Care
University of Washington	HIV anti-retroviral therapy services, Palliative Care
Institute of Tropical Medicine	HIV anti-retroviral therapy services
The American Society of	Development of appropriate lab technologies and

Microbiology	training of laboratory staff
Catholic Relief Services	HIV prevention, care and treatment services through sub grants to non-governmental organizations, community based organization and faith based organizations; organizational and technical capacity: Blood Safety; Other Preventions, Palliative Care, TB and HIV, Care of Orphans and Vulnerable Children, Counseling and Testing, ART Therapy, Other/Policy Analysis & System

Section 3.2. Future Partners/Grantees. During the term of the assistance under the MOU, HHS/CDC may enter into contracts, grants, or other instruments with additional governmental and non-governmental organizations, to implement the public health objectives stated in Section 1.1. HHS/CDC will notify the GOK of the award of such instruments and what Partner has been selected to implement the activity for approval. The Implementing Ministries will consent to the additional implementing partners. The GOK agrees that these additional Partners will have the same status under this MOU as those listed in Section 3.1.

Section 3.3. Taxation-Exempt Status of HHS/CDC Funding. In order to implement the taxation exemptions provided in the agreements noted in Section 1.2, the GOK agrees that HHS/CDC funds utilized by HHS/CDC in-country or provided to the Partners implementing the objectives in Section 1.1 shall be free from taxes imposed under laws in effect in Kenya. This tax exemption shall include, but not be limited to, the following:

- (1) Taxes, customs duties and tariffs levied on any transaction financed by HHS/CDC as described in Section 1.1, for the purchase, import, or re-export of goods or services, including value-added taxes (VAT). Goods include commodities, equipment and supplies, including automobiles, which have been imported for the purpose of the funded program activities.
- (2) Taxes of a non-Resident organization on income derived from HHS/CDC funding of activities described in Section 1.1.
- (3) Taxation on personal income derived from HHS/CDC funding by employees of HHS/CDC or the Partners/Grantees who
 - a) are not host country nationals or permanent residents, and
 - b) are solely present for the purpose of performing duties under this MOU,
 - c) this provision to applying retrospectively to contractors meeting both provisions (3a) and (3b) above who were hired specifically by CTS Global Inc. working for CDC in Kenya since January 2005, the total number of contractors being seven individuals to date.
- (4) In the event of a disagreement about the above provisions, the Parties agree to promptly meet and resolve such matters, guided by the principle that the funding furnished by HHS/CDC is free from taxation.

Section 3.4. Work Permits. The GOK will consider and approve work permits for persons who are not Kenyan nationals or permanent residents employed by the Partners/Grantees for activities funded by HHS/CDC as described in Section 1.1, for the period of this MOU.

ARTICLE 4. Standard Provisions


Section 4.1. Authorized Representatives. The Parties shall be represented by those holding or acting in the offices held by the signatories to this MOU. Each Party may, by written notice, to the other, identify additional representatives authorized to represent that Party for all purposes other than executing formal amendments to this MOU. Each Party shall notify the other, in writing, of changes in its authorized representatives.

Section 4.2. Amendment and Modification. This MOU may be amended or modified by written agreement of the Parties. Elements of Annex 1 may be changed by written agreement of the Parties without formal amendment of the MOU.

Section 4.3. The effective date of the MOU will be the date of the signature of the Parties. The completion date is December 31, 2013 or such later date as the Parties agree upon in writing.

IN WITNESS WHEREOF, the Parties, each acting through their duly authorized representatives, have caused this MOU to be signed in their names and delivered as of this _____ day of _____, 2008.

FOR THE GOVERNMENT OF THE
THE REPUBLIC OF KENYA

BY: 

NAME: Joseph K. Kingua

TITLE: Permanent Secretary

DATE: 12-12-08

FOR THE GOVERNMENT OF
UNITED STATES OF AMERICA

BY: 

NAME: Pamela J. Slutz

TITLE: Deputy Chief of Mission

DATE: 11 December 2008

WITNESSED BY:

FOR THE MINISTRY OF PUBLIC
HEALTH AND SANITATION

NAME: MARK K-BOR

TITLE: PERMANENT SECRETARY

DATE: 11th December 2008.