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1 Introduction

1.1 Purpose

The purpose of these procurement regulations (the “Procurement Regulations”) is to elaborate on the procurement principles outlined in the Procurement Policy and set rules applicable to procurement activities conducted by the Global Fund to Fight AIDS, Tuberculosis and Malaria (the Global Fund).

1.2 Scope

Procurement Regulations apply to all the:

a) Goods and services procured by and for the Global Fund; and
b) Goods and services procured by the Global Fund for its Principal Recipients with the use of grant funds, within the authorized limit given to the Global Fund’s Secretariat.

1.3 Reference Documents

The purchase of goods and services by the Global Fund shall be conducted in accordance with (listed in priority order) the Procurement Policy, the Procurement Regulations and the Procurement Procedures. The following documents, as amended from time to time, also apply to the procurement and contracting activities of the Global Fund:

a) Procurement Policy (2008)
b) Procurement Procedures (latest version)
c) Procurement Procedures for the Recruitment of Consultants (2020)
d) Policy to Combat Fraud and Corruption (Nov 2017)
e) Code of Conduct for Global Fund employees (May 2018)
g) Accountability and Escalation Framework (2017)
i) Travel Regulation (Jan 2018)
k) Delegations of Signature Authority (Jan 2019)

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1 The procurement of Consultants is subject (listed in priority order) to the Procurement Policy, the Procurement Regulations and the Procurement Procedures, however due to the specificity of this category of services, certain aspects of the procurement may be more restrictive (e.g. contract duration and rules for contract extension). In this case, the Procurement Procedures for the Recruitment of Consultants will supersede the Procurement Regulations and Procurement Procedures.
2 Key Definitions

Following are the key definitions used in the Procurement Regulations. Procurement Scenarios such as Low Value Procurement, Tendering, Sole Sourcing, etc. are described in Section 4. Procurement Scenarios.

2.1 Request for Information (RFI)

The RFI is an instrument to research the market to obtain information that can be used to:

- Identify available or potential solutions to fulfil identified needs;
- Better understand the market about services, goods and conditions of supply, and help the Global Fund to refine its needs; and/or
- Discover number of suppliers in the market that have the capability and capacity to provide the required goods or services.

An RFI does not lead to a contract award and may or may not lead to a procurement process.

2.2 Terms of Reference (TOR)

TOR (otherwise call Statement of Work or SOW) is used to describe the technical, operational and/or commercial requirements or specifications of goods and services. They usually describe the work to be performed, level of effort, quality expectations, standards, timelines, expected deliverables, acceptance criteria etc.

2.3 Direct Appointment

A Direct Appointment is a procurement method used when the Global Fund decides to purchase goods or services without going through a competitive process and can be used in the following 3 scenarios:

- Estimated cost of goods or services is below $US50,000 as described in Section 4.1.1 Low Value Procurement, or
- Goods or services are procured from Preferred Suppliers within the thresholds described in Section 4.1.2.1 Preferred Supplier and following a process described in the Procurement Procedures, or
- When only 1 supplier can provide goods and services due to Sole Sourcing as described in Section 4.2.1 Sole Sourcing.

The principle of “Value for Money” as stated in the Procurement Policy must be applied and evidenced in the appointment.

2.4 Request for Quotation (RFQ)

- An RFQ is a procurement method used by the Global Fund to request suppliers to submit quotations for goods or services that typically have well-defined specifications or a precise set of criteria.
The RFQ is used for Low Value Procurement or Tendering procurement scenario as per the thresholds in Section 4.1.1 Low Value Procurement and 4.1.2 Tendering respectively.

The Requester shall endeavor to obtain at least 3 quotations from suppliers however this may not always be possible e.g. less than 3 suppliers are able to provide the required goods and services to the Global Fund or it is impractical to do so. Nevertheless, the principle of “Value for Money” as stated in the Procurement Policy must be applied and evidenced in the appointment.

Typically, an evaluation is carried out on commercial criteria such as price, delivery terms, etc. and awards are made based on ‘lowest price, most technically acceptable offer’ evaluation.

2.5 Request for Proposals (RFP)

- An RFP is a procurement method used by the Global Fund to formally invite suppliers to submit proposals for products and services that typically do not have precise or prescriptive specification.
- The RFP is used for Tendering procurement scenario as per the thresholds described in Section 4.1.2 Tendering.
- An RFP can also be used to select a pool of preferred suppliers with whom the Global Fund may sign Indefinite Quantity Contracts (IQC).
- An evaluation is carried out both on technical and commercial merits of the proposals in line with the criteria described in the RFP, by the Tender Evaluation Committee TEC.
- The RFP is published on the Global Fund’s website unless otherwise determined by the Category Specialist.

2.6 Preferred Suppliers List (PSL)

The Sourcing team of the Supply Operations Department is responsible for the creation and maintenance of a PSL, which consists of suppliers that:

- were selected following a competitive Tendering process and comprehensive due diligence exercise led by the Sourcing team for a specific category of spend, and
- have agreed commercial rates negotiated by the Sourcing team and determined at competitive market rates, and
- have a long term contractual and commercial framework with the Global Fund.

2.7 Contract Types

2.7.1 1-off Purchase Orders (POs)

- These are for 1-off purchases subject to the Global Fund’s standard Terms and Conditions (T&Cs) in which there is a firm commitment from the Global Fund to purchase fixed quantity of goods and/or services from a supplier once a PO is signed or accepted by the parties.
- Prices are fixed and extensions to these contracts are allowed on the total cost with cost limits defined as per the table in 5.1.2.1 Cost Extensions.
2.7.2 1-off Purchase Orders (POs) with Contract Schedule

- These are for 1-off purchases subject to the T&Cs for which the relevant terms (TOR, any key personnel, payment schedule, etc.) are included in a document called Contract Schedule. The Contract schedule is attached to the PO signed or accepted by the parties.
- Although prices are usually fixed, there may be cases where part of the contract has an estimate of potential costs (e.g. expenses) or there is a variable cost component (e.g. rate card for potential increases in scope/duration). Extensions to these contracts are allowed on the total cost with cost limits defined as per the table in 5.1.2.1 Cost Extensions.

2.7.3 Indefinite Quantity Contracts (IQCs)

- IQCs are long term contracts the Global Fund signs with several Preferred Suppliers following a competitive process for a specific requirement with no defined fixed order quantity, i.e. there is no firm commitment made to the supplier on a quantity (whether goods or services) the Global Fund will procure from the supplier within the duration of the IQC.
- Anytime the Global Fund has a requirement falling under the scope of the IQC, a call-off is made on the IQC by issuing a 1-off PO (Section 4.1.2.1 Preferred Supplier).
- There is no limit to the number of POs that can call-off from the IQC, as long as they are raised and implemented within the duration of the IQC.
- Unit costs are defined in the IQC.
- The legal terms included in the IQC apply to the 1-off PO.
- Extensions to the duration of IQCs are described in 5.1.2.2 Term Extensions.

2.7.4 Framework Agreement

- Framework Agreements are long term contracts made with 1 supplier for a specific requirement.
- A Framework Agreement is either for a fixed and/or variable quantity of goods and services.
- Prices for the goods and/or services to be ordered are defined in the Framework Agreement.
- For the fixed quantity, the Framework Agreement will identify the fixed cost.
- For the variable quantity, the Framework Agreement will identify unit prices of the goods and/or services.
- There is no limit to the number of POs that can call-off from the variable part of the Framework Agreement, as long as they are raised and implemented within the duration of the Framework Agreement.
- Extensions to the duration of Framework Agreements are described in 5.1.2.2 Term Extensions.

2.7.5 Indefinite Term Contracts

- In case of Sole Sourcing suppliers, an indefinite term (or defined term with automatic renewals) contract may be entered with the supplier.

Other types of contracts are also used by the Global Fund. They are generally bespoke contracts developed or reviewed by the Legal Department.
3 Roles & Responsibilities

3.1 Requester

- The Requester has the authority to request goods and services on behalf of the Global Fund and is responsible for defining the need and specifications of goods and services.
- In collaboration with the Category Specialists, the Requester plans and executes procurement activities, monitors contract end dates, monitors supplier performance and reports non-conforming suppliers to the Sourcing team.
- The Requester is responsible for confirming delivery of goods and/or services and obtain invoice approvals.

3.2 Budget Holder

- The Budget Holder ensures availability of funds, reviews and approves request for goods and services from the Requester and approves invoices for payment after reviewing evidence of deliverables and/or suppliers' performance (in some cases, the Budget Holder may need to approve advance payments to suppliers by analyzing and accepting the associated risks).
- The Budget Holder approves supplier selection based on thresholds defined in Procurement Procedures.

3.3 Category Specialist

- The Category Specialist ensures that procurement activities in the Global Fund are executed in compliance with the Procurement Policy, Procurement Regulations and Procurement Procedures.
- The Category Specialist is the expert in procurement in the Global Fund and therefore is the first line of support for anyone seeking guidance on procurement activity.
- The Category Specialist aggregates demand across the Global Fund for the same spend, supports Requesters in making category procurement plans, and monitors that plans are implemented.
- The Category Specialist conducts market research to select best supplier(s) to meet the needs of the Global Fund, negotiates with suppliers to obtain most competitive offer in line with the Global Fund procurement principles and prepares procurement contracts with the support of the Legal Department.

3.4 Head of Supply Operations Department (Head, SO)

- The overall oversight of the procurement activities in the Global Fund has been delegated by the Executive Director (ED) to the Head, SO.
- The Head, SO is responsible for defining the overall procurement strategy for the Global Fund.
- The Head, SO addresses any instances of non-compliance with the Procurement Policy, the Procurement Regulations and the Procurement Procedures, including a possible referral to the Office of the Inspector General, and may cancel a procurement award.

Category Specialists are the Specialists/Associate Specialists, Category Management in the Indirect Sourcing team in the Supply Operations Department.
3.5 Tender Evaluation Committee (TEC)

- The function of the TEC is to evaluate each proposal pursuant to the terms of the RFP as per the Procurement Procedures.
- The TEC is appointed by the Requester in consultation with the Category Specialist and should ideally be composed of an odd number of members that includes a TEC chairperson (also appointed by the Requester).
- Given their accountability for the TEC recommendation, the TEC members must understand the subject matter described in the RFP.
- Although the individuals leading the procurement activity and/or in contact with potential suppliers may be part of the TEC, they must not influence the outcome of the evaluation.
- The TEC members are not allowed to discuss the evaluation process and proposals received with anyone outside the TEC, and with TEC members only after their individual scoring is finalized.

More details on the process of evaluation by the TEC are provided in the Procurement Procedures.

3.6 Procurement Review Committee (PRC)

- The PRC reviews and makes recommendation on the proposed award of:
  - 1-off Purchase Orders and Framework Agreements for the procurement of goods and/or services estimated to be above $2 Million, and
  - 1-off Purchase Orders, IQCs and Framework Agreements deemed high risk for the Global Fund.
- The PRC does not review any contract extensions, unless determined by the Category Specialist.
- The PRC is composed of the following members:
  - Head, SO (PRC Chair), or his or her appointed delegate
  - Chief Financial Officer (CFO), or his or her appointed delegate
  - Ethics Officer, or his or her appointed delegate
  - General Counsel, or his or her appointed delegate
- The decisions of the PRC are made by consensus of the 4 members.
- The PRC contract review process is a 3-stage process:
  - **Stage 1**: The PRC Chair and CFO reviews and either approves or rejects the “business case” prepared by the Requester describing the “need” of the procurement.
  - **Stage 2**: After the TEC reviews the proposals from suppliers and makes a recommendation on contract award, Category Specialist prepares a TEC summary for its review by the PRC.
  - **Stage 3**: is where the PRC
    - reviews if procurement was conducted as per the Procurement Policy, Regulations and Procedures; and
    - assesses if the objectives described in Stage 1 are met; and
    - reviews the proposed contract award and either approves or rejects the contract award.

More details on the process of PRC are provided in the Procurement Procedures.

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3 The definition of high risk for procurement contracts is described in the Procurement Procedures.
3.7 Management Executive Committee (MEC)

- The MEC is responsible for reviewing and approving contracts above $10M or in cases where the PRC deems a proposed contract to be high risk that needs a MEC review or if there is no consensus among the PRC members about a contract award.
- The Head, SO shall submit to the MEC any case of non-compliance to the Procurement Policy and Procurement Regulations that could not be addressed through the mechanism described in Section 5.2.2 Non-Compliance below, for the MEC consideration as to whether the procurement process should nevertheless be pursued, or the contract awarded.

3.8 Legal

- The Legal Counsel supports the Sourcing team in preparing templates, reviewing documents such as RFPs and providing legal advice on procurement matters, in addition to supporting the PRC when needed.
- The Legal Counsel supports the Requester or the TEC during the evaluation of proposals when there are deviations from the Global Fund’s standard Terms & Conditions (T&Cs) such as deviations from T&Cs in quotations and proposals from potential suppliers.
- The Legal Counsel prepares, reviews and/or negotiates non-standard procurement contracts (i.e. contracts not based on standard templates or contracts with deviations from the T&Cs).

3.9 All Global Fund staff and consultants

All Global Fund staff and Consultants directly or indirectly involved in procurement activities:

- Must comply with the Procurement Policy, Procurement Regulations and Procurement Procedures, the Code of Conduct for Staff or for Suppliers, as applicable, the ethics and integrity-related policies and regulations, and the Whistle-Blowing Policy and Procedure;
- Shall conform to a high standard of ethical conduct, and exercise skill in undertaking the procurement action;
- Shall avoid any situation of actual, potential or perceived conflict of interest, and shall disclose to the Category Specialist complete and relevant details pertaining to any conflict of interest, or situation that may appear to represent a conflict of interest, as soon as he or she becomes aware of such situation or conflict of interest. The Category Specialist shall consult with the Global Fund Ethics Office as required.
- May be held responsible for their non-compliance with applicable rules, policies and contractual provisions, and misconduct (such as failing to disclose conflicts or otherwise biasing the process);
- Shall not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment or any promise of future employment from Global Fund’s current or potential suppliers;
- Have a duty to report any concerns regarding potential non-compliance of procurement rules or improper conduct, in accordance with the procurement rules and the Whistle-Blowing Policy and Procedures.
- Shall not disclose, directly or indirectly, confidential or proprietary information, or any information related to suppliers’ selection process to any person other than a person authorized to receive such information according to the Procurement Regulations and Procurement Procedures. Information marked as confidential communicated by the suppliers or potential suppliers should only be shared internally on a need-to-know basis and cannot be provided to partners or other suppliers or used in any other way without written consent of the relevant supplier.
- Shall not use information received during the procurement process for personal gain.
4 Procurement Scenarios

In this section, various procurement scenarios in the Global Fund are explained. It is important to note the regulations applicable provide guidance for carrying out procurement. More details on each with required documents and approvals are provided in the Procurement Procedures.

Following overarching rules apply to all the procurement scenarios:

- It is prohibited to divide the same category of goods or services intended for the same purpose to avoid the applicable thresholds and the use of a more stringent method, and to artificially combine different categories of goods and/or services to restrict the number of potential bidders.
- All potential suppliers shall be treated impartially. Information with respect to a procurement process cannot be released to one or several potential suppliers without such information being available to all potential suppliers.
- As it may favor one or few suppliers or discourage competition, the use of unnecessarily restrictive specifications of the goods and services is forbidden.
- Suppliers competing for a specific contract shall not derive a competitive advantage from having previously provided goods or services directly related to the contract in question to the Global Fund. The Global Fund may reject any proposal from those suppliers if it determines that a conflict of interest, a situation of favoritism or any other conduct from the suppliers or persons involved in the procurement process has flawed the integrity or objectivity of the procurement process.

4.1 Low Value Procurement

In this procurement scenario, the estimated value of goods and services to be procured is below $US50,000. Although Requester is encouraged to use an RFQ and obtain at least 3 quotations, he or she may opt for Direct Appointment from a supplier with no competition, subject to Budget Holder’s approval. LVP is a Requester-Led process.

<table>
<thead>
<tr>
<th>Threshold -&gt;</th>
<th>Below $50,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Appointment</td>
<td>Requester led</td>
</tr>
<tr>
<td>RFQ</td>
<td>Requester led</td>
</tr>
<tr>
<td>RFP</td>
<td>×</td>
</tr>
</tbody>
</table>

4.2 Tendering - Preferred Supplier

In this procurement scenario, the Global Fund has a Preferred Supplier List in place with suppliers for the relevant category of goods and/or services.

<table>
<thead>
<tr>
<th>Threshold -&gt;</th>
<th>$50,000 to $1M</th>
<th>Above $1M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Appointment</td>
<td>Requester led</td>
<td>×</td>
</tr>
<tr>
<td>RFQ</td>
<td>Requester led</td>
<td>×</td>
</tr>
<tr>
<td>RFP</td>
<td>Sourcing led</td>
<td></td>
</tr>
</tbody>
</table>
4.3 Tendering - No Preferred Supplier

In this procurement scenario, the Global Fund does not have Preferred Supplier List in place with suppliers for the relevant category of goods and/or services.

<table>
<thead>
<tr>
<th>Threshold -&gt;</th>
<th>$50,000 to $100,000</th>
<th>Above $100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Appointment</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>RFQ</td>
<td>Requester led</td>
<td>x</td>
</tr>
<tr>
<td>RFP</td>
<td>Sourcing led</td>
<td></td>
</tr>
</tbody>
</table>

4.4 Sole Sourcing

Sole Sourcing scenario occurs when there is no competitive market place, or the goods or services can only be procured from one source for the following reasons:

- The supplier has the exclusive possession or control of the supply of the goods and/or services (e.g. state monopoly), or
- The supplier has exclusive proprietary rights over the goods and/or services to be procured (e.g. software licenses, publications, methodology etc.), or
- The proposed procurement contract is for the purchase or lease of real estate property, or
- The eligible suppliers or contractual counterparts are determined or identified through decisions taken by the Global Fund’s Board or relevant Standing Committees, or
- In cases where the Global Fund decides to contribute funds to a cause for purpose of advocacy or raising awareness in connection with the Global Fund’s objectives and mission.

Sole Sourcing List consists of goods and services procured under Sole Sourcing and their corresponding supplier. This list is maintained and updated by the Indirect Sourcing team; any updates and changes must be approved by the Head, SO. Suppliers from whom the Global Fund purchases under Low Value Procurement (LVP) do not qualify to be part of the Sole Sourcing List unless the Global Fund purchases non-LVP purchases from these suppliers and they meet one or more of the criteria mentioned above.

<table>
<thead>
<tr>
<th>Threshold -&gt;</th>
<th>Above $50,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Appointment</td>
<td>Requester led</td>
</tr>
<tr>
<td>RFQ</td>
<td>x</td>
</tr>
<tr>
<td>RFP</td>
<td>x</td>
</tr>
</tbody>
</table>

4.5 Procurement from Partner Organization

The Global Fund may obtain goods or services directly from a Partner Organization when the Global Fund determines that:

- The use of a Partner Organization is deemed as being in the best interest of the Global Fund, and
- The Partner Organization offers or has expertise or capacity to provide highly specialized products or services, or the Partner Organization has favorable conditions in the procurement of certain goods or services.

Relevant Procurement method is Direct Appointment.

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* A Partner Organization is a United Nations system organization, a public international organization or a donor Government Agency.
4.6 Use of Partner Organizations Tender Results

The Global Fund may obtain goods or services using tender results of a Partner Organization if:

- The use of Partner Organization tender results is deemed as being in the best interest of the Global Fund, and
- The supplier has been selected following an open and competitive process, and
- The contract of the Partner Organization is still in force or the procurement process of the Partner Organization has been finalized within the past 24 months, and the Category Specialist has determined there is no indication that the market has changed since and it represents value for money for the Global Fund, and
- The supplier selected agrees to offer goods or services to the Global Fund at a comparable price and is willing to work under the Global Fund standard contractual terms.

Relevant Procurement method is Direct Appointment.

4.7 Joint Procurement

The Global Fund may elect to undertake a procurement activity together with 1 or more Partner Organizations, for a single or series of planned procurement actions.

Generally, the cooperating entities will choose one organization to lead the procurement under procurement rules and regulations of that entity; however, after evaluating the requirements, the cooperating entities may agree on using a hybrid of procurement rules and regulations of the 2 entities. The Global Fund may participate in joint procurement under another Partner Organization’s rules or any hybrid of procurement rules and regulations only if those rules are consistent with the Global Fund’s Procurement Policy.

4.8 Board Mandated

The Global Fund Board or its Standing Committees may mandate, recommend or endorse the procurement of certain goods or services from certain suppliers or partner organization in a manner that would deviate from the procurement scenarios described above. These dedicated procurements shall be done in accordance with the relevant decisions by the Global Fund Board or its Standing Committees, and such internal procedures established to operationalize such decisions.

4.9 Exceptions to Procurement Process

Exceptions to the Procurement Process should be rare and have a genuine and justified reason. Approvals of an Exception to Procurement Process should be documented in an Exception Memo and approved as per the table below (approvals are given sequentially starting from Approver 1):

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Approver 1</th>
<th>Approver 2</th>
<th>Approver 3</th>
<th>Approver 4</th>
<th>Approver 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50,000 to $100,000</td>
<td>Requesting Dept. Mgr.</td>
<td>Category Specialist</td>
<td>Indirect Sourcing Mgr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$100,000 to $1M</td>
<td>Requesting Dept. MEC Member</td>
<td>Category Specialist</td>
<td>Indirect Sourcing Mgr.</td>
<td>Head, SO</td>
<td></td>
</tr>
<tr>
<td>Above $1M</td>
<td>Requesting Dept. MEC Member</td>
<td>Category Specialist</td>
<td>Indirect Sourcing Mgr.</td>
<td>Head, SO</td>
<td>Executive Director</td>
</tr>
</tbody>
</table>

This Section applies, but not exclusively, to pooled procurement mechanisms, procurement for health products and Global Fund’s Local Fund Agents.
5 Other Procurement Regulations

5.1 Contract Term, Extensions and Provisions

5.1.1 Contract Term

The maximum contract duration for procurement contracts at the Global Fund is 6 years, including any extensions. Contracts stemming from Sole Sourcing may, however, have an indefinite term limit and are not subject to this time limit.

The maximum term of procurement contracts may be shorter than 6 years, as determined in category-specific internal procedures.

5.1.2 Contract Extensions

5.1.2.1 Cost Extensions

For 1-off POs and 1-off POs with Contract Schedule, the maximum contract extension is calculated based on the limits described in the table below. This also includes the POs placed under IQCs and Framework Agreements. A contract can be extended multiple times, but the maximum, cumulative extension is as provided in the below table (calculated from the original contract value). Whenever an increase in the original contract value is contemplated above the original price agreed within the contract, there should be a commercial consideration given to the economies of scale, additional profit etc. that may result in a reduction in the total cost of ownership for the revised requirement.

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Extensions allowed up to % of original contract value</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $50,000</td>
<td>If Direct Appointment used: Extension allowed up to maximum PO value of $50,000</td>
</tr>
<tr>
<td></td>
<td>If RFQ used: Extensions allowed up to maximum PO value of $50,000 or 50% of original contract value, whichever is higher</td>
</tr>
<tr>
<td>$50,000 to $100,000</td>
<td>50%</td>
</tr>
<tr>
<td>$100,000 to $1M</td>
<td>25%</td>
</tr>
<tr>
<td>Above $1M</td>
<td>15%</td>
</tr>
</tbody>
</table>

5.1.2.2 Term Extensions

For Indefinite Quantity Contracts (IQC) and Framework Agreements, the maximum contract extension allowed is up to 50% of the duration stated in the RFP and cannot exceed 6 years (maximum Contract Term). However, extensions to a 1-off PO that calls off an IQC or a Framework Agreement follow cost extension limits defined in section 5.1.2.1. Cost Extensions. Duration of the call-off PO cannot exceed duration of the IQC or Framework Agreement.
5.1.3 Other Contractual Provisions

- All procurement documents, including solicitation documents and contracts, should be in English. Another language may be used, for example with suppliers based in Geneva, in which case the relevant documents shall be translated in English and the English version shall prevail. If for any reasons the documents cannot be translated, or it is found that it would not be beneficial to translate the documents in English or the supplier cannot sign a contract in English pursuant to its policy framework, the Category Specialist and the Legal focal point will need to make the decision whether to accept or reject the usage of a language other than English.
- Solicitation documents (RFQ and RFP) shall be worded in such a way to permit and encourage competition and shall set forth clearly and precisely the goods and/or services to be supplied, the delivery conditions, minimum performance requirements, and all other pertinent terms and conditions. Solicitation documents shall specify all factors, in addition to price, that will be considered in evaluating the offers and proposals.
- Global Fund’s contract templates approved by the Legal Department, as well as the T&Cs must be used with suppliers to the maximum possible extent. With the exception of contracts with a value of $10,000 or less, the Legal Department must be involved in any deviation to the contract templates approved by the Legal Department and the T&Cs.

5.2 Compliance & Non-Compliance to Procurement

5.2.1 Compliance

The Sourcing team shall monitor compliance with the Procurement Policy, the Procurement Regulations and the Procurement Procedures (or such other internal procedures for a category) and escalate issues of non-compliance as required.

5.2.2 Non-Compliance

If the procurement process has not been followed according to the Procurement Policy, Procurement Regulations and Procurement Procedures or there are good reasons to believe that the integrity of the process has been compromised, the issue should be escalated to the Head, SO. Head, SO has the authority to declare mis-procurement and cancel the procurement action. Head, SO should consult with the General Counsel and Ethics Officer as appropriate. If the problem cannot be resolved through mis-procurement or any other action, Head, SO shall submit the case to the MEC. Head, SO may permit a retendering after declaring mis-procurement.

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8 The Global Fund may agree to rely on suppliers’ terms and conditions, as opposed to the T&Cs, for contracts with a value of $10,000 or less, provided a communication is sent to suppliers, asserting the Global Fund’s privileges and immunities.