

REQUEST FOR PROPOSALS (RFP) TGF-D-00023

Integrated Molecular PCR Technologies

Issue Date: 23 July 2024

Closing Date: 18 September 2024

RFP Window Closing Time(s): 15:00 hrs. Central European Summer Time (CEST)

SECTION 1. LETTER OF INVITATION

Through this Request for Proposals (“**RFP**”), the Global Fund to Fight AIDS, Tuberculosis and Malaria (the “**Global Fund**”) invites all potential bidders to submit proposals to supply World Health Organization (WHO) recommended integrated molecular Polymerase Chain Reaction (PCR) technologies to, or for the benefit of, recipients of Global Fund financing or other entities through Framework Agreements with the Global Fund.

The objective of the RFP is to select Panel Suppliers to support country programs to implement integrated molecular PCR technology testing with optimal pricing and contracting modalities while maintaining a sustainable competitive market.

The Global Fund will offer Framework Agreements to successful bidders. This contractual arrangement is appropriate for suppliers that can demonstrate the ability to supply products throughout their lifecycle and that have the commitment and available resources to work collaboratively in a structured fashion to create value.

Framework Agreements will not include allocated or committed volumes but will create a direct engagement platform with the Global Fund to focus on strategic and operation updates including commercial terms, innovation, country demands and forecast.

The Request for Proposals (RFP) consists of the following documents:

SECTION 1	LETTER OF INVITATION
SECTION 2	DEFINITIONS
SECTION 3	INSTRUCTIONS TO BIDDERS
SECTION 4	REQUIREMENTS AND SPECIFICATIONS
SECTION 5	LEGAL MATTERS

SCHEDULE A	Officer's Certificate of Conformance and Acknowledgment
SCHEDULE B	Confidentiality Agreement (if requested by the bidder)
SCHEDULE C	Draft of Framework Agreement between the Global Fund and Suppliers
SCHEDULE D	Demand Forecast
SCHEDULE E	E1: Commercial (Excel File) E2: Technical (Excel File) E3: For Information and Implementation (Excel File)
SCHEDULE F	Integrity Due Diligence (IDD) questionnaire
SCHEDULE G	Financial Due Diligence (FDD) questionnaire
SCHEDULE H	Sustainability Questionnaire

Your proposal, comprising of the Technical and Commercial elements and responses under “For Information and Implementation” should be submitted in accordance with Section 3.

Should you require any clarification, kindly communicate only through the communication channels identified in Section 3F.

SECTION 2. DEFINITIONS

1. **Actual goods readiness date:** Actual date the products are ready.
2. **Base price:** Price of the product to be offered to the Global Fund through a Framework Agreement.
3. **Bidder:** Supplier who submits a proposal by the deadline for this RFP.
4. **EXW:** Ex-works is a delivery INCOTERM meaning the Supplier makes the goods available at its premises or named place. For purposes of this RFP, the Supplier will provide pricing EXW.
5. **Framework Agreement:** The agreement between the Global Fund and Panel Supplier for the supply of integrated molecular PCR technologies, whose draft is provided in Schedule C.
6. **Global Fund:** The Global Fund to Fight AIDS, Tuberculosis and Malaria. More information is available here: <http://www.theglobalfund.org/en/>
7. **GS1:** Global not-for-profit association that maintains standards for unique identifiers of products and services, including barcodes. More information is available here: <https://www.gs1.org/about>
8. **IDD:** Integrity Due Diligence
9. **INCOTERM:** The International Commercial Terms are a set of rules which define the responsibilities of sellers and buyers for the delivery of goods under sales contracts.
10. **Manufacturer Promised Date:** Date by which the Panel Supplier promises to make the goods available.
11. **National Regulatory Authority:** The official regulatory authority of a country.
12. **OTIF:** On time in full delivery.
13. **Panel Supplier:** A manufacturer who has been awarded a Framework Agreement by the Global Fund for the supply of molecular PCR technologies. The outcome of this RFP will establish the Panel Suppliers for this product category.
14. **Pooled Procurement Mechanism (PPM):** Program managed by the Global Fund that aggregates order volumes on behalf of participating Principal Recipients of Global Fund grant funding in order to negotiate best prices and delivery conditions with Panel Suppliers and other suppliers. More information is available at: <https://www.theglobalfund.org/en/sourcing-management/health-products/>.
15. **Principal Recipient (PR):** Entity nominated to implement a program designed to utilize Global Fund grant funds to fight against the diseases of HIV/AIDS, tuberculosis and/or malaria, including strengthening of related health systems, in a country.
16. **Procurement Services Agent (PSA):** A Procurement Services Agent selected by the Global Fund to act as an agent on behalf of Principal Recipients in the procurement of, among other items, Molecular Technologies through the Pooled Procurement Mechanism. The current PSA for Molecular Technologies is PFSCM. The PSA is subject to change at any time.
17. **Procurement Strategy:** The Global Fund's Integrated Molecular PCR Technologies Procurement Strategy for 2024 – 2026.

18. **QA:** Quality assurance

19. **Related Firm:** Any legal person or undertaking who controls or is controlled by another legal person or undertaking, or where two or more legal persons or undertakings are under common control. “Control” is defined as the power to exercise a direct or indirect decisive influence over the management or policies of a firm, including its commercial strategy, whether through the ownership of voting securities, by contract, or otherwise. Any person who owns beneficially, either directly or through one or more controlled firms, more than 25 percent of the voting securities of any firm is presumed to control the firm.
20. **RSSH:** Initiative to strengthen the formal and community health systems and responses that make up resilient and sustainable systems for health (RSSH).
21. **Total Landed Cost:** Total cost of a landed shipment including purchase price, freight, insurance and other costs up to the point of delivery.
22. **Volume Discount:** Discounted price to be offered to the Global Fund through a Framework Agreement for annual procurement volumes above a predetermined threshold(s).
23. **WHO PQ:** World Health Organization Prequalification Program, which prequalifies integrated molecular PCR technologies products are acceptable for procurement by the United Nations and specialized agencies.

SECTION 3. INSTRUCTIONS TO BIDDERS

A. CONDITIONS FOR PARTICIPATION

1. Suppliers must advise whether their company intends to submit a proposal by clicking on the “Yes” or “No” button which will be at the end of the email you will receive through our TGF Sourcing Application before the deadline mentioned in Section 3C: Timeline.
2. Only suppliers with products in compliance with the Global Fund Guide to Global Fund Policies on Procurement and Supply Management of Health Products (2021, as amended from time to time) are eligible to participate in this RFP as Bidders (see <https://www.theglobalfund.org/en/sourcing-management/quality-assurance/other-products/>), and all products supplied pursuant to this RFP must comply with those requirements.
3. Submitting a proposal in response to this RFP constitutes an acceptance of the terms indicated herein, including the terms and conditions set forth in Section 5 “Legal Matters”, and of the terms of each of the documents referred to in this RFP. The Global Fund reserves the right to reject the proposal of any entity or individual, as the case may be, that fails or refuses to comply with, or accept, such terms. Schedule A shall be signed and submitted by all Bidders as part of their proposal.
4. Bidders must comply with the Global Fund’s Code of Conduct for Suppliers and shall be subject to the Global Fund’s Sanctions Procedures Relating to the Code of Conduct for Suppliers. Submitting a proposal constitutes an acknowledgement that the Global Fund will conduct appropriate due diligence to obtain assurance of the Bidders’ track record, capacity and willingness to comply with the Code of Conduct for Suppliers.
5. Bidders shall be subject to financial due diligence assessment. Submitting a proposal constitutes an acknowledgement that the Global Fund will conduct appropriate financial due diligence. Bidders must therefore provide the information requested as part of the Financial Due Diligence process (see Schedule G for requirements).
6. Related Firms are not allowed to submit separate proposals and are required to determine among themselves which firm is the best suited to submit a proposal or submit a consolidated single proposal as a consortium.
7. If Related Firms wish to participate in the RFP as a consortium, the firm representing the consortium shall be authorized to submit the proposal on behalf of each consortium member. Although the Global Fund may enter into direct contracts with each of the consortium members, the consortium will be evaluated as a whole for the purpose of the tender evaluation and during contract implementation. All Related Firms, as consortium members, shall submit and sign separate Schedules A, G and H. One Schedule F questionnaire shall be completed for a consortium, explaining the structure and how ownership and control will work. The consortium shall offer a single price for the same product that can be provided by two or more consortium members. The Global Fund will require the other consortium members to deliver such products to the extent these consortium members supply the said products. By submitting a proposal in response to this RFP the consortium, and all consortium members, agree to the rules and conditions outlined in this Section.
8. Non-Related Firms are not allowed to form a consortium and submit a consortium proposal.

9. All proposals must remain valid until the end of 2024 from the close of RFP date (See timeline below).
10. A bid security is not required for proposals submitted under this RFP.
11. A bid bond is not required for proposals submitted under this RFP.
12. Bidders are not required to quote for all products. However, Bidders are encouraged to quote for as many products as possible.

B. RFP APPROACH

This RFP process is conducted in two stages, pursuant to the Global Fund’s procurement rules:

- Stage 1 is focused technical and commercial evaluation of Bidders’ proposals. Stage 2 is open to Bidders successfully shortlisted in Stage 1.
- Stage 2 consists of direct negotiations between the shortlisted Bidders and the Global Fund. The conclusion of the Stage 2 process will result in successful Bidders being notified and invited to enter into a contractual relationship with the Global Fund.

The overall final Global Fund evaluation process and decision as to the successful Bidder(s) becoming a Panel Supplier is based on the Bidder(s) being technically capable, and optimum technical and commercially proposal evaluation results.

Only if a Stage 2 process will be undertaken, by the date indicated in Section 3C, selected Bidders will be notified of the Stage 2 process via the Sourcing Platform.

Details pertaining to the focus and subjects covered in the negotiations to be shared with bidders shortlisted for Stage 2.

C. TIMELINE

1. The scheduled time of the key activities of this RFP are as follows, with all times Central European Time (CET):

Activities	Description	Scheduled Deadline
1	Request for Proposals issued	23 July 2024
2	Deadline for prospective bidders to submit clarification questions through the “Message Function” in the Sourcing Application to the RFP – Round 1	06 August 2024 15:00 CET
3	The Global Fund to issue responses to clarification questions to all prospective bidders – Round 1	09 August 2024
4	Deadline for prospective bidders to submit clarification questions through the “Message Function” in the Sourcing Application to the RFP – Round 2	27 August 2024 15:00 CET
5	The Global Fund to issue responses to clarification questions to all prospective bidders – Round 2	30 August 2024
6	Deadline for electronic submission of proposal (close of RFP)	18 September 2024 15:00 CET

Activities	Description	Scheduled Deadline
7	Notification of Invitation to Stage 2	30 September 2024
8	Stage 2 Negotiations	October/November 2024*
9	Notification of Award to Bidders	December 2024*
10	Contract Finalization	Quarter 1, 2025*

*Tentative

2. **The Global Fund reserves the right to modify the timeline at any time.** In such a case the Global Fund will inform all potential bidders, but it is the responsibility of potential bidders to regularly check the relevant Global Fund's procurement pages on its website.

D. CONTENTS OF PROPOSAL

1. Overall Process

- a. The Global Fund may not consider any proposal that is received by the Global Fund after the indicated deadline for electronic submission of proposals. Any proposal received by the Global Fund after the indicated deadline for electronic submission of proposals will be declared late and may be rejected.
- b. The submission, evaluation and selection processes will be conducted and managed in line with the procurement principles of the Global Fund's Procurement Policy (2008, as amended from time to time), and the Guide to Global Fund Policies on Procurement and Supply Management of Health Products (2021, as amended from time to time) (https://www.theglobalfund.org/media/5873/psm_procurementssupplymanagement_guidelines_en.pdf)
- c. During the evaluation of proposals, the following definitions apply:
 1. "Deviation" is a departure from the requirements specified in this RFP;
 2. "Reservation" is the setting of limiting conditions or withholding from complete acceptance of the requirements specified in this RFP; and
 3. "Omission" is the failure to submit part or all of the information or documentation required in this RFP.

2. Confidentiality and Integrity

- a. Information relating to the contract award shall not be disclosed to Bidders or any other persons not officially concerned with such process until information on contract award is communicated to all Bidders. Information relating to the evaluation of proposals shall not be disclosed to Bidders.
- b. Any attempt by a Bidder to influence the Global Fund in the evaluation of proposals or contract award decisions shall result in the rejection of its proposal.
- c. The Global Fund also recognizes that some of the information requested is commercially sensitive and, at a Bidder's request, will execute a confidentiality agreement in the form attached as Schedule B.
- d. Publicity of any form with regard to these business requirements, the Global Fund's Strategy and/or any part of this RFP activity, including evaluation and award, will be controlled by the Global Fund.

E. PREPARATION OF THE PROPOSAL

1. Bidders are **required** to complete and submit the following Schedules and response templates:

Response	Title	Submission Format
Schedule A	Officer Certificate of Conformance and Acknowledgement	Word + Signed PDF
Schedule E	E1: Commercial Proposal E2: Technical Proposal E3: For Information and Implementation	Excel + Signed PDF
Schedule F	Integrity Due Diligence (IDD) questionnaire	Word + Signed PDF
Schedule G	Finance Due Diligence (FDD) Questionnaire	Excel + Signed PDF
Schedule H	Sustainability Questionnaire	Word + Signed PDF

Please refer to Section 3 and the Schedules for detailed response requirements and instructions.

2. All Bidders must also complete and sign the Officer’s Certificate of Conformance and Acknowledgement at Schedule A which confirms their compliance with the requirements of the proposal and conditions of supply. Non-conforming proposals will not be eligible for evaluation. Bidders are expected to accept Global Fund’s terms and conditions as set forth in the Framework Agreement (Schedule C). Reservations or requests for amendments to the Framework Agreement must be submitted by Bidders as part of their proposal; reservations or requests for amendment raised after the deadline for electronic submission of proposals will not be considered. These reservations or requests for amendment will be taken into account in the overall evaluation. The Global Fund has no obligation to agree to these reservations or requests for amendment.
3. If Bidders wish to enter into a confidentiality agreement related to the submission of the proposals, Bidders can complete and submit the following (optional) Schedule:

Response	Title	Submission Format
Schedule B	Confidentiality Agreement (if requested by the Bidder) - Optional	Signed PDF

4. Any supporting documents must be submitted electronically citing the relevant Schedule in the document's title.
5. All Related Firms taking part in a consortium shall complete a Schedule E template for their combined proposal.
6. Bidders must fully respond to all questions and provide relevant information as required. Failure to do so will be considered incomplete responses and will be taken into account in the overall evaluation.
7. All proposals must conform to the following conditions:
 - a. Must be submitted in English
 - b. Pricing must be in US Dollars
 - c. Prices must be the price of goods **EXW** as defined in INCOTERMS 2020 published by the International Chamber of Commerce, except where otherwise indicated (see Schedule E1.2 All-Inclusive).
8. Bidders are strongly advised to submit competitive Stage 1 proposals, as shortlisting for Stage 2 will be based on the evaluation of Stage 1 submissions.

F. SUBMISSION OF THE PROPOSAL

1. This RFP process is being managed electronically, and Bidders are required to submit their proposals and any questions through the TGF Sourcing Application in the following URL: <https://fa-enmo-saasfaproduct1.fa.ocs.oraclecloud.com/>.

In case you do not have a Supplier ID for the TGF Sourcing Application, please send an email in advance to directsourcing.support@theglobalfund.org with the following title in the subject: Request for login user ID creation in TGF Sourcing/iSupplier portal – “Organization’s name”.

2. Once in possession of a Supplier ID, all communication must be channeled through the TGF Sourcing Application: <https://fa-enmo-saasfaproduct1.fa.ocs.oraclecloud.com/>. Only in exceptional circumstances, such as technical difficulties in accessing the platform, can communication be made by email – in which case, any communication must indicate in the subject line of the e-mail the company name and the RFP number (TGF-D-00023) and be addressed to the following email address: directsourcing.support@theglobalfund.org
3. Any communication between a Bidder and the Global Fund regarding this RFP which is not through the channels designated above may invalidate such Bidder’s proposal to this RFP.
4. All proposals are to be submitted through the TGF Sourcing Application, including the three pre-formatted templates for Schedules E (i.e., Schedule E1, Schedule E2, and Schedule E3). Each proposal Schedule is to be submitted as separate files with each file not exceeding 8 MB.
5. The complete list of required documents that must be submitted for Stage 1 are stated in Section 3E.1. Additional supporting documents must be provided where indicated.
6. Bidders are to submit the documents in the formats as stated in Section 3.E1 and as per the instructions in each submission template file; failure to do so will be considered an incomplete response and will be taken into account in the overall evaluation.
7. There will be an opportunity in the process for Bidders to ask questions and for the Global Fund to respond as applicable, to ensure clarity of process and information. All information

gathered and shared during these sessions will be anonymized and answers shared with all Bidders on the TGF Sourcing application. In addition, the Global Fund will update Bidders with any additional information and changes during this process to ensure the activities/information is captured completely.

G. EVALUATION OF THE PROPOSAL

1. After the deadline for electronic submission of proposals, the Global Fund will examine the proposals to determine whether they are substantially complete, whether the documents have been properly signed and whether the proposals are generally in order. Any proposal found to be unsigned or signed by an unauthorized person, not meeting the minimum requirements in this RFP, or not providing the minimum information that is essential for the evaluation of the proposals, may be rejected by the Global Fund and not included for further consideration.
2. The evaluation process shall be conducted in accordance with the RFP Timeline in Section 3C.
3. In keeping with the range of strategic objectives, the RFP evaluation will be based on multiple evaluation criteria of both commercial and non-commercial nature. The selection and evaluation process will be conducted pursuant to the Global Fund’s procurement rules, regulations, and procedures. The following principles underpin the evaluation process and should be fully understood by Bidders:
 - a. Any material deviation, reservation or omission from any of the required elements and criteria will be considered in the selection process by the Global Fund even if that element is required for information only.
 - b. Proposals will be evaluated against technical and commercial elements, within which certain criteria will be evaluated. Evaluation approach will be the same for each Bidder.
4. A Bidder shortlisted to Stage 2 is not an indication that the Bidder will be successful and awarded a contract.
5. Technical and Commercial Evaluation: Proposals will be evaluated against the technical and commercial criteria outlined below.
6. For Schedule E, the following information is required:

Schedule E1: Commercial Template

Elements	Information Type
1. Direct Purchase	Required information
2. All-Inclusive	Requested information

Schedule E2: Technical Template

Elements	Information Type
1. Test Specifications	Required information
2. Instrument Specifications	Required information

Elements	Information Type
3. Install Base per Country	Required information
5. Manufacturing Sites	Required information

Schedule E3: For Information and Implementation

Elements	Information Type
1. Innovation	Required information
2. Sustainability	Required information

7. In addition to information and clarifications provided in Schedule E documents, a description of each of the elements of requested information is provided below:

8. Schedule E1: Commercial Template

Bidders to complete only one Schedule E1 Commercial, irrespective of the number of manufacturing sites.

- a) **Direct Purchase Pricing:** Bidders will submit information on prices offered per product available for direct purchase in USD (**EXW** price) to the nearest cent.

Bidders may input their own volume thresholds for Volume Discount Price. Please input these thresholds, if any, in the blank column headers provided in tab E1.1, row 25, columns M through to U.

- b) **All-Inclusive Pricing:** Bidders are encouraged to provide All-Inclusive offers. The All-Inclusive offer must contain pricing per test, including all cost elements (EXW prices, and any other applicable INCOTERMS), in USD to the nearest cent.

All-inclusive prices must also include a breakdown of the following components: (i) Tests & consumables, (ii) instrument surcharge, including installation and removal (for new placement of instruments only; not applicable to legacy instruments), (iii) service & maintenance, including training, (iv) other surcharges, such as data connectivity solutions.

Bidders are also requested to provide the conditions where All-Inclusive prices would apply. This includes (i) integrated volume commitments (which must be indicated across the bidder's entire portfolio), (ii) timebound commitments (i.e. number of years). Note; all-inclusive prices have to be valid for The Global Fund countries.

Bidders should also provide their Global Service Level Agreement (SLA) template, including terms and conditions and global key performance indicators (KPIs).

For submission of the above requirements, re-stated in tab "E1.2 – All-Inclusive" of Schedule E2, Bidders may either;

- (i) provide their proposal for All-Inclusive Pricing using the same provided in tab E1.2 (ie. E1.2 is unlocked and bidders may design their own response format in E1.2), or;

- (ii) provide their proposal for All-Inclusive Pricing in a separate excel spreadsheet, which must be submitted citing the relevant Schedule in the document's title, as per Section 3E.4.

9. Schedule E2: Technical Template

Bidders to complete only one Schedule E2 Technical, irrespective of the number of manufacturing sites.

- c) **Test Specifications:** Clarification of the Integrated Molecular PCR Test products that are eligible for submission and evaluation.

Integrated Molecular PCR Test products in compliance with Quality Assurance Policy for Medical Devices (including In-Vitro Diagnostics) see <https://www.theglobalfund.org/en/sourcing-management/quality-assurance/in-vitro-diagnostics/> and which will be offered by the Bidder.

- d) **Instrument Specifications:** Clarification of the Integrated Molecular PCR Test products that are eligible for submission and evaluation.

Integrated Molecular PCR Test products in compliance with Quality Assurance Policy for Medical Devices (including In-Vitro Diagnostics) see <https://www.theglobalfund.org/en/sourcing-management/quality-assurance/in-vitro-diagnostics/> and which will be offered by the Bidder.

- e) **Install Base per Country:** Bidders are required to provide information on (included but not limited to) placed instruments, instrument ownership and service arrangements.
- f) **Manufacturing Sites:** Bidders are required to indicate the location of all their current manufacturing sites, and indicate the production capacity for tests performed at each site.

Schedule E3: For Information and Implementation Template

The Global Fund has a broad definition of value that is articulated in its Next Gen Market Shaping framework. The Global Fund is interested in receiving feasible innovative products and sustainability project proposals from each Bidder on delivering measurable outcome in line with the Procurement Strategy objectives as detailed in Section 4B.

- g) **Innovation:** For any product listed under the scope of Innovative Products, please fill in the required information together with supporting documents. The scope defined in Schedule E3.1 is in line with the Global Fund's Integrated Molecular PCR strategy for 2024-2026.
- h) **Sustainability:** These are projects aimed at addressing the environmental impact of Integrated Molecular PCR technology products – including but not limited to instruments, tests and consumables.

The Global Fund is particularly interested in receiving project submissions that fall within the scope of two focus areas (i) freight optimization, and (ii) plastic reduction. See Schedule E1.2 for more detailed requirements and parameters.

Any other relevant sustainability projects beyond the priority focus areas of freight optimization and plastic reduction areas are also welcome for submission (please submit these additional projects under Schedule H)

Successful Bidders will be expected to provide updates on progress and timelines of these projects during the implementation period.

H. NOTIFICATION AND CONTRACTING

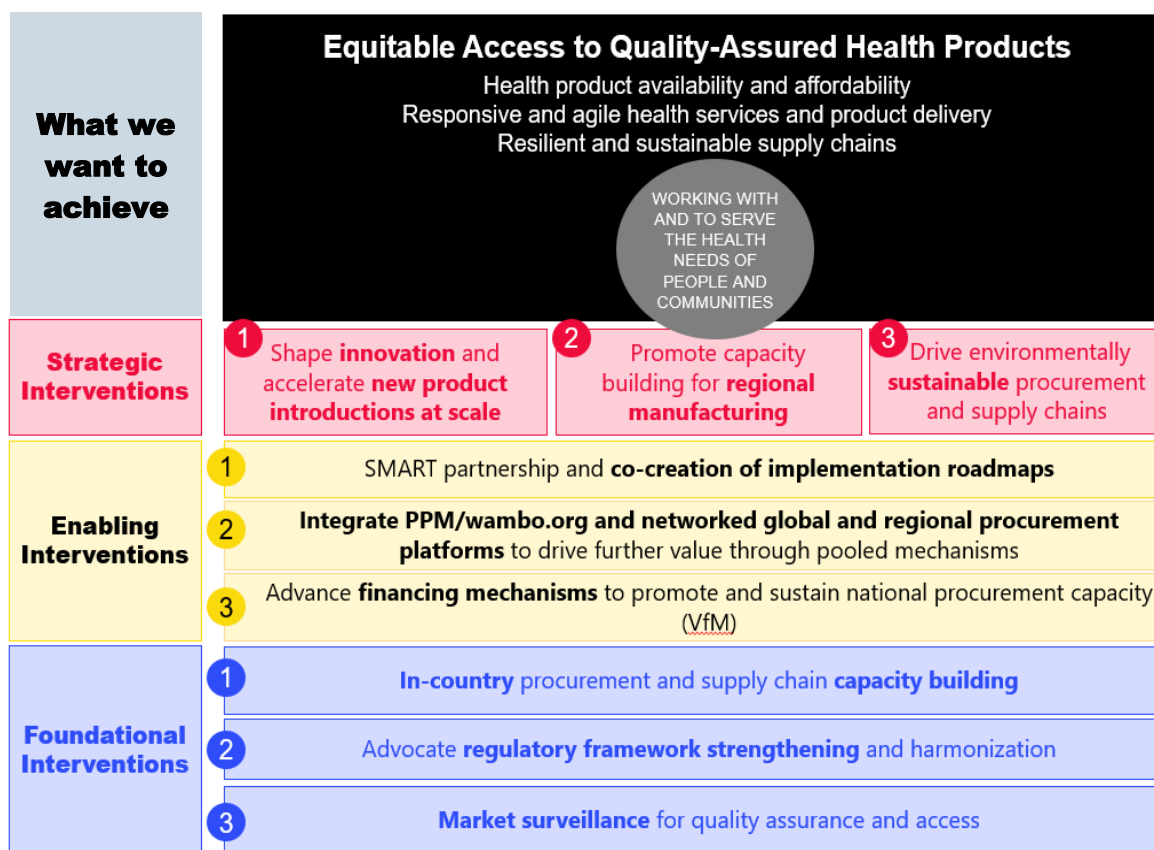
1. The final decision on contract award will be made by the Global Fund and communicated to all selected Bidders by the date detailed in Section 3C.1. These final decisions will be based on the evaluation approach as detailed in Section 3 of this RFP.
2. Any agreement between the Global Fund and a selected Bidder shall be reflected in the terms and conditions of a Framework Agreement with such Bidder.
3. Unsuccessful Bidders will, in addition to the notification, be provided with an opportunity for a post proposal de-brief either in person or by teleconference. This opportunity to de-brief shall not create any legal rights, including without limitation any right of appeal.
4. A final qualification with any proposed Panel Supplier is subject to the signature of the Framework Agreement. If a proposed Panel Supplier does not sign a Framework Agreement, the Global Fund will take appropriate action at its discretion, including, without limitation, removal or suspension from the panel.
5. Contract length will be determined based on the outcome of this tender process.

SECTION 4. REQUIREMENTS & SPECIFICATIONS

A. BACKGROUND

1. The core objectives of the Global Fund 2023-2028 Strategy, ***Fighting Pandemics and Building a Healthier and More Equitable World***, available at <https://www.theglobalfund.org/en/strategy/> are to: Maximize people-centered integrated systems for health to deliver impact, resilience and sustainability; maximize the engagement and leadership of most affected communities to leave no one behind; maximize health equity, gender equality and human rights; and mobilize increased resources.
2. Health products remain the key tool to address HIV, TB and malaria, and for ending the three disease. Market shaping efforts are needed to ensure availability and affordability of quality-assured health products, particularly when facing challenging market dynamics and when introducing innovations and new health products.
3. In support of the 1st Strategic Objective, the Global Fund developed the Next Generation Market Shaping framework, which aims to drive equitable access to quality assured health products and accelerate health product introductions and innovations at scale, oriented around the people and communities Global Fund serves (see Figure 1).
4. NextGen Market Shaping's three key strategic interventions are;
 - (2) Shape innovation and accelerate new product introductions at scale.
 - (3) Promote capacity building for regional manufacturing.
 - (4) Drive environmentally sustainable procurement and supply chains.
5. NextGen Market Shaping approach and priorities are reflected in the Global Fund's sourcing strategies.

Figure 1. Next Gen Market Shaping Framework



6. The Global Fund’s Supply Operations Department implements the NextGen Market Shaping approach by managing health products through the Pooled Procurement Mechanism along five key dimensions:
 - a. Pooled demand: Registering Principal Recipients into the mechanism creates the opportunity to pool volumes of large and small volume countries.
 - b. Product category strategies: Designing, issuing and managing sourcing strategies, including competitive tenders to support category-specific market shaping objectives.
 - c. Supplier relationship management: Managing the implementation of long-term agreements including performance management of suppliers.
 - d. Demand management: Optimizing resources to manage Principal Recipient demand along three dimensions: volume, time and specification.
 - e. Transaction management: Executing PPM orders from requests to deliveries via wambo.org, a Principal Recipient-facing portal that increases visibility of ordering operations with full visibility and a transparent auditable process.

7. The NextGen Market Shaping framework aims to help to address barriers to securing equitable access to quality assured health products at scale across the three diseases.

B. STRATEGY

1. The purpose of this RFP is to select Panel Suppliers who may enter into Framework Agreements with the Global Fund to implement its Integrated Molecular PCR Technology Procurement Strategy, available at:
https://www.theglobalfund.org/media/14850/psm_2023-12-11-integrated-molecular-pcr-technologies-procurement_presentation_en.pdf
2. Integrated Molecular PCR Diagnostics is a complex category, and essential for the successful implementation of HIV, TB and RSSH programs. The implementation of effective procurement modalities requires collaboration and coordination at the national, regional and global levels. Moreover, national programs and laboratory networks need strong administrative capacity to manage the technologies, and closely engage with suppliers and global partners for technical support and funding. To date, The Global Fund and partners have been working together to implement innovative procurement modalities, including all-inclusive pricing.

In collaboration with key internal and external stakeholders, the Global Fund is implementing a refreshed procurement strategy aiming to create a stronger system alignment and improved Value for Money through optimizing diagnostic networks and well-defined performance criteria.

For the avoidance of doubt where any presentation documentation of the RFP or the Global Fund's Procurement Strategy and this RFP differ, this RFP shall prevail.

C. OBJECTIVES

1. Individual objectives of the Procurement Strategy to support this aim fall into the following categories and are described in further detail below:
 - (1) Ensure Equitable Access to Quality Assured Technologies: Affordability and Availability**

To maintain competitive & sustainable pricing through diversified supply base, value for money considerations and value delivery.
 - (2) Provide multiple procurement modalities based on the total cost of ownership concept**

Ensure countries have access to multiple procurement modalities to determine the optimal solution based on country specific parameters.
 - (3) Accelerate the introduction of innovative products and technologies**

Enable product innovation to ensure optimal care and cost reduction through creating a platform for accelerated introduction to market.
 - (4) Encourage environmentally sustainable practices**

Drive sustainable approaches in line with Global Fund's NextGen Market Shaping ambitions to reduce environmental impact

(5) Improve supply chain response by applying best distribution practices

Improve supply chain for responsive and agile molecular technologies delivery through procurement and supply chain capacity building.

D. PRODUCT SEGMENTATION

1. Products in scope for this RFP include WHO-recommended Integrated Molecular PCR Technologies that are eligible for procurement with Global Fund financing, as noted in the list of integrated molecular PCR technologies that meet Global Fund Quality Assurance requirements, available at: <https://www.theglobalfund.org/en/sourcing-management/quality-assurance/in-vitro-diagnostics/>
2. The Scope of this RFP includes the following Disease Scope & Product Groups:

Disease Scope	Description (including but not limited to)
HIV	Viral Load (VL) Early Infant Diagnosis (EID)
Tuberculosis	MTB Nucleid Acid Amplification RIF XDR
Co-Infections	Hepatitis B Hepatitis C Human Papilloma Virus

Component Scope	Description (including but not limited to)
Tests	See table above
Instruments	Platforms, Analyzer, etc.
Consumables	Calibrators, Sample Preparation, etc.
Service and Maintenance	SLAs, Warranty, Training, Installation, Spare Parts, etc.
Connectivity	Software, Data Management & Reporting

E. FRAMEWORK AGREEMENT

1. The total forecasted demand for integrated molecular PCR technologies covered by this RFP is as shown in Schedule D.
2. Operational management of PPM orders is described as follows:
 - a. **PPM:** The Global Fund's selected Procurement Services Agent for integrate molecular PCR technologies will perform operational management of the procurement of these products under the PPM pursuant to the Framework Agreements entered into between Panel Suppliers and the Global Fund, including the placement of purchase orders, and monitoring of supplier performance. The current Procurement Services Agent may be replaced by another Procurement Services Agent at any time during the implementation of the Framework Agreement.

3. Pursuant to the Framework Agreement, failure to meet performance requirements for quality or delivery will result in the Global Fund taking the remedial actions it deems appropriate. Such remedial actions may include, without limitation, removal from the Panel, and/or use of other suppliers.
4. Upon and subject to successful completion of the RFP process, the Global Fund intends to notify selected Panel Suppliers as part of the tender award as detailed in Section 3C. The target date shall not create any legal rights of Panel Suppliers or third parties;
5. A final agreement with any proposed Panel Supplier is subject to the signing of the Framework Agreement between that Supplier and the Global Fund. If the Global Fund and a proposed Panel Supplier do not come to a final written agreement, including due to protracted or unsuccessful contractual negotiations or material proposed amendments by the Supplier to the Framework Agreement provided by the Global Fund in this RFP, the Global Fund will take appropriate action at its discretion. The Framework Agreement template (Schedule C of RFP) reflects Global Fund's standard terms and conditions. Limited non-material changes to the Framework Agreement if justified could be considered by the Global Fund. The Global Fund and the Bidder will in good faith work to conclude on terms to be additionally included in the Framework Agreement. However, Bidders acknowledge and agree that the sections related to compliance with Global Fund policies, Record-Keeping and Audits, the Governing Law and Dispute Resolution, No Waiver of Privileges and Immunities, compliance with the Global Fund's Code of Conduct for Suppliers and the Sanctions Panel Procedures, and the principles of the Most Favoured Nation Section of the Framework Agreement are not subject to change.

F. PRICING

1. During proposal submission, all pricing will be broken down into a series of elements as defined in the RFP templates.
2. The Global Fund intends to offer access to product-specific prices to other buyers, as defined in the Framework Agreement template (Schedule C of RFP), to be finalized as per mutual agreement.
3. The Framework Agreement includes a 'most favoured nation' clause for the benefit of the Global Fund (see Schedule C of RFP for more information).

G. PRODUCT, PACKAGING & QUALITY ASSURANCE REQUIREMENTS

All the requirements related to Product, Packaging & Quality Assurance are set forth in the Framework Agreement (Schedule C).

SECTION 5. LEGAL MATTERS

1. This RFP is in line with and subject to the following documents:
 - a. The Global Fund's **Procurement Policy (2008, as amended from time to time)**, which may be found at https://www.theglobalfund.org/media/6389/corporate_procurement_policy_en.pdf;
 - b. The **Code of Conduct for Suppliers (2021, as amended from time to time)**, which may be found at: https://www.theglobalfund.org/media/3275/corporate_codeofconductforsuppliers_policy_en.pdf;
 - c. The **Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers (2010, as subsequently amended)**, which may be found at: ; https://www.theglobalfund.org/media/6015/corporate_sanctionsprocedures_policy_en.pdf
 - d. The **Policy on Conflict of Interest** (2020, as amended from time to time), which may be found at https://www.theglobalfund.org/media/6016/core_ethicsandconflictinterest_policy_en.pdf?u=637319004468800000
 - e. The **Framework Agreement for Panel Suppliers** as set forth in Schedule C of the RFP.
2. Personal data (i.e. any information relating to an identified or identifiable natural person) will be treated in compliance with Global Fund's policies and the Privacy Statement for the Global Fund Procurement Process (as amended from time to time).
3. By submitting a proposal for this RFP, including the Officer's Certificate of Conformance and Acknowledgement contained in Schedule A, the Bidder warrants that it has all the necessary power and legal capacity to submit a proposal and eventually enter into a contract. The Bidder also agrees to the terms and conditions of all documents referred to herein and to the following terms:
 - a. The Global Fund makes no offer of a contract by posting this RFP or evaluating any proposals submitted in response to it, and there is no legal agreement or relationship, whether in contract (express, implied or collateral) or tort, created by this RFP process between the Global Fund and any Bidder, with the sole exception of the provisions of Section 5.
 - b. The Global Fund may, at its discretion, change the scheduled time of the key activities of this RFP, or revise this RFP and any of its Schedules, by issuing an amendment to this RFP. All Amendments to this RFP will be posted on the Global Fund website and the Sourcing Platform at <https://www.theglobalfund.org/en/business-opportunities>. It is the Bidder's responsibility to consult the Global Fund's website to ensure that it is aware of amendments to, and additional information for, this RFP.
 - c. The Global Fund expressly reserves the right to amend, withdraw, or cancel this RFP process and/or its sourcing strategy, change the timeline, and to reject any or all proposals, in whole or in part, at any time and for any reason, without liability or penalty to any party.

- d. This RFP shall not be construed as a contract or a commitment of any kind. This RFP in no way obligates the Global Fund to award a contract.
- e. The Global Fund may invite Bidders to make oral presentations in English or to participate in a pre-proposal conference. The date, time and place of such presentation or pre-proposal conference will be formally communicated by the Global Fund to all Bidders or pre-qualified Bidders, as relevant. Any statement made during these meetings shall not in any way amend or modify the RFP, unless it is issued as an amendment to the RFP.
- f. The Bidder shall bear all costs associated with the preparation and submission of its proposal, and the Global Fund shall not be responsible or liable for those costs, whether direct or indirect, regardless of the conduct or outcome of the RFP, nor if the RFP is cancelled, altered or postponed for any reason. This includes, but is not limited to, any and all costs incurred for the pre-proposal conferences, clarifications, oral presentations, site visits, visits to the Global Fund, functional demonstrations, and subsequent meetings and negotiations.
- g. The Global Fund will not reveal, or discuss with any Bidder how a proposal was assessed, or provide any other information relative to the selection process.
- h. Bidders whose proposals are not selected will be notified in writing of this fact, and shall have no claim whatsoever against the Global Fund for any kind of compensation.
- i. Any attempt by a Bidder to influence the Global Fund in the examination, evaluation and comparison of proposals, or the recommendation of contract award, or to obtain information thereof through unofficial means, may result in the rejection of its proposal, without prejudice to other rights available to the Global Fund.
- j. At any time prior to contracting, the Global Fund reserves the right to: (a) award a contract to the Bidder whose proposal has been determined to be the best evaluated proposal that represents value for money to the Global Fund; (b) reject any or all proposals or price submissions; (c) accept for award a proposal or price submission other than the lowest cost proposal or price submission; (d) accept more than one proposal or price submission; (e) accept alternate proposals or price submissions; (f) accept part of a proposal or price submission; (g) waive informalities and minor irregularities in proposals or price submissions received; or (h) withdraw an award in case of changed circumstances.
- k. There are no other arrangements or understandings between any Bidder and the Global Fund with respect to this RFP other than the text contained herein.
- l. The investigative, decision-making, and sanctions policies and processes of the Global Fund, including the activities of its Inspector General, the Global Fund's Code of Conduct for Suppliers, and consideration of any findings of fraud or abuse by the Global Fund Sanctions Panel, should the Global Fund in its sole discretion choose to refer the matter to the Sanctions Panel, can and shall apply to (i) this RFP, (ii) the resulting contract, and (iii) any other matter relating to procurement of integrated molecular PCR technologies pursuant to this RFP, and these processes may include, without limitation, public disclosure at the Global Fund's full discretion of any findings and/or decisions.
- m. The Global Fund has full discretion to investigate any potential fraud or abuse, whether occurring in the past, present or future, associated with the procurement of integrated molecular PCR technologies, and the Global Fund at its full discretion may publish the findings of such investigations; through participation in this RFP process, the Bidder

acknowledges these processes and shall not challenge in any setting the investigation by the Global Fund of potential fraud or abuse associated with procurement of integrated molecular PCR technologies pursuant to this RFP, the dissemination of investigation findings and the responses undertaken by the Global Fund to findings of fraud or abuse, in all cases whether occurring in the past, present or future.

- n. Through its participation in the RFP process, the Bidder acknowledges and confirms that the Global Fund has the right to require that a provision be included in its contracts, requiring suppliers, service providers, contractors and/or consultants to permit the Global Fund or its representative to inspect their accounts, records and other documents relating to the proposal submission and the contract, and to audit them or have them audited by auditors appointed by the Global Fund.
- o. The Bidder acknowledges and agrees that pursuant to the Global Fund policies and procurement procedures, the Global Fund may publish certain information consistent with its public status and commitment to transparency. As such, should the Bidder be awarded a contract, the Bidder acknowledges and agrees that the Global Fund may publish certain information relating to procurement contract awards, including without limitation the Bidder's name.
- p. Any dispute, controversy, claim, or issue arising out of this RFP or surrounding this process, shall be finally settled by arbitration conducted in accordance with the United Nations Commission on International Trade Law (UNCITRAL). The number of arbitrators shall be one; the appointment authority for such arbitrator shall be the International Chamber of Commerce International Court of Arbitration. The place of arbitration shall be Geneva, Switzerland, and the language used at the arbitration shall be English.
- q. Nothing contained in this RFP may be construed as a waiver, express or implied, of the privileges and immunities accorded to the Global Fund, whether as of the date of this RFP or thereafter.

REQUEST FOR PROPOSALS (RFP)
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Schedule A
Officer's Certificate of Conformance and Acknowledgement

Issued Separately

REQUEST FOR PROPOSALS (RFP)
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Schedule B
Confidentiality Agreement
(if requested by the bidder)

Issued Separately

REQUEST FOR PROPOSALS (RFP)
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Schedule C
Draft of Framework Agreement between
the Global Fund and Panel Suppliers

Issued Separately

(Note: The Draft Framework Agreement will be shared with Bidders at a later date; The target is
End July / Early August 2024)

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Schedule D
Demand Forecast

Below is an indicative annual demand forecast based on information available as of the date of publication of this RFP.

Test Category	Grant Cycle 7 (2024 – 2026) (no. of tests in millions)
HIV VL	15M
Tuberculosis	11M
Totals	26M

Notes:

This is a preliminary forecast based on Health Product Management Tools submitted as part of the GC7 Funding Request.

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Schedule E
Response Templates

These are presented as three separate Excel Files:

- E1: Technical
- E2: Commercial
- E3: For Information and Implementation

Issued Separately

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Schedule F
Integrity Due Diligence (IDD) questionnaire

Issued Separately

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Schedule G
Finance Due Diligence Questionnaire

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Schedule H
Sustainability Questionnaire

Issued Separately
