

**REQUEST FOR PROPOSALS (RFP)  
SOLICITATION RULES**

**A. General**

1. These Solicitation Rules apply to all Request for Proposals (RFP) issued by the Global Fund to Fight AIDS, Tuberculosis and Malaria (the “Global Fund”).
2. These Solicitation Rules are in line with, and subject to, the Global Fund’s **Procurement Regulations (2015, as amended from time to time)**, which may be found at <http://www.theglobalfund.org/en/business/>.

**B. Preparation and Submission of Proposals**

3. Each eligible entity or individual submitting a proposal in response to an RFP (each referred to herein as a “Bidder”, and collectively as the “Bidders”) must follow these Solicitation Rules. A failure to follow these Solicitation Rules may result in the disqualification of the proposal concerned, a determination of a non-responsiveness or a low evaluation result.
4. All proposals that are not submitted at the Proposal Submission Address indicated in the relevant RFP Invitation Notice, or are received by the Global Fund after the RFP Closing Date and RFP Closing Time (both referred to as the “Closing Deadline”) indicated in the relevant RFP Invitation Notice, may be declared “LATE” and rejected. The closing time stated in the RFP will always be Geneva, Switzerland, time. This may be CET or CEST, depending on the time of year. In case of any doubt, the time will always be the local time in Geneva, Switzerland, on the closing date. Bidders are advised to allow at least 15 minutes prior to the RFP Closing Deadline for the electronic transmission and submission of proposals to the Global Fund, to avoid a situation where the Global Fund receives such proposals after the RFP Closing Deadline.
5. The Global Fund may award one or more contracts on the basis of the submitted proposals, without further submissions, clarifications, discussions or negotiations. Therefore, each proposal submitted by the RFP Closing Deadline should already contain the Bidder’s best technical and commercial terms.
6. The Global Fund may invite Bidders to participate in a pre-proposal conference. The date, time and place of such pre-proposal conference will be formally communicated by the Global Fund to all Bidders. Any statement made during a pre-proposal conference shall not in any way amend or modify the RFP, unless it is issued as an amendment in accordance with Section C of these Solicitation Rules.
7. A Bidder requiring any clarification of the RFP shall contact the Global Fund Contact Person indicated in the relevant RFP Invitation Notice at the Contact Information Table indicated therein. Should the Global Fund deem it necessary to amend the RFP as a result of a clarification, it shall do so in accordance with Section C of these Solicitation Rules.
8. Unless otherwise indicated, all proposals must be submitted by e-mail in their original version in Portable Document Format (PDF). In addition to the original version of the proposals, the Global Fund may request Bidders to submit a duplicate copy of their proposals in Microsoft Word or Microsoft Excel, as the case may be. In case of a conflict between the original version and the duplicate copy, the original version shall govern. The subject line of the e-mail must contain the following:

- a. The Bidder's name; and
  - b. The RFP number indicated in the Invitation Notice.
9. Unless otherwise indicated, proposals shall be in the English language and denominated in US Dollars.
10. 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 pre-proposal conferences, clarifications, oral presentations, site visits, visits to the Global Fund, functional demonstrations, and subsequent meetings and negotiations.

### **C. Amendment to the RFP**

11. At any time prior to the RFP Closing Deadline, the Global Fund may amend the RFP by issuing an amendment thereto. Any amendment issued shall be part of the RFP and shall be posted at the following Global Fund website: <http://www.theglobalfund.org/en/business/>. It is the responsibility of the Bidder to visit and consult the relevant Global Fund website to ensure that it is aware of any amendment to the RFP.
12. The Global Fund may, at its discretion, extend the RFP Closing Deadline by issuing an amendment to such RFP.

### **D. Evaluation of Proposals**

13. During the evaluation of proposals, the following definitions apply:
- a. "Deviation" is a departure from the requirements specified in the RFP;
  - b. "Reservation" is the setting of limiting conditions or withholding from complete acceptance of the requirements specified in the RFP; and
  - c. "Omission" is the failure to submit part or all of the information or documentation required in the RFP.
14. Any deviation, reservation or omission from any of the requirements of the RFP may result in the disqualification of the proposal concerned, a determination of a non-responsiveness or a low evaluation result.
15. To assist in the examination, evaluation and comparison of proposals, the Global Fund may, at its discretion, ask any Bidder for a clarification of its proposal. Any clarification submitted by a Bidder that is not in response to a request by the Global Fund may not be considered. The Global Fund also reserves the right (but is not under any obligation) to enter into discussions with a Bidder for the purpose of obtaining additional details or refinements to the proposal received.
16. The Global Fund may also request a Bidder to make an oral presentation of its proposal in English. The date, time and place of such oral presentation will be formally communicated by the Global Fund to the Bidder concerned. Information obtained during the oral presentation may be considered during the evaluation of proposals, and in any case, in accordance with the evaluation procedures and criteria indicated in the RFP.

17. Prior to the award of a contract, the Global Fund reserves the right to determine to its satisfaction that a Bidder is qualified to perform the contract satisfactorily. The examination of the Bidder's qualification may include any or all of the following criteria: (i) size of operation; (ii) administrative procedures or personnel; (iii) contractual experience; (iv) technical experience; (v) production capacity; (vi) financial position; (vii) cashflow capacity; and/or (viii) litigation history.
18. Information relating to the examination, evaluation and comparison of proposals, and the recommendation of contract award shall not be disclosed to Bidders or any other person not officially concerned with such process, until information on contract award is formally communicated by the Global Fund.
19. Bidders whose proposals are not selected for award of contract will be formally notified in writing of this fact, and shall have no claim whatsoever for any kind of compensation. The Global Fund shall have no obligation to provide any other information relative to the selection process. The Global Fund is also under no obligation to reveal or discuss with any party how a proposal was examined or evaluated.
20. 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.
21. At any time prior to contracting, the Global Fund reserves the right to: (i) accept or reject any proposal; (ii) accept for award a proposal other than the proposal with the lowest price; (iii) accept more than one proposal; (iv) accept part of a proposal; (v) waive informalities and minor irregularities in proposals received; (vi) reject all proposals; or (vii) cancel the RFP, without incurring any liability to any party.
22. When so indicated in the RFP, a Bidder may propose to provide any item or combination of items listed therein.

#### **E. Award of Contract**

23. The Global Fund reserves the right to 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, and is substantially responsive to the RFP, provided that such Bidder is determined to be qualified to perform the contract satisfactorily in a case where the Global Fund examines its qualification.

#### **F. Procurement Integrity and Audit**

24. Through its participation in the RFP process, the Bidder acknowledges and warrants that it complies with internationally recognized standards for human rights, labor, the environment, anti-money laundering and anti-corruption, including each applicable Code of Conduct of the Global Fund and the Global Fund's Sanctions Panel procedures, as available on the Global Fund's website (<http://www.theglobalfund.org/en/documents/governance/>) and as amended from time to time. The Bidder acknowledges that the Global Fund has full discretion to investigate compliance with such standards and any potential fraud or abuse in accordance with the Global Fund's procedures, whether occurring in the past, present or future, associated with the RFP or any resulting contract; and the Global Fund, at its full discretion, may publish the findings of such investigations. The Bidder also acknowledges that it will not challenge in any setting the investigation of the Global

Fund, the dissemination of investigation findings and the responses undertaken by the Global Fund to findings of fraud or abuse.

25. 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.
26. Nothing in the RFP, nor in any resulting contract, may be construed as a waiver, express or implied, of the privileges and immunities accorded to the Global Fund.

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