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| Request for proposal (RFP)Design and technical support to the deployment of a new Electronic Vaccine Logistics Information System (e-LMIS) for vaccines and related commodities for Kenya’s National Vaccine and Immunisation Programme (NVIP)050-2021-GAVI-RFPISSUE DATE: 29/04/2021CLOSING DATE AND TIME: 27/05/2021 24:00 (CEST) |

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| 050-2020-GAVI-RFP |

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1. Introduction

Gavi Alliance (“Gavi”), invites qualified bidders (herein after called “Bidder” or “Bidders”) to submit offers, consisting of a technical and a financial offer, together with any supporting documents (herein after called the “Proposal” or “Proposals”) for the provision of the requirements defined in this RFP document. In order to prepare a responsive Proposal, Bidders must carefully review and understand the contents of this covering letter, parts 1-6 of this RFP and the following key dates:

|  |  |  |
| --- | --- | --- |
| Procurement Activity | Responsible Party | Due Date |
| RFP Issue Date | Gavi | 29/04/2021  |
| Intent to Participate due | Bidder | 13/05/2021 |
| Final date for submitting Questions | Bidder | 13/05/2021 |
| Gavi Response to Questions | Gavi | 19/05/2021 |
| Bid submission deadline (CET) | Bidder | 25/05/2021 |
| Estimated Contract Award Date | Gavi | 03/06/2021 |
| Estimated Contract Start Date  | Gavi | 10/06/2021 |

The proposed timeline set out above indicates the process Gavi intends to follow. If there are any changes to this time plan, Gavi will notify all Bidders of this in writing.

1. Gavi’s Requirements

## Background

## Gavi Mission

To save children’s lives and protect people’s health by increasing access to immunisation in poor countries.

Gavi, the Vaccine Alliance is a public-private partnership that helps vaccinate half the world’s children against some of the world’s deadliest diseases. The Vaccine Alliance brings together developing country and donor governments, the World Health Organization, UNICEF, the World Bank, the vaccine industry, technical agencies, civil society, the Bill & Melinda Gates Foundation and other private sector partners. Since its inception in 2000, Gavi has helped immunise a whole generation – over 822 million children – and prevented more than 14 million deaths, helping to halve child mortality in 73 developing countries. Gavi also plays a key role in improving global health security by supporting health systems as well as funding global stockpiles for Ebola, cholera, meningitis and yellow fever vaccines. After two decades of progress, Gavi is now focused on protecting the next generation and reaching the unvaccinated children still being left behind, employing innovative finance and the latest technology – from drones to biometrics – to save millions more lives, prevent outbreaks before they can spread and help countries on the road to self-sufficiency. Learn more at [www.gavi.org](http://www.gavi.org) .

## Gavi Project

Kenya’s National Vaccine and Immunisation Programme (NVIP) team is responsible for leading Kenya’s vaccine and immunization activities, implemented at the county-level through the devolved governance structure, in Kenya. This involves managing vaccine and immunization device stocks totalling more than $45million USD During the Joint iSC2 Mission on Strengthening the National Immunisation Supply Chain, Kenya’s current LMIS tools, specifically CHANJO, and practices were found to not be compliant with the Gavi Alliance Targeted Software Standard (TSS) Framework. Based on this, there was agreement with the Government and partners to design and implement a TSS-compliant e-VLMIS system for Kenya, which is crucial for the country to better manage and forecast stocks as it approaches transition from Gavi support.

Objectives:

* Develop standards and competency requirements for a new e-VLMIS for country-wide use in Kenya through consultation with National and County governments, technical partners and the relevant authorities for data management in the Ministry of Health.
* Identify an open source e-VLMIS platform and perform the necessary tailoring of the open source model based on the standards and competency requirements including the Kenya Country Data Protection Act 2019.
* Ensure a smooth migration of data and users from the current Chanjo®- eLMIS with minimal disruption.
* As a technical partner, support the decision-making, development and integration of the platform with the identified data management partner of NVIP.
* Develop a roadmap, work plan and costing (including of commodities) required to take the new system to scale, working in close collaboration with the team responsible for the scale-up of Kenya’s Electronic immunisation record (EIR) platform.\*
* Provide technical assistance throughout the deployment of the new system, nationally and sub-nationally.

\*Commodity costs will be funded from health systems investment funding and are not included in this request for proposal.

## Scope of Work

* Develop standards and requirements of e-VLMIS in line with global guidance and identify model
	+ Meet with government representatives of all relevant institutions and departments to understand all aspects of the national health information system and what is needed to improve it.
	+ Meet with representatives from all involved in-country partner agencies to understand how they interact with the government, data related needs, investments, feedback, etc.
	+ Meet with related in-country private sector/ industry stakeholders to understand overall environment of the information system vis-a-vis people, policies and processes.
	+ Review existing data-related policies to identify if these are fit for purpose and provide the legal framework to manage track and trace doses, access authority data ownership among other relevant areas.
	+ Review the national information system across all of its components (environment, capability, enablers) as recommended in the guide to holistically strengthen national systems. (guide available in the annex)
	+ Review the functionality, capability and utilisation of the different information systems, including: it’s the inter-operability capacity with other relevant systems including the country’s HMIS (DHIS2). The Kenya Health Information Exchange; health work force registries, Terminology Services, Master Facility Lists; compliance to the Targeted Software Standards (TSS); capability to read and process GS1 data carriers i.e., EAN/UPC, GS128, GS1 Data Matrix, among others; capability to interface with data repositories and data sharing platforms for traceability such as GDSN/EPCIS;
	+ Review the information systems implemented by partners/donors in other programmes (Essential Meds, HIV, Family Planning) to analyse the feasibility of leveraging those investments and expand its functionality to manage immunisation products.
	+ Review link between the e-VLMIS and the Electronic Immunisation Readiness (EIR) Assessment and planning to understand alignment and efficiencies.
	+ Organise at minimum 2-3 meetings, one to introduce all stakeholders to the project and expected results, and one to present the preliminary results and attain government endorsement of a proposed model for a tailored open-source e-VLMIS system.
* Develop a costed 12 month roadmap for the scale-up of the e-VLMIS, nationwide
	+ With input from the Ministry of Health and partners, develop a workplan for the deployment, including the pilot and scale of the new system. This could include consideration of a tiered pricing model.
	+ Develop a detailed plan for the migration of data and users from the current Chanjo®- eLMIS with minimal disruption.
	+ Cost the needs of support (hosting & tech support, telecommunication cost, commodities, deployment and human resource costs) through the scale-up (training, management) including the cost of commodities which will be purchased through the Health systems strengthening support. This step should be done in close collaboration with the team planning for the scale of Kenya’s electronic immunisation record (EIR).
* Provide technical assistance and project management support throughout decision-making process and deployment
	+ Throughout the deliverables, provide technical support and project management. As the e-VLMIS will be housed within JKUAT, this includes a close collaboration with this unit, in addition to the Ministry of Health and Alliance partners.
	+ Develop and execute a tiered technical support system, based on programmatic needs, that would see transition of Level 1 and Level 2 support to the Ministry of Health at the end of the contract period while building capacity of a dedicated team of specialists to take on Level 3 support.
	+ Support the change management process including development of communication and coordination strategies, development of key performance metrics and how they would be monitored.

## Deliverables

The following deliverables shall be produced:

* A report outlining the requirements of a new system that is tailored to the Kenyan context, in line with global guidance
* A proposal for the new open-source e-VLMIS platform and support to decision-making process
* Technical assistance to the adaptation of the chosen model and support to the data partner for the development of the tool
* A costed roadmap, including commodities, for the scale-up of the system
* Ongoing technical assistance and project management through the design and scale-up of the e-VLMIS
* A blueprint for Level 1 to Level 3 technical support and an Implementation Guide for fully transitioning this support to the Government

## Key Dates

The assignment is expected to take place over the following indicative timeframe:

* Design phase (4 months)
* Decision phase (2 months)
* Planning phase (2 months)
* Scale-up phase (12 months)
* Transition phase (6 months)

## Duration of the Work

The assignment is expected to take place over a period of 26 months.

## Location of the Work

The scope of shall be performed in Nairobi, Kenya, with frequent and close collaboration with the NVIP and other relevant partners.

## Work Context

The tasks shall be performed for under the joint supervision of the NVIP team and the Gavi Secretariat.

1. Evaluation and Scoring Approach

Gavi will base its initial evaluation on the Proposals submitted in response to the RFP.

In deciding which Bidders/s to shortlist Gavi will consider the results of the evaluation of each Proposal and the following additional information:

1. Each Bidder’s understanding of the Requirements, capability to fully deliver the Requirements and willingness to meet the terms and conditions of the Proposed Contract; and
2. The best value-for-money over the whole-of-life of the goods or services.

In deciding which Bidder/s, to shortlist Gavi may consider any of the following additional information:

1. The results from past performance reference checks, site visits, product testing and any other due diligence;
2. The ease of negotiations with a Bidder based on that Bidder’s feedback on the Proposed Contract (where these do not form part of the weighted criteria);
3. Any matter that materially impacts on Gavi’s trust and confidence in the Bidder; and
4. Any other relevant information that Gavi may have in its possession;

Gavi will advise Bidders if they have been shortlisted. Being shortlisted does not constitute acceptance by Gavi of the Bidder’s Proposal, or imply or create any obligation on to Gavi to enter into negotiations with, or award a Contract for delivery of the Requirements to any shortlisted Bidder/s.

## Evaluation Committee

Gavi will convene an evaluation committee comprising members chosen for their relevant expertise and experience. In addition, Gavi may invite independent advisors to evaluate any Proposal, or any aspect of any Proposal.

## Evaluation Model

The evaluation model is based on the weighting under section 3.5 (Evaluation Criteria).

1. Gavi will first assess all bidders against the Pass/Fail Qualifying Criteria in Section 3.4 and bidders that do not meet the required criteria will be disqualified
2. Bidders passing the Qualifying criteria will then be evaluated against the Technical Evaluation criteria in section 3.5.1. Proposals must meet a minimum score of 60 marks (60%) to progress to financial evaluation stage.
3. Bidders passing the minimum Technical score will then be evaluated against the Financial Evaluation criteria in Section 3.5.2. The maximum number of financial evaluation points will be allocated to the lowest priced financial proposal. Financial Proposals from other bidders will receive points in reverse proportion according to the following formula: [Maximum number of points for the Financial Proposal] x [Lowest price] / [Price of proposal being evaluated]

## Two-Envelope System

Members of the technical evaluation committee will score each Proposal based on the weighted Technical Criteria listed below (Section 3.4). Proposals will then be ranked according to their technical scores. Proposals that meet the required technical minimum shall then be progressed to the financial evaluation stage whereby different members of the tender evaluation committee shall conduct an assessment based on the weighted Financial Criteria shown below. Collectively the tender evaluation committee will then determine which Proposals to shortlist/select based on best value-for-money over the whole-of-life of the Contract.

## Qualifying Criteria

Each Proposal must meet all of the following qualifying criteria. Proposals which fail to meet one or more will be excluded from further consideration.

Bidders who are unable to meet all the qualifying criteria should conclude that they will not benefit from submitting a Proposal. The qualifying criteria for this procurement are:

| No. | Criteria / Sub-Criteria |
| --- | --- |
| 1. | **Corporate Social Responsibility** |
| a) | Bidders must provide a copy of their Corporate Social Responsibility Policy or documentation to demonstrate their commitment to sustainability, diversity, inclusion and the environment. |
| 2. | **Financial Stability** |
| a) | Bidders must provide the past 3 (three) year Financial Statements: namely: Auditor’s page, Income/P&L, Balance Sheet & Cash Flow. |
| 3. | **Reference contacts** |
| a) | Bidders must be able to provide at least 3 reference contacts within their proposal |

## Evaluation Criteria

Each criteria will carry the weight indicated in the sub-weight column.

### Technical and Sustainability

The technical and sustainability criteria for this procurement are:

| No. | Criteria / Sub-Criteria | Sub-Weight (%) |
| --- | --- | --- |
| 1. | **Technical Approach** | 20% |
| a) | Understanding of the requirements |
| b) | Proposed approach, methodology and workplan |
| c) | Identification of critical success factors |
| 2. | **Expertise and Qualifications of Bidder Personnel** | 15% |
| a) | Quality of Team Leader |
| b) | Quality of core team members |
| c) | Quality of advisory/admin |
| d)  | A business and system analyst background with at least 10 years of experience in reviewing and enhancing information systems. |
| 3. | **Proposed Team Structure and Country Presence** | 15% |
| a) | Proposed team structure |
| b) | Team Location |
| c) | Availability of the team members |
| 4. | **Experience and Capabilities** | 20% |
| a) | Reference list (including NGOs) |
| b) | Familiarity with supply chain systems |
| c) | Proven experience in designing information systems, completing business process studies and gap analysis. |
| d) | Proven experience in mapping information system business requirements and developing the required diagrams and flow charts. |
| e) | Proven experience in system design and development methodologies across all software life cycles. |
| f) | Proven experience in understanding track and trace technologies, software inter-operability and cloud-based data lakes. |
|  | Total Weight: | 70% |

### Financial

For the purposes of evaluation all financial Proposals will be converted into United states Dollars (USD).

The financial criteria for this procurement are:

| No. | Criteria / Sub-Criteria | Sub-Weight (%) |
| --- | --- | --- |
| 1. | **Financial evaluation points** | 30% |
| a) | Points for the Financial Proposal being evaluated = [Maximum number of points for the Financial Proposal] x [Lowest price] / [Price of proposal being evaluated] |
|  | Total Weight: | 30% |

## Additional Information

Gavi may request additional information from Bidders to assist with the further evaluation of Proposals. Such information may include data, discussions or presentations to support part of, or the entire RFP. Bidders or their representatives must be available to provide any such additional information during the evaluation process.

## Due Diligence

In addition to the above, Gavi may undertake due diligence processes in relation to shortlisted Bidders. The findings will be considered in the evaluation process. Should Gavi decide to undertake due diligence shortlisted Bidders will be provided with reasonable notice. The associated information requirements are set out at Section 5.5 – Due Diligence Submissions.

## Negotiations

Gavi may invite a Bidder to enter into negotiations with selected bidders with a view to award a contract. Where the negotiations are unsuccessful the Gavi may discontinue negotiations with a Bidder and at its discretion initiate negotiations with a different Bidder. Gavi may initiate concurrent negotiations with more than one Bidder. In concurrent negotiations the Gavi will treat each Bidder fairly, and:

1. Prepare a negotiation plan
2. Advise each Bidder that it wishes to negotiate with, that concurrent negotiations will be carried out
3. Hold separate negotiation meetings

Each Bidder agrees that any legally binding contract entered into between the Successful Bidder and Gavi will be essentially in the form set out in Part 5 - Proposed Contract.

## Notification of outcome

At any point after conclusion of negotiations, but no later than 30 business days after the date the Contract is signed, Gavi will inform all unsuccessful Bidders.

## Bidder debrief

A high level debrief on a bids relative strengths and weaknesses can be requested by email to procurement@gavi.org with the subject line “050-2021-GAVI-RFP– Debrief – [Bidder Name]”.

The relative strengths and weaknesses of the bid can be discussed, however Gavi is under no obligation to share exact scores, rankings or details of any other bid, including the winning bid.

1. Bid Submission

## Preliminary Information

This section sets out the necessary preliminary information for Bidders to submit in consideration for delivering the Requirement against any resultant Contract.

### 4.1.1 Intent to Participate, Acceptance of Confidentiality requirements and Conflict of Interest Declaration

Bidders’ are required to acknowledge their acceptance of the instructions and rules pertaining to this tender. Bidders are also required to provide the contract information for a representative who will be the point of contact for all matters relating to the RFP, no later than the Due Date for submission of Preliminary Information set out at Section 3.2 – RFP Timeline and Key Dates. Bidders are required to maintain confidentiality in all matters relating to this RFP and shall not disclose confidential information in connection with the RFP to any third party without prior written consent of Gavi.

Each Bidder must complete the Conflict of Interest declaration and must immediately inform Gavi should a Conflict of Interest arise during the RFP process. A Conflict of Interest may result in the Bidder being disqualified from participating further in the RFP. This declaration must be provided to Gavi no later than the Due Date for Preliminary Information set out at Section 3.2 – RFP Timeline and Key Dates.

The Declaration form can be accessed via the following link: [Gavi Supplier Declaration Form](https://na.eventscloud.com/ereg/index.php?eventid=600006&)

## Technical Proposal

Bidder’s must ensure that the Technical Proposal is provided within dedicated electronic document/file and that no financial information. whatsoever is contained within. This is to ensure pricing information cannot be viewed when the Technical Proposal is under evaluation.

## Financial Proposal

Bidders should submit the following financial information with their Financial proposal:

### 4.3.1 Pricing Information

Financial proposals submitted by Bidders must meet the following submission requirements:

1. Be provided using the pricing schedule template provided at Annex B of this RFP.
2. Provide all price information net of tax.

Gavi’s Headquarters Agreement with the Swiss Government Gavi is exempt from VAT, as well as customs taxes and duties in Switzerland. Consequently, your prices will have to be submitted to us net of any tax and in USD. The necessary documents will be sent to the selected provider(s) upon the ordering procedure.

1. Prices should be tendered in United states Dollars (USD). Prices submitted in any other currency will be evaluated based on the Gavi prescribed exchange rate of the closing of the bid date as the financial evaluation of the bids is completed in USD. Final contractual payments will be agreed by the parties during contract negotiations and can be made in the following Gavi accepted currencies:
* United states Dollars (USD)
* Swiss Francs (CHF)
* Euros (EUR)
* Australian Dollars (AUD)
* Canadian Dollars (CAD)
* British Pounds (GBP)
* Norwegian Krone (NOK)
* Japanese Yen (JPY)
1. The pricing schedule should show a breakdown of all costs, fees, expenses and charges associated with the full delivery of the Requirements over the whole-of-life of the Contract. It must also clearly state total fixed costs, total variable costs and the total Contract price.
2. All unit rates on which the price is based should be specified.
3. Submitted rates and prices shall be deemed to include all costs, insurances, taxes, fees, expenses, liabilities, obligations risk and other things necessary for the performance of the requirement. Any additional charge not stated in the Proposal, will not be allowed as a charge against any transaction under any resultant contract.
4. In preparing their Financial Proposal, Bidders should take into consideration all risks, contingencies and other circumstances relating to the delivery of the Requirements and include adequate provision in the Proposal and pricing information to manage such risks and contingencies.
5. Bidders should provide a narrative of all assumptions and qualifications made about the delivery of the Requirements, including in the and financial pricing information. Any assumption that Gavi or a third party will incur any cost related to the delivery of the Requirements should be stated, and the cost estimated if possible.
6. Where a Bidder has an alternative pricing template (i.e. a pricing approach that is different from the Gavi pricing schedule) it should be submitted as an alternative pricing schedule. However, the Bidder must also submit the Gavi pricing schedule..
7. Where two or more Bidders intend to submit a joint or consortium Proposal the pricing schedule should include all costs, fees, expenses and charges chargeable by all Bidders.

## Due Diligence Submission

Selected bidders may be asked to provide any of the information to facilitate Gavi due diligence processes:

1. Completed Vendor Form.
2. Certificate of incorporation.
3. Proof of bank account and details.
4. Audited financial statements for the past three (3) years inclusive Auditor’s page, Income/P&L, Balance Sheet & Cash Flow.
5. Resumes of key management and/or project personnel.
6. Proof of Ownership structure.
7. References from previous customers (preferable international organisations).
8. Additional information if/as required e.g. Test Products, Site Visits, Police Checks for named personnel

## Proposal Submission

Bidders must submit a copy of their Proposal to Gavi by email to: procurement@gavi.org

The subject heading of the email shall be **“050-2021-GAVI-RFP– Technical Proposal - [Bidder Name]” and “050-2021-RFP-Gavi – Financial Proposal - [Bidder Name]”.** Bidders may submit multiple emails (suitably annotated – e.g. Email 1 of 3) if the attached files are too large to suit a single email transmission.

Please ensure that the different Proposal elements are returned in either MS Office Format or PDF.

1. RFP Instructions and Rules

## Requests for Clarification

Bidders may submit requests for clarification of the solicitation documents and direct any questions regarding the RFP content or process to procurement@gavi.org using the subject line “050-2021-GAVI-RFP– Clarification - [Bidder Name]” using the below Q&A template



All questions and requests for clarification must be submitted in writing to procurement@gavi.org. Direct communications with Gavi personnel are not permitted and Gavi reserves the right to disqualify Proposals that do not comply with this requirement. Questions should be submitted by the deadline set out in Section 3.2 – RFP Timeline and Key Dates. Gavi will respond to submitted questions and share responses (anonymously) with all Bidders who have submitted their Intent to Participate , to ensure transparency and fairness. Gavi retains the right to answer questions received after the deadline, when deemed necessary and beneficial for the outcome of the RFP.

## Gavi Clarifications

Gavi may, at any time, request any Bidder to clarify their Proposal or provide additional information about any aspect of their Proposal. Gavi is not required to request the same clarification or information from each Bidder.

Bidders must provide the clarification or additional information in the format requested. Bidders will endeavour to respond to requests in a timely manner. Gavi may take such clarification or additional information into account in evaluating the Proposal.

Where a Bidder fails to respond adequately or within a reasonable time to a request for clarification or additional information, Gavi may cease evaluating the Bidders ’s Proposal and may exclude the Proposal from the RFP process.

## Acceptance of Proposals

Proposals may be for all or part of the Requirement and may be accepted by Gavi either wholly or in part.

Gavi is under no obligation to accept the lowest priced Proposal or any Proposal and reserves the right to reject any Proposal including incomplete, conditional or proposals which do not comply with the RFP.

### Late Proposals

Bidders are responsible for submitting their Proposals on or before the RFP closing date and time in accordance with Section 5.1 – Proposal Requirements and Section 5.6 – Proposal Submission Method. Any Proposal received by Gavi later than the stipulated RFP closing date and time will not be evaluated by Gavi.

### Withdrawal

Proposals may be withdrawn at any time prior to the RFP closing date and time by written notice to the Gavi.

### Alternative Proposals

Bidders may submit alternative Proposals it they feel it may offer Gavi additional benefits whilst still complying with the RFP requirements. Gavi reserves the right to accept or reject any proposed alternative either wholly or in part.

### Validity of Proposals

Proposals submitted in response to this RFP are to remain valid for a period of no less than ninety (90) days from the RFP closing date.

## No representation or Warrantee

Gavi shall take all reasonable care to ensure that the RFP is accurate, however the Gavi gives no representation or warranty as to the accuracy or sufficiency of the contained information and that all Bidders will receive the same information. Bidders are required to read and fully understand all conditions, risks and other circumstances relating to the proposed contract prior to submitting a Proposal.

## Costs of Preparing Proposals

The issuance of this RFP in no way commits Gavi to make an award nor commits Gavi to pay any costs or expenses incurred in the preparation or submission of Proposals or quotations. Bidders are solely responsible for their own expenses, if any, in preparing and submitting a Proposal to this tender

## Confidentiality

Bidders must not, without Gavi prior written consent, disclose to any third party any of the contents of the RFP documents. Bidders must ensure that their employees, consultants and agents also are bound and comply with this condition of confidentiality.

This entire RFP and all related discussions, meetings, exchanges of information, and subsequent negotiations that may occur are confidential and are subject to the confidentiality terms and conditions of the Intent to Participate.

Gavi and Bidder will each take reasonable steps to protect Confidential Information and without limiting any confidentiality undertaking agreed between them, will not disclose Confidential Information to a third party without the other’s prior written consent. Gavi and Bidder may each disclose Confidential Information to any person who is directly involved in the RFP process on its behalf, such as officers, employees, consultants, contractors, professional advisors, evaluation panel members, partners, principals or directors, but only for the purpose of participating in the RFP.

## Ownership of documents

Ownership of contents within the successful Proposal remain the property of Gavi or its licensors. However, the selected bidder grants to Gavi a non-exclusive, non-transferable, perpetual licence to retain, use, copy and disclose information contained in the Proposal for any purpose related to the RFP process.

## Third party information

Each Bidder authorises Gavi to collect additional information, except commercially sensitive pricing information, from any relevant third party (such as a referee or a previous or existing client) and to use that information as part of its evaluation of the Bidder’s Proposal. Each Bidder is to ensure that all referees listed in support of its Proposal agree to provide a reference. To facilitate discussions between Gavi and third parties each Bidder waives any confidentiality obligations that would otherwise apply to information held by a third party, with the exception of commercially sensitive pricing information.

## Ethics

Bidders must not attempt to influence or provide any form of personal inducement, reward or benefit to any representative of Gavi in relation to the RFP. Gavi reserves the right to require additional declarations, or other evidence from a Bidder, or any other person, throughout the RFP process to ensure probity of the RFP process.

## Anti-collusion and bid rigging

Bidders must not engage in collusive, deceptive or improper conduct in the preparation of their Proposals or other submissions or in any discussions or negotiations with Gavi. Such behaviour will result in the Bidder being disqualified from participating further in the RFP process. In submitting a Proposal, the Bidder warrants that its Proposal has not been prepared in collusion with a competitor. Gavi reserves the right, at its discretion, to report suspected collusive or anticompetitive conduct by Bidders to the appropriate authority and to give that authority all relevant information including a Bidders Proposal.

## No binding legal relations

Neither the RFP, nor the RFP process, creates a process contract or any legal relationship between Gavi and any Bidder, except in respect of:

1. The Bidder’s declaration in its Proposal
2. The Proposal Validity Period
3. The Bidder’s statements, representations and/or warranties in its Proposal and in its correspondence and negotiations with Gavi

No legal relationship is formed between Gavi and any Bidder unless and until a Contract is entered into between those parties.

## Exclusion

Gavi may exclude a Bidder from participating in the RFP if Gavi has evidence of any of the following, and is considered by Gavi to be material to the RFP:

1. The Bidder has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the RFP.
2. The Proposal contains a material error, omission or inaccuracy.
3. The Bidder is in bankruptcy, receivership or liquidation.
4. The Bidder has made a false declaration.
5. There is a serious performance issue in a historic or current contract delivered by the Bidder.
6. The Bidder has been convicted of a serious crime or offence.
7. There is professional misconduct or an act or omission on the part of the Respondent which adversely reflects on the integrity of the Bidder.
8. The Bidder has failed to pay taxes, duties or other levies.
9. The Bidder represents a threat to national security or the confidentiality of sensitive government information; and/or
10. The Bidder is a person or organisation designated as a terrorist by any authority.

## Gavi’s additional rights

Despite any other provision in the RFP Gavi may, on giving due notice to Bidders:

1. Amend, suspend, change the closing date or time, cancel or re-issue the RFP, or any part of the RFP without prior notice, explanation or reasoning.
2. Make any material change to the RFP (including any change to the RFP dates, Gavi’s Requirements or Evaluation and Scoring Approach). Bidders shall be given a reasonable time within which to respond to the change.
3. Award a contract on the basis of initial offers received, without discussions or requests for best and final offers.
4. In exceptional circumstances, accept a late Proposal where it considers that it will not affect the fairness of the RFP process to other Bidders.
5. Accept or reject any non-compliant, non-conforming or alternative Proposal.
6. At its discretion does not provide a response to any question arising submitted by a bidder.
7. Waive irregularities or requirements in or during the RFP process where it considers it appropriate and reasonable to do so.
8. Select any individual element/s of the requirements that is offered in a Proposal and capable of being delivered separately.
9. Selecting two or more Bidders to deliver the requirements in the RFP.

## Governing Law

The terms of this RFP shall be interpreted and applied in accordance with their true meaning and intended effect independently of any system of national law, whether federal or state law. If a dispute or complaint is submitted to any mode of resolution and there is a need to refer to any law, the relevant Swiss law shall apply. No legal relationship is formed between Gavi and any Bidder unless a contract is entered into with a successful bidder.

## Settlement of Disputes

## Any Disputes arising out of this RFP shall be settled through a neutral mediator/conciliator in accordance with the conciliation rules adopted by the United Nations Commission of International Trade Law (UNCITRAL Conciliation Rules) presently in force, unless agreed otherwise determined by Gavi. The finding of the mediator/conciliator shall be final.

## Protests and complaints

A Bidder may, in good faith, raise with Gavi any complaint about the RFP, or the RFP process at any time by email to procurement@gavi.org using the subject line “050-2021-GAVI-RFP – Complaint – [Bidder Name]”.

Gavi will consider and respond promptly to the complaint. Both the Bidder and Gavi shall agree to act in good faith and use their best endeavours to resolve any complaint that may arise in relation to the RFP. The fact that a Bidder has raised an issue or complaint shall not to be used by Gavi to unfairly prejudice the Bidder’s ongoing participation in the RFP process or future contract opportunities.

For complaints of serious nature, please refer to the [Gavi Alliance Whistle-blower Policy](https://www.gavi.org/sites/default/files/document/gavi-alliance-whistleblower-policypdf.pdf)

## Acceptance

By submitting a Proposal, the Bidder accepts that it is bound by the Instructions and rules set out in Part 3 of this RFP.

1. Annexes
2. Proposed Contract :Terms and Conditions

The terms and conditions for the proposed Contract under 050-2021-GAVI-RFP is attached as Annex below.



Bidders acknowledge that this is a draft contract and, the terms and conditions, may be changed prior to a final Contract that is signed with Gavi.

Any feedback on these terms and conditions is to be submitted pursuant to the process set out at Section 3.3 – Bidder Questions no later than the Final date for submitting Questions specified in Section 3.2 – RFP Timeline and Key Dates.

Gavi may pursuant to Part 4 - Evaluation and Scoring Approach, consider the ease of contracting with a Bidder based on that Bidder’s feedback on the Proposed Contract (where these do not form part of the weighted criteria) deciding which Bidder/s to shortlist.

## Method of Award of Framework Contracts

Where a Framework Contract can be set in place, GAVI will award based on the total combined points for Technical and Financial evaluation. Gavi aims to award up to XX successful bidders, however it reserves the right to award the contract(s) to the best possible supplier, or combination of suppliers, based on the outcomes of the RFP and representing the best effectiveness and value for money for Gavi.

## Method of Issuing Call-Off Orders

Gavi may issue Call-Off Orders directly to the successful supplier(s) according to their expertise, experience and the specific need or context in which the services will be delivered. Alternatively, Gavi may choose to undertake a short second competitive stage amongst awarded suppliers to establish the best possible value for money for Gavi. In both cases a written TOR will be issued to the successful supplier and a written proposal will be received and evaluated by Gavi before creating the Call-Off order and purchase order (PO).

Award of a framework contract does not constitute a guarantee of any minimum number of individual Call-Off orders or any future assignments. Under the framework, Gavi will have the option, but not the obligation, to place individual Call-Off orders with the selected bidder(s). The framework will not limit Gavi’s ability to contract other institutions or consultants outside the framework if it so chooses.

1. Financial Proposal/ Pricing Schedule Template

The financial proposal should be a standalone document (using excel). This should:

* Provide full details of your financial offer. This should include fixed costs and any variable costs.
* Indicate the components of your financial offer.
* We recommend using the template under this Annex
* Provide the past 3 years’ Financial Statements, namely: Auditor’s page, Income/P&L, Balance Sheet & Cash Flow.



1. Submission Checklist

| Document Checklist |
| --- |
|[ ]  Cover Letter which includes: * Name and address of the Service Provider
* Name, title, telephone number, and e-mail address of the person authorized to commit the Service Provider to a contract
* Name, title, telephone number, and e-mail address of the person to be contacted regarding the content of the proposal, if different from above
* A signature of this letter done by a duly authorized representative of your company
 |
|[ ]  Intent to Participate  |[ ]  Financial Proposal |
|[ ]  Technical Proposal |[ ]  Pricing Schedule Template (if applicable) |

| Format Checklist |
| --- |
|[ ]  Technical proposal separates from commercial proposal (Two-Envelope System). |[ ]  All files are of the accepted type (PDF or MS Office applications). |
|[ ]  Separate emails prepared with subject names “050-2021-GAVI-RFP– Technical Proposal - [Bidder Name]” and “050-2021-GAVI-RFP– Financial Proposal - [Bidder Name]”. |