

Annex 1

Instructions to bidders

1. General

Purpose of this RFQ is to hire a firm to support The Defeat-NCD Partnership at UNITAR in providing expert technical services to develop sound costing and financial analysis for the National Multisectoral Non-Communicable Disease Strategy and Action Plan for The Gambia.

Bidders shall adhere to all the requirements of this RFQ, including any amendments in writing by UNITAR. This RFQ is conducted in accordance with the UN General Terms and Conditions of Contract on Contracts and Procurement which can be accessed at <https://www.un.org/Depts/ptd/about-us/conditions-contract>

Any Proposal submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of the Proposal by UNITAR. UNITAR is under no obligation to award a contract to any Bidder as a result of this RFQ

As part of the bid, it is desired that the Bidder registers at the United Nations Global Marketplace (UNGM) website (<http://www.ungm.org>). The Bidder may still submit a bid even if not registered with the UNGM. However, if the Bidder is selected for contract award, the Bidder must register on the UNGM prior to contract signature.

2. Fraud & Corruption, Gifts and Hospitality

UNITAR strictly enforces a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical or unprofessional practices, and obstruction of UNITAR vendors and requires all bidders/vendors observe the highest standard of ethics during the procurement process and contract implementation. UNITAR's Anti-Fraud Policy can be found at <https://www.un.org/Depts/ptd/sites>.

Bidders/vendors shall not offer gifts or hospitality of any kind to UNITAR staff members including recreational trips to sporting or cultural events, theme parks or offers of holidays, transportation, or invitations to extravagant lunches or dinners.

In pursuance of this policy, UNITAR

- (a) Shall reject a proposal if it determines that the selected bidder has engaged in any corrupt or fraudulent practices in competing for the contract in question;
- (b) Shall declare a vendor ineligible, either indefinitely or for a stated period of time, to be awarded a contract if at any time it determines that the vendor has engaged in any corrupt or fraudulent practices in competing for, or in executing a UNITAR contract.

All Bidders must adhere to the UN Supplier Code of Conduct, which may be found at: http://www.un.org/depts/ptd/pdf/conduct_english.pdf

3. Eligibility

A vendor should not be suspended, debarred, or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization. Vendors are therefore required to disclose to UNITAR whether they are subject to any sanction or temporary suspension imposed by these organizations.

It is the Bidder's responsibility to ensure that its employees, joint venture members, sub- contractors, service providers, suppliers and/or their employees meet the eligibility requirements as established by UNITAR.

4. Conflict of Interests

Bidders must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:

- a) Are or have been associated in the past, with a firm or any of its affiliates which have been engaged by UNITAR to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the goods and services in this selection process.
- b) Were involved in the preparation and/or design of the programme/project related to the services requested under this RFQ; or
- c) Are found to be in conflict for any other reason, as may be established by, or at the discretion of UNITAR.

In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to UNITAR, and seek UNITAR's confirmation on whether or not such a conflict exists.

Similarly, the Bidders must disclose in their proposal their knowledge of the following:

- a) If the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of UNITAR staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving services under this RFQ; and
- b) All other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices. Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.

The eligibility of Bidders that are wholly or partly owned by the Government shall be subject to UNITAR's further evaluation and review of various factors such as being registered, operated and managed as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this RFQ, among others. Conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Proposal.

5. Conflict of Interests

The Bidder shall bear any, and all costs related to the preparation and/or submission of the Proposal, regardless of whether its Proposal was selected or not. UNITAR shall not be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process.

6. Language

The Proposals prepared by the bidder and all correspondence and documents relating to the Proposal exchanged by the bidder and UNITAR shall be written in the English, as specified in the BDS.

7. Contents of solicitation documents

Proposals must offer services for the total requirement. Proposals offering only part of the requirement will be rejected. The bidder is expected to examine all corresponding instructions, forms, terms and specifications contained in the Solicitation Documents. Failure to comply with these documents will be at the bidder's risk and may affect the evaluation of the Proposal.

8. Amendments of solicitation documents

At any time prior to the deadline for submission of Proposals, UNITAR may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective bidder, modify the Solicitation Documents by amendment.

All prospective bidders that have received the Solicitation Documents will be notified in writing of all amendments to the Solicitation Documents.

In order to afford prospective bidders reasonable time in which to take the amendments into account in preparing their offers, UNITAR may, at its discretion, extend the deadline for the submission of Proposals.

9. Currencies

All prices shall be quoted in the currency or currencies indicated in the Bid data sheet.

Where Proposals are quoted in different currencies, for the purposes of comparison of all Proposals:

- a) UNITAR will convert the currency quoted in the Proposal into the UNITAR preferred currency, in accordance with the prevailing UN operational rate of exchange on the last day of submission of Proposals; and
- b) In the event that UNITAR selects a proposal for award that is quoted in a currency different from the preferred currency, UNITAR shall reserve the right to award the contract in the currency of UNITAR's preference, using the conversion method specified above.

10. Only one proposal

The Bidder (including the individual members of any Joint Venture) shall submit only one Proposal, either in its own name or as part of a Joint Venture.

Proposals submitted by two (2) or more Bidders shall all be rejected if they are found to have any of the following:

- a) they have at least one controlling partner, director or shareholder in common; or
- b) any one of them receive or have received any direct or indirect subsidy from the other/s; or
- c) they have the same legal representative for purposes of this RFQ; or
- d) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about, or influence on the Proposal of, another Bidder regarding this RFQ process;
- e) they are subcontractors to each other's Proposal, or a subcontractor to one Proposal also submits another Proposal under its name as lead Bidder; or
- f) some key personnel proposed to be in the team of one Bidder participates in more than one Proposal received for this RFQ process. This condition relating to the personnel, does not apply to subcontractors being included in more than one Proposal.

11. Proposal Validity Period

Proposals shall remain valid for the period specified in the Bid data sheet, commencing on the Deadline for Submission of Proposals. A Proposal valid for a shorter period may be rejected by UNITAR and rendered non-responsive.

During the Proposal validity period, the Bidder shall maintain its original Proposal price without any change, including the availability of the Key Personnel, the proposed rates and the total price.

12. Extension of Proposal Validity Period

In exceptional circumstances, prior to the expiration of the proposal validity period, UNITAR may request Bidders to extend the period of validity of their Proposals. The request and the responses shall be made in writing and shall be considered integral to the Proposal.

If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change in the original Proposal.

The Bidder has the right to refuse to extend the validity of its Proposal, and in which case, such Proposal will not be further evaluated.

13. Submission

The Bidder shall submit a duly signed and complete Proposal comprising the documents and forms in accordance with the requirements in this RFQ. The submission shall be in the manner specified in this RFQ.

The Proposal shall be signed by the Bidder or person(s) duly authorized to commit the Bidder. The authorization shall be communicated through a document evidencing such authorization issued by the legal representative of the bidding entity, or a Power of Attorney, accompanying the Proposal.

Bidders must be aware that the mere act of submission of a Proposal, in and of itself, implies that the Bidder fully accepts the UN General Contract Terms and Conditions.

14. Email Submission

Email submission shall be governed as follows:

- a) electronic files that form part of the proposal must be in accordance with the format and requirements indicated in the Bid submission form;
- b) The Technical Proposal and the Financial Proposal files **MUST BE COMPLETELY SEPARATE**. The financial proposal shall be encrypted with a password and clearly labelled. The files must be sent to the dedicated email address: tendering@unitar.org
- c) The password for opening the Financial Proposal should be provided only upon request of UNITAR. UNITAR will request password only from bidders whose Technical Proposal has been found to be technically responsive. Failure to provide correct password may result in the proposal being rejected.

15. Deadline for Submission of Proposals and Late Proposals

Complete Proposals must be received by UNITAR in the manner, and no later than the date and time, specified in the BDS. UNITAR shall only recognize the date and time that the bid was received by UNITAR

UNITAR shall not consider any Proposal that is submitted after the deadline for the submission of Proposals.

16. Withdrawal, Substitution, and Modification of Proposals

A Bidder may withdraw, substitute or modify its Proposal after it has been submitted at any time prior to the deadline for submission.

Manual and Email submissions: A bidder may withdraw, substitute or modify its Proposal by sending a written notice to UNITAR, duly signed by an authorized representative, and shall include a copy of the authorization (or a Power of Attorney). The corresponding substitution or modification of the Proposal, if any, must accompany the respective written notice. All notices must be submitted in the same manner as specified for submission of proposals, by clearly marking them as "WITHDRAWAL" "SUBSTITUTION," or "MODIFICATION"

17. Proposal Opening

There is no public bid opening for this RFQ. Bidders will receive a notification once their proposal is opened.

18. Confidentiality

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 persons not officially concerned with such process, even after publication of the contract award.

Any effort by a Bidder or anyone on behalf of the Bidder to influence UNITAR in the examination, evaluation and comparison of the Proposals or contract award decisions may, at UNITAR's decision,

result in the rejection of its Proposal and may be subject to the application of prevailing UNITAR's vendor sanctions procedures.

19. Evaluation of Proposals

The Bidder is not permitted to alter or modify its Proposal in any way after the proposal submission deadline.

UNITAR will conduct the evaluation solely on the basis of the submitted Technical and Financial Proposals.

Evaluation of proposals is made of the following steps:

- a) Preliminary Examination
- b) Minimum Eligibility and Qualification
- c) Evaluation of Technical Proposals
- d) Evaluation of Financial Proposals

20. Preliminary Examination

UNITAR shall examine the Proposals to determine whether they are complete with respect to minimum documentary requirements, whether the documents have been properly signed, and whether the Proposals are generally in order, among other indicators that may be used at this stage. UNITAR reserves the right to reject any Proposal at this stage.

21. Evaluation of Eligibility and Qualification

Eligibility and Qualification of the Bidder will be evaluated against the Minimum Eligibility/ Qualification requirements specified in the Evaluation Criteria.

In general terms, vendors that meet the following criteria may be considered qualified:

- a) They are not included in the UN Security Council 1267/1989 Committee's list of terrorists and terrorist financiers, and in UNGM's ineligible vendors' list.
- b) They have a good financial standing and have access to adequate financial resources to perform the contract and all existing commercial commitments,
- c) They have the necessary similar experience, technical expertise, production capacity where applicable, quality certifications, quality assurance procedures and other resources applicable to the provision of the services required.
- d) They are able to comply fully with UN General Terms and Conditions of Contract.
- e) They do not have a consistent history of court/arbitral award decisions against the Bidder; and
- f) They have a record of timely and satisfactory performance with their clients.

22. Evaluation of Technical and Financial Proposals

Technical proposal component

- The service provider's capability and organizational structure for execution of the services including a minimum of two similar experiences.

- Details of the service provider's past and current partnerships and collaborative efforts with other firms and organizations for the implementation of the consultancy services.
- Description of Quality Assurance mechanism(s) in place for ensuring that expert consultations and services provided comply to industry standards and requirements of the consultancy services.
- Demonstration of ability to provide services using personnel with requisite qualifications for provision of the services (shall be assessed based on the submitted CV/s of the proposed project team)
- Description of the service provider's approach, methodology, and timelines for meeting or exceeding the requirements described in this RFP.

The evaluation team shall review and evaluate the Technical Proposals on the basis of their responsiveness to the ToR and other RFQ documents, applying the evaluation criteria, sub- criteria, and point system specified in the Evaluation Criteria. A Proposal shall be rendered non-responsive at the technical evaluation stage if it fails to achieve the minimum technical score (threshold of 70%).

Financial proposal component

Only the Financial Proposals of those Bidders who achieve the minimum technical score (70%) will be opened for evaluation.

The contract will be executed on the basis of the lump sum price. The Bidders are however required to attach a detailed breakdown of costs with their lump sum contract price, as follows:

- Cost Breakdown per deliverable
 - Cost Breakdown by resources (per hours/day, per team member/leader) etc.
- The cost breakdown shall be used in order to assess value for money as well as the calculation of price in the event that both parties agreed to add new deliverables to the scope of Services.

Evaluation Criteria:

Proposals submitted will be evaluated using the criteria below. Incomplete applications will not be considered.

The total number of points which a firm/institution may obtain for its proposal is as follows:

- ❖ Technical proposal: 70 points
- ❖ Financial proposal: 30 points
- ❖ Total number of points: 100 points

Assessment criteria	Score
<u>Qualifications and Experience:</u>	<u>35</u>
<ul style="list-style-type: none"> • The service provider's capability and organizational structure for execution of the services including a minimum of two similar experiences in costing and health financing. 	10
<ul style="list-style-type: none"> • Composition and qualifications of the team proposed to provide, and the work tasks (including supervisory if any). Proven 3-5 years of experience in costing and health financing. 	10

<ul style="list-style-type: none"> The quality assurance mechanism(s) in place for ensuring that expert consultations and services provided comply to industry standards and requirements of the consultancy services. 	10
<ul style="list-style-type: none"> 3 satisfactory reference letters. 	5
Technical proposal:	35
<ul style="list-style-type: none"> The service provider's approach and methodology in response to requested outputs. 	20
<ul style="list-style-type: none"> The timeline for meeting the requirements. 	15
Financial proposal:	30
<ul style="list-style-type: none"> The service provider's detailed breakdown of cost and its value for money. 	30

The formula for the rating of the Proposals will be as follows:

Rating the Technical Proposal (TP):

TP Rating = (Total Score Obtained by the Offer / Max. Obtainable Score for TP) x 100

Rating the Financial Proposal (FP):

FP Rating = (Lowest Priced Offer / Price of the Offer Being Reviewed) x 100

Total Combined Score:

Combined Score = (TP Rating) x (Weight of TP, (70%)) + (FP Rating) x (Weight of FP, (30%))

23. Due Diligence

UNITAR reserves the right to undertake a due diligence exercise, also called post qualification, aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be limited to, all or any combination of the following:

- Verification of accuracy, correctness and authenticity of information provided by the Bidder.
- Validation of extent of compliance to the RFQ requirements and evaluation criteria based on what has so far been found by the evaluation team.
- Inquiry and reference checking with Government entities with jurisdiction on the Bidder, or with previous clients, or any other entity that may have done business with the Bidder.
- Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary.
- Physical inspection of the Bidder's offices, branches or other places where business transpires, with or without notice to the Bidder.
- Other means that UNITAR may deem appropriate, at any stage within the selection process, prior to awarding the contract.

24. Clarification of Proposals

To assist in the examination, evaluation and comparison of Proposals, UNITAR may, at its discretion, ask any Bidder for a clarification of its Proposal.

UNITAR's request for clarification and the response shall be in writing and no change in the prices or substance of the Proposal shall be sought, offered, or permitted, except to provide clarification, and confirm the correction of any arithmetic errors discovered by UNITAR in the evaluation of the Proposals, in accordance with RFQ.

Any unsolicited clarification submitted by a Bidder in respect to its Proposal, which is not a response to a request by UNITAR, shall not be considered during the review and evaluation of the Proposals.

25. Nonconformities, Reparable Errors and Omissions

Provided that a Proposal is substantially responsive, UNITAR may waive any non-conformities or omissions in the Proposal that, in the opinion of UNITAR, do not constitute a material deviation.

UNITAR may request the Bidder to submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities or omissions in the Proposal related to documentation requirements. Such omission shall not be related to any aspect of the price of the Proposal. Failure of the Bidder to comply with the request may result in the rejection of its Proposal.

For Financial Proposal that has been opened, UNITAR shall check, and correct arithmetical errors as follows:

- a) if there is a discrepancy between the unit price and the line-item total that is obtained by multiplying the unit price by the quantity, the unit price shall prevail and the line-item total shall be corrected, unless in the opinion of UNITAR there is an obvious misplacement of the decimal point in the unit price; in which case the line-item total as quoted shall govern and the unit price shall be corrected.
- b) if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail, and the total shall be corrected; and
- c) if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.

If the Bidder does not accept the correction of errors made by UNITAR, its Proposal shall be rejected.

26. Payment

Payment will be made in the currency of the contract. UNITAR shall affect payments to the Contractor after acceptance by UNITAR of the invoices submitted by the contractor, within thirty (30) days from the date of meeting the following conditions:

- a) UNITAR's written acceptance of the quality of the outputs; and
- b) Receipt of invoice from the service provider.

27. Award criteria, award of contract

UNITAR reserves the right to accept or reject any Proposal, and to annul the solicitation process and reject all Proposals at any time prior to award of contract, without thereby incurring any liability to the affected bidder or any obligation to inform the affected bidder or bidders of the grounds for the UNITAR's action

Prior to expiration of the period of proposal validity, UNITAR will award the contract to the qualified bidder whose Proposal after being evaluated is considered to be the most responsive to the needs of the organization and activity concerned.

28. Right to Vary Requirements at the Time of Award

UNITAR reserves the right at the time of award of contract to vary the quantity of services and goods specified in the RFQ without any change in price or other terms and conditions.

29. Signing of the contract/Purchase order

Within 5 days of receipt of the purchase order the successful bidder shall sign and date the PO and return it to UNITAR.

30. Other Provisions:

In the event that the Bidder offers a lower price to the host Government for similar services, UNITAR shall be entitled to same lower price. The UN General Terms and Conditions shall have precedence.

UNITAR is entitled to receive the same pricing offered by the same Contractor in contracts with the United Nations and/or its Agencies. The UN General Terms and Conditions shall have precedence.

The United Nations has established restrictions on employment of (former) UN staff who have been involved in the procurement process as per bulletin ST/SGB/2006/15 http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&refer.

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