

## REQUEST FOR PROPOSALS

### GAVI The Vaccine Alliance

Request for Proposals for the *Consultancy Services to support Nigeria Full Portfolio Planning (FPP) process.*

RFP Opening Date: 12 June 2023

RFP Closing Date: 14 July 2023

Address Technical, Financial Proposals and required documents via email to [procurement@gavi.org](mailto:procurement@gavi.org)

## ANNEX 1: RFP SCOPE AND REQUIREMENTS

### Background and Introduction:

Gavi Alliance's ("**Gavi**") mission is to save children's lives and protect people's health by increasing access to immunisation in poor countries.

Gavi is a unique organisation that aligns public and private resources in a global effort to create greater access to the benefits of immunisation. It does this with precision and in creative, innovative ways to ensure that donor contributions efficiently save lives and help build self-sufficiency in the world's poorest communities and regions.

For more information please visit the Gavi website: <http://www.gavi.org/about/mission>

### RFP Timelines:

Procurement Activity	Responsible Party	Due Date
RFP Issue Date	Gavi	19 Jun. 23
Intent to Participate due	Bidder	26 Jun. 23
Final date for submitting Questions	Bidder	26 Jun. 23
Gavi Response to Questions	Gavi	28 Jun. 23
Bid submission deadline (CET)	Bidder	10 07 24:00 (CET)
Estimated Contract Award Date	Gavi	20 Jul. 23
Estimated Contract Start Date	Gavi	01 Aug. 23

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 Project

### Background.

Gavi's mission is to save lives and protect people's health by increasing equitable and sustainable use of vaccines. In June 2019, the Gavi Board approved a new five-year strategy for 2021-2025 ("Gavi 5.0") with a vision of "Leaving no one behind with immunisation". Building on successes of the previous strategic periods, Gavi 5.0 has several key shifts to deliver on its mission, including:

- A core focus on reaching "zero-dose" children and missed communities, with equity as the organising principle.

- More differentiated, tailored, and targeted approaches for Gavi-eligible countries.

- An increased focus on programmatic sustainability

Achieving this vision requires programming across all Gavi funding streams to focus on finding and sustainably reaching missed communities through routine immunisation and Primary Health Care (PHC) services to ensure that all children benefit from a full course of vaccines. Gavi's efforts to reach sustainably missed communities are coupled with a special attention to zero-dose and under-immunised children. As such, proposed interventions will likely need to draw from differentiated approaches suited to local contexts to address barriers to both service provision and utilisation.

Gavi funding streams are available to countries for this purpose:

**Health Systems Strengthening (HSS)** support is intended to help countries build strong, equitable, sustainable, and high-quality immunisation programmes. Funding is available for countries to extend immunisation services to regularly reach zero-dose children and communities using tailored and differentiated strategies to build a stronger primary health care platform. Countries are encouraged to work with communities to build resilient demand, and to identify and address gender related barriers to immunisation. Funds also support planning and management of immunisation services and strengthen supply chains to ensure potent vaccines are reliably available.

**The Equity Accelerator Fund (EAF)** is a new dedicated fund for interventions aimed at reaching zero-dose children and missed communities including through scaling up new, innovative strategies and partnerships.

**The Cold Chain Equipment Optimization Platform (CCEOP)** supports procurement of cold chain equipment (CCE) to ensure availability and potency of vaccines. CCE placement to low performing areas can extend the cold chain and drive the expansion of health clinics, solarisation of cold chain can benefit areas not covered by the electricity grid, and system redesign can be used to drive equity in CCE distribution.

**Vaccine Introduction Grants (VIG) and preventative campaigns** support countries to broaden the breadth of protection and close immunity gaps. Through introduction and execution planning, countries can analyse barriers hindering access (including gender-related barriers) and implementation of planned campaigns can be used to identify zero-dose children and missed communities and refer them back to the routine immunisation programme for follow-up.

**Partners' Engagement Framework (PEF) Targeted Country Assistance (TCA)** provides technical expertise to build capacity of governments and local partners. TCA activities should prioritise efforts that help advocate, identify, reach, monitor and/or measure the immunisation of zero-dose children and missed communities. Countries are strongly encouraged to engage with local partners to leverage local knowledge of zero-dose communities and barriers to immunisation, and design technical assistance activities that are adapted to the needs of communities.

**Private sector partnerships and innovations:** Gavi engages with corporate and philanthropic partners to secure funding and to identify, adapt, and scale products, practices, services, and technologies to support Gavi and country priorities. Countries are encouraged to explore technological and operational innovations to improve access to and utilisation of services by missed communities.<sup>1</sup>

## 1.1. Work Context

The tasks shall be performed for Nigeria Country Team at Gavi under the supervision of the Senior Country Manager and health systems strengthening focal point in collaboration with other teams across the secretariat.

### Nigeria Context

Nigeria is in the Accelerated Transition Phase (ATP) of Gavi support with a special board strategy extending Gavi support up to 2028 for which the National Primary Health Development Agency (NPHCDA) has developed a strategic plan: the Nigeria Strategy for Immunisation and PHC System Strengthening (NSIPSS). Successful implementation of NSIPSS is expected to improve and sustain immunisation coverage, maintain quality PHC service delivery, reduce maternal and child mortalities and the number of zero dose children. Gavi's commitment to NSIPSS over the 10-year strategy period is \$260 million. Under Nigeria's HSS2, \$126 million was approved and programmed for the period 2018 – 2023, while the remaining amount is to be programmed through a FPP process expected to commence in Q3 2023.

Major systemic challenges include weak management and coordination especially at sub-national level, inadequate supervision of implemented activities, poor data management, inadequate funding, insecurity, and an increased burden on the human resource for health. These gaps, in addition to the COVID-19 pandemic pose

a high risk of increasing zero-dose children and reversing the gains made over the 4.0 strategic period.

WUENIC 2021 estimates Penta 3 coverage at 56%, as against 33% in 2016. Though this represents progress in coverage, the country still grapples with over 2.2 million zero-dose children; the second-highest zero-dose burden globally<sup>[1]</sup>. To address this gap, Nigeria through the National Primary Health Care Development Agency (NPHCDA) has aligned with Gavi 5.0 strategic objectives and Immunization Agenda 2030 – a global strategy to leave no one behind – leading to the development of the Nigeria Strategy for Immunization and Primary Health Care System Strengthening (NSIPSS) 2.0 strategy document. The NSIPSS 2.0 was developed as a companion document to the NSIPSS 2018-2028 to provide a clear path towards improving and sustaining RI coverage and increase uptake of other PHC services with the overarching goal to achieve 90% Penta 3 coverage by 2028 and reduce the number of zero-dose/unimmunized children.

To drive mutual accountability, a national-level Accountability Framework was developed to monitor joint commitments and guide the implementation of the NSIPSS 2.0 for greater efficiency and effectiveness of the nation's Expanded Programme on Immunization (EPI) and overall PHC system. Further, in line with the NSIPSS, the Government of Nigeria and Gavi jointly agreed to annual high-level missions to review implementation of the Accountability Framework and the strategies outlined in the strategy document. In 2022, an update to the existing Accountability framework (AF) was undertaken. This included mainly 3 modifications: addition of subnational and zero dose indicators, refining of data sources and reviewing the definitions and targets for some indicators. As this was validated in December 2022, the first year of application of the revised AF is 2023.

<sup>[1]</sup> The data are available from both WHO and UNICEF web sites: <https://immunizationdata.who.int/> and <http://www.data.unicef.org/child-health/immunization>.

## 1.2. Scope of Work

Achieving Gavi 5.0 goals and NSIPSS 2.0 targets, including on zero dose, requires timely and high-quality programming of Gavi funds, which primarily happens through FPP process. It is therefore imperative for Nigeria to develop a comprehensive, high-quality proposal that integrates planning for all Gavi levers for which it is eligible, while at the same time ensuring that the process is nimble, flexible, and fast-tracked; leveraging on recent relevant and contributory processes and consultations already

conducted. The country has so far held initial multi-stakeholder FPP kick-off discussions and has also constituted an FPP committee to oversee the FPP process.

### **Objectives and Key Tasks**

The main objective of this assignment is to support country-level efforts to develop a quality and timely funding application as per the application guidelines and tools and to support submission to Gavi for review and ultimately to the Independent Review Committee (IRC). Gavi is seeking for services of a competent firm with qualified staff/consultants and/or consultants to support the FPP process in Nigeria. Specific objectives and key tasks are:

#### **To ensure a clear and shared understanding of the FPP process, tools, and guidelines amongst all key stakeholders.**

- Review and understand all Gavi FPP application guidelines, tools, and materials.
- Working with the FPP committee set up by the NPHCDA, ensure that all stakeholders have a common understanding and clarity on expectations regarding the FPP process; especially the need for flexibility and agility, leveraging on the robust body of work already done in the immunization space.
- Similarly, ensure that all stakeholders understand and are aligned with Gavi 5.0 key priority areas including zero dose and equity, comprehensive vaccine management, digital health initiatives, gender, demand, and community involvement.
- Summarise and interpret in simple terms, key concepts, messages and focus areas of the FPP process for all stakeholders.
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#### **To foster efficient coordination and participation of key stakeholders for ownership of the process and the product.**

- Map all key stakeholders important to the FPP, including Government of Nigeria personnel at national, state and LGA levels from the immunisation and broader PHC space, core and expanded partners, other Development partners, frontline workers and their professional organisations, civil society organisations (CSOs), caregivers, etc.
- Liaise with the NPHCDA FPP committee to develop a consultative and inclusive process, ensure organized and meaningful engagement and stakeholder contribution to all steps of the FPP.

- Working with and through the FPP committee, efficiently facilitate both national and subnational engagements, ensuring meaningful discussions are held and insights synthesised to support a high-quality proposal, within the limited timeframe.

**To complete all required documentation and ensure effective learning, knowledge management.**

- Prepare key information packages to facilitate all processes of the FPP including meeting notes and action points, summaries for higher level (e.g., NITAG & ICC) review and final submission to Gavi.
- Collate various sources of information including NSIPSS, previous grant documents and other relevant technical and policy documents to ensure a rich and evidence-based submission.
- Support Nigeria to develop and submit a quality proposal inclusive of all aspects of the application kit including the Situation Analysis, Theory of Change, Work Plan, MEL Plan and Budget.
- Revise proposal documents based on feedback from Gavi and stakeholders.
- Prepare application for IRC review with summary slides and ensure that full package of materials is ready.
- Post IRC review, update the proposal documents as necessary following possible IRC feedback for resubmission.
- Document and submit key learnings on the end-to-end process and content.

These activities are to be undertaken in accordance with the below methodology and standards:

- **Government Ownership.** The FPP process is fully owned by the NPHCDA and thus the consultants are expected to work through and strengthen the NPHCDA's FPP Committee already established for this process. This committee has membership drawn from NPHCDA, core and expanded partners, and CSOs, and is currently assembling all relevant data sources required for the Situation Analysis, preparatory to collaborating with the consultants to move the process forward.
- **Collaboration and Consultation.** The consultants should have in-country presence and will preferably embed some team members within the NPHCDA FPP Committee, working to support the committee with tasks highlighted above and others that may come up as the process evolves. The assignment will be executed through convening meetings with in-country stakeholders, preparing and delivering presentations to various policy and technical bodies in the country, e.g., ICC & NITAG, leading consultations with key stakeholders at

national and sub-national levels, debriefing the Gavi Secretariat, and directly developing the application kit documents.

- **Literature review.** The consultants will also identify and review a range of documents including technical and policy documents to ensure a robust grant proposal that meets Nigeria's needs for reaching zero-dose children supports a successful transition from Gavi support, and is aligned to national, regional, and global priorities.

### Illustrative timeline for Nigeria's FPP submission:



Illustrative timeline  
for Nigeria FPP deve

### 1.3. Deliverables

The following deliverables will be expected from this assignment:

- Clear and updated roadmap for the FPP process with agreed upon methodology and timeline including the theory of change (TOC) development, the application submission to IRC, and the issue resolution process with detailed roles and responsibilities of those involved.
- List of key stakeholders, including their contacts and focal points to engage in the FPP and an engagement plan for all of them.
- Summary of relevant health development partner investments
- Monthly progress updates summarizing key components accomplished and status of roadmap implementation.
- Submission of Draft and final versions of the following:
  - The Situation Analysis and supporting narrative.
  - Theory of change.
  - Gavi support detail: costed workplan, current vaccine portfolio, new vaccine support detail (as relevant), monitoring and learning plan, areas targeted for Gavi support.
  - Completed Gavi budget template.
  - Mandatory attachments.
  - Mandatory endorsements: ICC, NITAG, Ministers – Health and Finance.
- Summary Presentation of key materials for IRC briefing
- Post IRC, support the Issue Resolution process by providing updated version of proposal documents as relevant.



- Final report and presentation to Gavi on process overview; including workshops and dialogues, key lessons learned, challenges and limitations, as well as recommendations to improve the overall FPP process.

#### **1.4. Skills and Competences**

The ideal firm / consultant for this assignment should meet the minimum requirements below:

Experienced public health and project management organization with expertise in the immunisation landscape at country, regional and global levels. Availability of personnel with deep understanding of Gavi 5.0 priorities, including zero dose and equity, comprehensive vaccine management, human resources for health, digital health information, gender, demand, and community involvement.

Availability of personnel with good understanding of the Nigeria context, including the marginalized communities with high levels of zero-dose children, and able to reach and connect with national and sub-national stakeholders as required.

Availability of personnel with good understanding of proposal development and grant writing, expertise in budget development.

Availability of personnel with analytical and documentation skills, who can review and analyse qualitative and quantitative data from various sources to integrate into the proposal documents, and clearly articulate these in writing.

Availability of personnel with great organisational skills, who can organise different moving parts with various stakeholders to ensure harmony and clear follow up on tasks and timelines.

Availability of personnel with human centred design and good facilitation skills to organise engagements with stakeholders and facilitate discussions to stimulate robust inputs for the proposal.

The bidder is requested to submit a summary of the proposed team and should aim for a strong representation of women on the team.

#### **1.5. Key Dates**

This assignment is expected to last up to 12 months, with possibility to extend to accomplish the tasks, with an anticipated start date of 1st August 2023.

#### **1.6. Location of the Work**

The scope of shall be performed in Nigeria, working through NPHCDA and respective stakeholders at national and state level.



## 2. Bid Submission

### 2.1. Preliminary Information

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

### 2.2. 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 Part 1 – 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 online 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 ANNEX 1 – RFP Timeline and Key Dates.

The Intent to Participate and Conflict of Interest Declaration form can be accessed via the following link: [Gavi Supplier Declaration Form](#)

## 3. Technical Proposal

### 3.1. Technical Proposal Format

Bidders must submit their Technical proposals filling the below document and sending it to [procurement@gavi.org](mailto:procurement@gavi.org) before the Bid submission deadline:



### 3.2. Technical Proposal Evaluation

No.	Criteria / Sub-Criteria	Sub-Weight (%)
1.	<b>A. . Relevant firm background and experience</b>	<b>20%</b>
2.	<b>B. Proposed methodology</b>	20%
3.	<b>C. Team structure and individual relevant experience</b>	30%
4.	<b>D. Work plan and timelines</b>	15%
5.	<b>E. Country Presence</b>	10%
6.	<b>F. Corporate Social Responsibility</b>	5%

Total Weight: 70/100

Minimum Technical Score: 70%

## 4. Financial Proposal

Bidders must submit their Financial proposals filling the below document and sending it to [procurement@gavi.org](mailto:procurement@gavi.org) before the Bid submission deadline:



RFP Budget  
Template (revised) .x

### 4.1. Financial Proposal Evaluation

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

Total Weight: 30/100

Bidders must submit a copy of their Proposal to Gavi by email to: [procurement@gavi.org](mailto:procurement@gavi.org)

The subject heading of the email shall be “**111-2023-GAVI-RFP– Technical Proposal - [Bidder Name]**” and “**111-2023-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.

## 5. 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](mailto:procurement@gavi.org) using the subject line “111-2023-GAVI-RFP– Clarification - [Bidder Name]” using the below Q&A template



Q&A Template

All questions and requests for clarification must be submitted in writing to [procurement@gavi.org](mailto: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 ANNEX 1 – 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.

## 6. Submission Checklist

Document Checklist	
Cover Letter which includes: <ul style="list-style-type: none"> <li>- Name and address of the Service Provider</li> <li>- Name, title, telephone number, and e-mail address of the person authorized to commit the Service Provider to a contract</li> <li>- Name, title, telephone number, and e-mail address of the person to be contacted regarding the content of the proposal, if different from above</li> <li>- A signature of this letter done by a duly authorized representative of your company</li> </ul>	
<input type="checkbox"/> <a href="#">Gavi Declaration Form</a>	<input type="checkbox"/> Financial Proposal
<input type="checkbox"/> Technical Proposal	<input type="checkbox"/> Corporate Social Responsibility documents
	<input type="checkbox"/> Financial Stability

Format Checklist	
<input type="checkbox"/> Technical proposal separates from commercial proposal (Two-Envelope System).	<input type="checkbox"/> All files are of the accepted type (PDF or MS Office applications).
<input type="checkbox"/> Separate emails prepared with subject names "111-2023-GAVI-RFP– Technical Proposal - [Bidder Name]" and "111-2023-GAVI-RFP– Financial Proposal - [Bidder Name]".	

## 7. Proposed Contract and Gavi's Terms and Conditions

The terms and conditions for the proposed Contract under 111-2023-GAVI-RFP can be found here: [Gavi Alliance General Terms and Conditions for Services Agreements](#).

Gavi Services Agreement can be found below:



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ices Agreement - Ser

<input type="checkbox"/>	<input type="checkbox"/>
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# ANNEX 2: Rules of RFP

## 1. Rules of Gavi RFP

### 7.1. 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:

- i. 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
- ii. 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:

- i. The results from past performance reference checks, site visits, product testing and any other due diligence;
- ii. 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);
- iii. Any matter that materially impacts on Gavi's trust and confidence in the Bidder; and
- iv. 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.

### 7.2. 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.

### 7.3. Evaluation Model

The evaluation model is based on the weighting under sections 3.2 and 4.1 (Evaluation Criteria).

- i. Bidders will be evaluated against the Technical Evaluation criteria in section 3.2. Proposals must meet the minimum threshold defined in Section 3.2

- ii. Bidders passing the minimum Technical score will then be evaluated against the Financial Evaluation criteria in Section 4.1. 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: 
$$\frac{[\text{Maximum number of points for the Financial Proposal}] \times [\text{Lowest price}]}{[\text{Price of proposal being evaluated}]}$$

#### **7.4. Two-Envelope System**

Members of the technical evaluation committee will score each Proposal based on the weighted Technical Criteria listed in Section 3.2. 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.

#### **7.5. 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' Proposal and may exclude the Proposal from the RFP process.

#### **7.6. 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.

##### **7.6.1. Late Proposals**

Bidders are responsible for submitting their Proposals on or before the RFP closing date and time in accordance with ANNEX 1 – RFP Timeline and Key Dates. Any Proposal received by Gavi later than the stipulated RFP closing date and time will not be evaluated by Gavi.

##### **7.6.2. Withdrawal**

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

### **7.6.3. Alternative Proposals**

Bidders may submit alternative Proposals if 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.

### **7.6.4. 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.

### **7.7. 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.

### **7.8. 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.

### **7.9. 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.

### **7.10. 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.

### **7.11. 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.

#### **7.12. 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.

#### **7.13. 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.

#### **7.14. 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:

- i. The Bidder's declaration in its Proposal
- ii. The Proposal Validity Period
- iii. 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.

#### **7.15. 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:

- i. The Bidder has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the RFP.
- ii. The Proposal contains a material error, omission or inaccuracy.
- iii. The Bidder is in bankruptcy, receivership or liquidation.
- iv. The Bidder has made a false declaration.
- v. There is a serious performance issue in a historic or current contract delivered by the Bidder.
- vi. The Bidder has been convicted of a serious crime or offence.
- vii. There is professional misconduct or an act or omission on the part of the Respondent which adversely reflects on the integrity of the Bidder.
- viii. The Bidder has failed to pay taxes, duties or other levies.
- ix. The Bidder represents a threat to national security or the confidentiality of sensitive government information; and/or
- x. The Bidder is a person or organisation designated as a terrorist by any authority.



### 7.16. Gavi's additional rights

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

- i. 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.
- ii. 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.
- iii. Award a contract on the basis of initial offers received, without discussions or requests for best and final offers.
- iv. In exceptional circumstances, accept a late Proposal where it considers that it will not affect the fairness of the RFP process to other Bidders.
- v. Accept or reject any non-compliant, non-conforming or alternative Proposal.
- vi. At its discretion does not provide a response to any question arising submitted by a bidder.
- vii. Waive irregularities or requirements in or during the RFP process where it considers it appropriate and reasonable to do so.
- viii. Select any individual element/s of the requirements that is offered in a Proposal and capable of being delivered separately.
- ix. Selecting two or more Bidders to deliver the requirements in the RFP.

### 7.17. 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.

### 7.18. 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.**

### 7.19. 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](mailto:procurement@gavi.org) using the subject line "111-2023-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 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](#)

#### **7.20. Acceptance**

By submitting a Proposal, the Bidder accepts that it is bound by the Instructions and rules set out in ANNEX 2 of this RFP.