

**KENYA COORDINATING MECHANISM**

**REQUEST FOR PROPOSAL FOR PRINCIPAL RECIPIENTS; GLOBAL FUND  
GRANT**

**RFP/001/ 2016- 2017**

**CLOSING DATE: APRIL 4, 2017**

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**SECTION 1: LETTER OF INVITATION**  
**[Invitation NO RFP/001/ 2016- 2017**

The **Kenya Coordinating Mechanism** now invites proposals in Identifying of Principal Recipients to manage Global fund grant for HIV, TB and Malaria  
More details on the services are provided in the Terms of engagement **Guidelines on Implementers of Global Fund Grants**

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This Request for Proposal (RFP) has been addressed to all eligible Principal Recipients:

3. The RFP includes the following documents:

- Section 1 - Letter of Invitation
- Section 2 - Instructions to Consulting Firm (including Data Sheet)
- Section 3 - Technical Proposal - Standard Forms
- Section 4 - Financial Proposal - Standard Forms
- Section 5 - Terms of Reference
- Section 6 - Standard Forms of Contract

4. Please inform us within 3 days (Three days) upon receipt of this invitation, in writing at the following address or by email

CHAIRMAN KCM  
P.O.BOX 30016 - 00100  
NAIROBI KENYA,  
Tel. **020 2717077/8/9 Ext 45223/ 45001**  
E-mail: [info@globalfundkcm.or.ke](mailto:info@globalfundkcm.or.ke)

upon receipt:

- (a) that you received the Letter of Invitation; and
- (b) Whether you will submit a proposal alone or in association.

Failure to provide this information may lead to your replacement.

Yours sincerely,

***Chairperson***  
***Kenya Coordinating Mechanism***

**SECTION II: INFORMATION TO PRINCIPAL RECIPIENTS**

**Introduction**

2.1.1 The Kenya Coordinating Mechanism will select the organizations among those submitting the proposals or those who respond to the invitation for proposals in

accordance with the method of selection detailed under this section and consistent with the regulations.

- 2.1.2 The Firms are invited to submit a technical proposal for ( Principal Recipients) services required for the assignment stated in the letter of invitation (Section I)
- 2.1.3 In the assignment where the procuring entity intends to apply standard conditions of engagement and scales of fees for professional services, which scale of fees, will have been approved by a relevant authority, a technical proposal only may be invited and submitted by the Principal Recipients. In such a case the highest ranked individuals from the firm submitting the technical proposals shall be invited to negotiate a contract on the basis of the set scale of fees. The technical proposals will be the basis for contract negotiations and ultimately for a signed contract with the selected individual Principal Recipients
- 2.1.4 The potential Principal Recipients must familiarize themselves with local conditions as regards the assignment and take them into account in preparing their proposals. To obtain adequate information on the assignment and on the local conditions, Principal Recipients are encouraged to liaise with the procuring entity regarding any information that they may require before submitting a proposal.
- 2.1.5 The client will provide the inputs and services specified in the special conditions of contract needed to assist the firm to carry out the assignment.
- 2.1.6 The cost of preparing the proposal and negotiating the contract including any visit to the procuring entity are not reimbursable as a direct cost of the assignment. The procuring entity is not bound to accept any of the proposals submitted.

### **Clarification and amendment to the RFP documents**

- 2.2.1 The firm may request clarification of any of the RFP documents not later than Seven (7) days before the deadline for the submission of the proposals. Any request for clarification must be sent in writing by post, fax or email to the procuring entity's address indicated in the special conditions of contract. The procuring entity will respond by post, fax or email to such requests and will send written copies of the response (including an explanation of the query but without identifying the source of inquiry) to all individual Principal Recipients invited to submit proposals.
- 2.2.2 At any time before the deadline for submission of the proposals, the procuring entity may for any reason; either at its own initiative or in response to a clarification requested by an intended Principal Recipient amends the RFP. Any amendment shall be issued in writing, fax or email to all invited/ eligible individual Principal Recipients and will be binding on them. The Procuring Entity may at its discretion extend the deadline for the submission of the proposals.
- 2.2.3 Clarification of RFPs shall be requested by the bidders to be received by the Procuring Entity not later than 7 days prior to the deadline for submission of tenders.
- 2.2.4 The procuring entity shall reply to the clarifications sought by the Potential Principal Recipient within 2 days of receiving the request to enable the bidder to make timely submission of its tender.

## **Preparation of proposals**

- 2.3.1 The Potential Principal Recipient's proposal shall be written in English language.
- 2.3.2 In preparing the Technical proposal, the Potential Principal Recipients are expected to examine the documents consisting the RFP in detail. Material deficiencies in providing the information requested may result in rejection of a proposal.
- 2.3.3 While preparing the Technical proposal, the organization must give particular attention to the following:
- (a) If a potential Principal Recipient considers that he/she does not have all the expertise, required for the assignment he/she may suggest in the proposals other individual(s) who will assist in the assignment but they will not be party to the contract for the purpose of the performance of the assignment. The Potential Principal Recipient will not propose other individual Principal Recipients invited to submit proposals for the assignment. Any individual Principal Recipient in contravention of this requirement shall automatically be disqualified.
  - (b) For all the staff who will be involved in the exercise of the proposals to must indicate their responsibility in the assignment and the staff time as necessary.
- 2.3.4 The Technical proposal shall provide the following information;
- (a) The firms a brief of any recent experience of assignment of a similar nature. For each assignment the brief should indicate the profiles of staff involved, contract amount and the firm's involvement.
  - (b) Any additional information requested in the special conditions of contract.
- 2.3.5 The Technical proposal shall be separate from the financial proposal and shall not include any financial information.

## **2.4 Financial proposal**

- 2.4.1 Global Fund regulations shall apply.

## **Submission, Receipt and opening of proposals**

- 2.5.1 The technical proposal and the financial proposal (if required) shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the firms. Any such corrections must be initialed by the firm.
- 2.5.2 For each proposal the firms shall prepare the proposals in the number of copies indicated in the special conditions of contract. Each Technical proposal and Financial proposal shall be marked "ORIGINAL" or "COPY" as appropriate. If there are any discrepancies between the original and the copies of the proposal, the original shall govern.
- The original and all copies of the Technical proposal shall be placed in a sealed envelope clearly marked "TECHNICAL PROPOSAL", both envelopes shall be placed in an outer envelope and sealed. This outer envelope shall bear the procuring entities address and other information

indicated in the appendix to the instructions to Principal Recipients and clearly marked “DO NOT OPEN before **April 4, 2017**. The Proposal submission address is:

Kenya Coordinating Mechanism  
 Ministry of Health  
 P.O. Box 30016 Postal code 00100,  
 Tel 020 2717077/8/9 Ext 45223/ 45001  
 Nairobi, Kenya,

**Located at Afya House, Tender Box next to main reception,  
 Upper Hill area**

Proposals must be submitted no later than the following date and time: **April 4, 2017.at 10.00 am.**

2.5.3 The completed Technical and Financial proposals must be delivered at the submission address on or before the time and date of the submission of the proposals indicated in the appendix to the instructions to Principal Recipients. Any proposals received later than the closing date for submission of proposals shall be rejected and returned to the firm unopened. For this purpose the inner envelope containing the technical and financial proposals will bear the address of the firm submitting the proposals.

2.5.4 After the deadline for submission of proposals the outer envelope and the technical proposals shall be opened immediately by the opening committee.

**2.6 Evaluation of the Proposal (General)**

2.6.1 From the time the proposals are opened to the time of the contract award, if any Principal Consultant wishes to contact the procuring entity on any matter relating to his/her proposal, he/ she should do so in writing at the address indicated in the appendix to the instructions to Principal Recipients. Any effort by the Principal Recipients to influence the procuring entity’s staff in the evaluation of proposals companion proposals or awards of contract may result in the rejection of the firm proposal.

**Evaluation of Technical Proposals**

2.6.2 The evaluation committee appointed by the procuring entity to evaluate the proposals shall carry out the evaluation of technical proposals following the criteria set out in the terms of reference based on the following points criteria

Category	Criteria	Sub-criteria	Comments for selection	Marks/ Points
Overall Performance <b>21 Marks</b>	Familiarity with GF	Demonstrated engagement or understanding	Demonstrated by tender response and assessment visit	3
	Experience with implementation of public health programmes, and interventions for	Provide evidence in TB, HIV, Malaria and Most at Risk Populations	2.5 marks per item	10

	vulnerable groups HIV, TB and Malaria			
	Geographical presence	Provide evidence; office locations/ project engagements	regional presence per burden of disease	2
	Organizational leadership	Strong governance	Evidence on implementation of organogramme, workplace policy, compliance certificate	4
		Transparent decision making	Documented evidence on processes used for decision making	2
Programmatic performance  <b>15 Marks</b>	Results against indicators	Track record of accountability for results	Evidence ( appraisal reports, quarterly/ annual reports)	5
		Performance appraisal/rating	Evidence or letter of endorsement by recognized institutions/organizati on, relevant to the area of application	5
		Abreast of new developments e.g., 90- 90-90 targets, SDGs(as part of interview)	Demonstrated by tender response and assessment visit	5
Programme Management <b>25 Marks</b>	<b>M&amp;E-12 Marks</b>	Consistent quality and timely reporting	Evidenced by reports	4
		Electronic Information systems in place	To confirm quality of the system during visit	4
		Appropriate programmatic indicators	Relevant for the concerned programmatic area	4
	Programme management	Demonstrated ability for timely and quality implementation	Evidence on Programme / project implementation as per implementation plan	2
		Adequate human resources management capacity	Organogramme, job profiles and recruitment policy	3
		Adequate infrastructure and enabling work environment	Office space, equipment	2
			Evidence of timely	Reports

	response to implementers' issues		
	Track record in grant management	Grant management documentation	3
	Demonstrated compliance with communication and reporting requirements	Reports	3
	Evidence of coordination of programmes/partners	Reports	3
	Timely update to funder on identified issues/bottlenecks	Reports	2
	Demonstrated ability to identify capacity gaps among implementers	Management/assessment reports	2
	Management of multiple implementers	Reports	3
Financial management and systems- <b>13 marks</b>	Demonstrated capacity to manage financial resources as per provided evidence	Track record of good financial management	5
	Electronic Systems in place for financial management	To confirm quality of the system during visit	2
	Demonstrated capacity for timely disbursement to implementers	Reports	2
	Track record of accountability for funds	Audit reports	2
	Demonstrated compliance with communication and reporting requirements e.g., updates, disbursement requests, timely reprogramming, budget concerns	Timely reporting	2
Pharmaceutical/ commodity health management - Procurement and supply chain management- <b>14 Marks</b>	Demonstrated regulatory and quality control compliance for procurement and distribution of pharmaceutical/ commodity products	Provide certification	3
	Human resource	Technical Staff	2



		capacity for pharmaceutical/commmodity management	profiles	
		Electronic Logistic management information system	Quality to be confirmed during visit	2
		Demonstrated capacity for timely procurement and distribution to the end users	Reports	3
		Utilization of health standards as per latest technical guidelines	Confirm during visits	2
		Demonstrated compliance with communication and reporting requirements	Reports	2

NB: Minimum score 70 points

2.6.3 Any proposal which will be examined and found not to comply with all the requirements for submission of the proposals will be declared non responsive. All the proposals found to have complied with all the requirements for submission of proposal shall be declared responsive by the evaluation committee

2.6.4 Each responsive proposal will be given a technical score (ST). Any technical proposal which fails to achieve the total minimum score indicated in the appendix to the information to tenderers shall be rejected at this stage and will not proceed to the next stage of evaluation. The respective financial proposal will be returned to the firm unopened.

2.8 **Opening and Evaluation of Financial Proposals N/A**

## **2.9 Negotiations**

- 2.9.1 Negotiations will be held at the same address indicated in the appendix to the information to Principal Recipients. The purpose of the negotiations is for the procuring entity and the firm to reach agreements on all points regarding the assignment and sign a contract.
- 2.9.2 The negotiations will include a discussion on the technical proposals, the proposed methodology and work plan, staff and any suggestions made by the firm to improve the Terms of reference. The agreed work plan and Terms of reference will be incorporated in the description of the service or assignment and form part of the contract.
- 2.9.3 The negotiations will be concluded with a review of the draft contract. If negotiations fail, the procuring entity will invite the firm whose proposal achieved the second highest score to negotiate a contract.

## **Award of Contract**

- 2.9.4 The contract will be awarded before commencement of negotiations. After negotiations are completed the procuring entity will promptly notify individual Principal Recipients who did not meet the conditions that they were unsuccessful.
- 2.9.5 The selected Principal Recipient(s) is/ are expected to commence the assignment on the date indicated in the appendix to the information to Principal Recipients or any other date agreed with the procuring entity.

## **2.10 Confidentiality**

- 2.11.1 Information relating to evaluation of proposals and recommendations of contract award shall not be disclosed to the firms who submitted the proposal or to other persons not officially concerned with the process, until the winning individual Consulting Firm has been notified that he/she has been awarded the contract.

## SECTION III; GUIDELINES ON IMPLEMENTERS OF GLOBAL FUND GRANTS



As of 24 July 2015

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### **Purpose**

1. This document consolidates Global Fund policies and processes for nominating, selecting, and managing implementers of Global Fund grants who constitute the Global Fund's main partners in managing the delivery of services under a disease or HSS program. These Guidelines are primarily directed to the Country Coordinating Mechanism and other types of applicants as well as the Principal Recipients and Sub-Recipients<sup>1</sup> and the Global Fund Country Teams.

### **Types of Implementers**

2. The implementers of Global Fund grants are the following:
  - The Principal Recipient (PR), who in respect of a specific program, means an entity nominated by the relevant Country Coordinating Mechanism (CCM), Non-Country Coordinating Mechanism (Non-CCM), Regional Coordinating Mechanism (RCM) or Regional Organization (RO)<sup>2</sup> to implement the program and has signed a Grant Agreement with the Global Fund.
  - The Sub-Recipient<sup>3</sup> (SR), who in respect of a specific program, means a recipient who receives grant funds directly or indirectly from the PR and implements certain program activities under the oversight<sup>4</sup> of the PR.
3. In these Guidelines, suppliers such as bidders, suppliers, agents, intermediaries, consultants and contractors, who are not the PR(s) or SR(s) but provide goods and/or services to a program are not considered implementers.

### **Responsibilities of Implementers**

4. A PR implements the Global Fund-supported program on behalf of the country and CCM. A PR is fully accountable to the CCM and has formal legal obligations towards the Global Fund with regards to grant funds and the implementation of the program. These obligations are set out in the Grant Agreement. While the PR may contract SRs and other service providers to implement certain program activities, the PR is responsible for the performance of SRs and its contractors including their actions or omissions as if they were its own, irrespective of whether the SRs have received funding directly from the Global Fund or its agents. Contracting with an SR or a service provider does not release the PR from its obligations under the Grant Agreement. The obligations of a PR under the program are defined in the Global Fund Grant Regulations.
- 1,2 <sup>1</sup>The terms "Principal Recipient" and "Sub-recipients" are currently under review and may be modified.
- 2 Or in exceptional cases such as in countries managed through the Additional Safeguards Policy, appointed by the Global Fund to implement the program.

- 3 Implementers may also in some instances Sub-Sub-Recipients (SSRs) or Sub-Sub-Sub-Recipients (SSSRs), depending on the grant's implementation arrangements.
- 4 Oversight is a key function of governance. It ensures activities are implemented as planned by providing strategic directions to recipients, ensuring that procedures are met, instituting financial controls, and following through key recommendations.
5. SRs are accountable to the PR with respect to grant funds and program activities that are assigned to them. SRs must have obligations that are generally equivalent to the obligations of the PR as defined in the Global Fund Grant Regulations<sup>5</sup>. SRs cannot contract other entities to undertake their responsibilities under the grant without the prior agreement of the PR.
6. SRs have no contractual relationship with the Global Fund and have no grounds for claims against the Global Fund, irrespective of whether the Global Fund disburses directly to such SRs.
7. Implementers of Global Fund grants are required to comply with the [Code of Conduct for Recipients of Global Fund Resources](#).

### **Eligible Global Fund Implementers**

8. In general, the PRs of Global Fund grants should be local and legal entities from the public or private sector or civil society. Locally-incorporated international non-governmental organizations are considered local stakeholders and are acceptable as PRs. The same requirements apply to SRs.
9. In exceptional cases<sup>6</sup>, should the CCM conclude that there is no local entity qualified to be PR, the local office of an international organization (e.g., multilateral organizations<sup>7</sup> such as UNDP, international NGOs such as PSI) can be approved to take on the responsibilities of being PR. In this case, firm evidence must be presented by the CCM that there are no local entities with the requisite capacity, and Country Teams must confirm their agreement.
10. The Global Fund expects that engaging multilateral organizations or international NGOs to be PR as temporary, and that one or several local entities may be phased-in as PR(s) once their capacities had been strengthened. The Grant Agreement with a non-national entity PR may include plans for developing the capacity of one or several local entities and a timeline for passing PR responsibility to them.
11. In rare cases where no other options are considered as acceptable, bilateral organizations (including the consulting arm of bilateral organizations, even if these are private entities) can be considered as PRs. This would be the case where the country context proves to be challenging and where the CCM and the Global Fund Country Team conclude that no national or other international organizations can be appointed as PR to undertake grant implementation. The use of a bilateral organization as a PR would require approval from Global Fund Senior Management<sup>8</sup>.
12. SRs are contracted by the PR to implement all or parts of a program and are usually selected among stakeholders involved in the response to HIV, TB and malaria, as appropriate.

### **Selection and Nomination of Implementers**

13. CCMs are responsible for selecting and nominating the PRs while the PR may identify potential SRs, in consultation with the CCM.

14. CCMs may nominate existing or new implementers. Proposed PRs must be selected prior to Concept Note submission. On the other hand, the selection of proposed SRs may be initiated during the Concept Note development and completed during the early stages of grant implementation. It is strongly recommended that nominated PRs identify their SRs that are critical for implementation during grant making to ensure disbursement-readiness prior to signing.
- i. **PRs:** As part of the Global Fund’s commitment to strengthen the role of civil society and the private sector in the processes of the Global Fund, CCMs are encouraged to pursue a “dual-track financing” approach in nominating PRs at the time they submit their funding application to the Global Fund. Dual-track financing refers to channeling of funds through two “tracks”: government and non-government sectors. If a CCM decides not to apply dual-track financing in their PR(s) nomination, they should explain the reasons for not pursuing this recommendation. The Global Fund’s recommendation on dual-track financing applies separately for each disease.
  - ii. **SRs:** The Global Fund has set no requirements on the number of SRs that may be nominated under a certain grant. However, the Global Fund expects the PR to select the most capable candidates to contribute to the delivery of the program, and consequently to the good performance of the grant. The Global Fund also expects that the PR will restrict the number of SRs to that which is reasonable to achieve maximum impact of the program and prudent management of grant funds (in accordance with the obligations under the Grant Regulations<sup>9</sup>). The use of a restricted number of SRs avoids unnecessary transaction and management costs and provides stronger assurance.
15. The CCM eligibility criterion that applies to the nomination of PRs<sup>10</sup> (see the [CCM Guidelines and Requirements](#)) requires the CCM to:
- i. Nominate one or more PR(s) at the time of submission of their application for funding; and
  - ii. Document a transparent process for the nomination of all new and continuing PRs based on clearly defined and objective criteria; and
  - iii. Document the management of any potential conflicts of interest that may affect the PR nomination process.
16. In the nomination of implementers, the Global Fund recommends that CCMs:
- i. Nominate PRs through a transparent and documented process at an early stage in the Concept Note process so that any capacity building needs would inform Technical Assistance (TA) planning.
  - ii. Work with PRs to ensure the SR selection process is open, fair and based on objective criteria related to performance capacities. CCMs are encouraged to ensure that nominated PRs identify potential SRs, in consultation with the CCM, during the development of applications so that the feasibility of the proposed program can be assessed.
  - iii. CCMs nominate national PRs where possible to ensure that national capacities are developed for more sustainable responses. Aside from sustainability considerations, there are also cost considerations related to non-national entity implementers (see the [OPN on Headquarters Support Costs/Indirect Cost Recovery for International NGO Implementers](#)).

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<sup>9</sup> Article 3.1 of the Grant Regulations (2014).

<sup>10</sup> These requirements also apply to Regional Coordinating Mechanisms (RCMs) requesting Global Fund funding. However, Non-CCMs and Regional Organizations (ROs) do not have to meet any eligibility requirements when selecting their PRs.

17. The selection of nominated PRs (including re-selection of existing PRs and in some cases the selection of key SRs) is subject to final approval by the Global Fund following a capacity assessment during grant-making.
18. In exceptional cases when the Global Fund takes the responsibility of selecting the PR in countries managed under the ASP, the Global Fund Country Team is expected to conduct an assessment of potential organizations in order to transparently select the most suitable entity for the implementation of the grant considering risk environment. This will be done through a capacity assessment tailored to specific risks or other more in-depth assessments as necessary.

### **Implementation Arrangement Mapping**

19. The proposed implementation by the nominated implementers should be captured by the CCM and/or PR in an Implementation Arrangement Map which shows:
  - all entities receiving grant funds (PRs, SRs, etc.) and/or playing a role in program implementation;
  - each entity's role in program implementation;
  - flow of authority, funds, commodities, and data; and
  - the beneficiaries of program activities.
20. The Implementation Arrangement Map can be initiated as early during Concept Note development and used to focus the capacity assessment exercise in terms of: (i) tailoring the scope of the assessment related to the role of the PR and other implementers; and (ii) identifying other key implementers (aside from the PR) to be assessed (see the [Implementation Arrangement Mapping Guidelines](#)).
21. The implementation arrangement map is updated on a regular basis (e.g., at the end of grant making to capture updated implementation arrangements and the results of capacity assessment, during grant implementation to capture newly selected SRs).

### **Assessment of Implementers' Capacities and Systems**

22. Implementers of Global Fund grants are expected to have the programmatic, financial, and management capacities and systems to effectively undertake their roles under the program.
23. In nominating PRs during the Concept Note stage, CCMs are required to complete an assessment for each nominated PR against minimum standards (see the [Standard Concept Note Instructions for HIV, Tuberculosis and Malaria](#)). The Global Fund Secretariat (with support from the LFA as needed) supplements the CCM assessment of the PR through a more thorough capacity assessment using the Capacity Assessment Tool. The assessment focuses on the following areas:
  - Monitoring and Evaluation;
  - Procurement and Supply Management;
  - Financial Management and Systems; and
  - Governance and Program Management (including SR Management).
24. The capacity assessment (especially for new PRs), should be initiated as soon as the PR has been identified, and prioritized and completed as early as possible in the grant making stage. For countries deemed very high risk where the proposed PR is known sufficiently in advance (e.g. where the Global Fund applies additional safeguard policy and selects a new PR), the capacity assessment should be substantially completed prior the submission of the Concept

25. The scope of the assessment and the information requirements will be tailored by the Global Fund Secretariat taking into consideration various factors such as type of implementers (new or repeat PR, government/non-government/international organization), role of the implementer under the program, recent Global Fund or partner assessments or other relevant information available, and value of the grant, among others.
26. Based on the results of the capacity assessment, the Global Fund Secretariat decides whether to accept or reject the nominated PR. In cases where significant capacity gaps are identified that cannot be mitigated in the short term, the Global Fund Secretariat may decide to reject the nominated PR and request a replacement from the CCM.
27. The PR is responsible for assessing their proposed SRs and other implementers below the SR. The Global Fund expects that SRs are subjected to the same level of assessment applied to PR to ensure that nominated SRs have the required capacities to undertake activities under the grant. There may be cases where the Global Fund Secretariat would decide to undertake the assessment such as when the PR is a pass-through PR; or the PR has known capacity issues or is not deemed sufficiently independent to conduct a thorough assessment of key implementers who manage a substantial proportion of the grant or play a material role in the implementation of activities; or when the country is managed under the Additional Safeguards Policy.

### **Managing Performance of Implementers**

28. Performance-based funding is one of the core principles of the Global Fund. It promotes accountability and provides an incentive for implementers to use funding as efficiently as possible.
29. PR and grant performance are measured and rated based on:
  - Programmatic performance which measures results achieved against agreed coverage/output indicators contained in the Performance Framework;
  - Management performance which takes into account progress on agreed conditions and management actions and implementation issues in four functional areas: monitoring and evaluation (M&E), program management, financial management and systems, and pharmaceutical and health product management (PHPM).
30. Performance is monitored and assessed through the progress update and annual funding decisions process (see the [OPN on Annual Funding Decisions and Disbursements](#)).
31. Performance ratings are key considerations for the CCM and Global Fund in deciding to continue or replace a PR under a new grant.
32. The PR is responsible for monitoring and managing the performance of each SR and taking necessary actions as needed.

### **Changing or Adding Implementers during Program Implementation**

33. An implementer may be replaced or added during grant implementation for the following reasons:
  - if the implementer is not able to perform its role and to carry out its responsibilities properly under the grant; and/or
  - the CCM and/or PR, and the Global Fund wish to transfer some or all of the responsibilities of the implementer under the grant to another entity.

34. The process should be planned well in advance to facilitate the transfer of responsibilities and avoid interruption of services. When there is a decision to replace an implementer, the Grant Agreement/contract with the outgoing implementer must be closed-out following the [OPN on Grant Closure](#) before a new agreement/contract is signed with the new implementer.
35. Changes to the implementation arrangements must be captured in the Implementation Arrangement Map.

### **Communicating and Reporting to the CCM**

36. During grant implementation, the CCM is responsible for overseeing the performance of the grants and the PRs and making strategic decisions at key opportunities during grant implementation such as changing implementation arrangements or addressing PR capacity issues.
37. To facilitate the CCM's oversight role, the PR and CCM should agree on the communicating and reporting modalities detailing communication activities throughout the grant implementation. Examples of such modalities include (but are not limited to):
  - PR regularly attends CCM meetings and provides updates on grant implementation progress and implementation issues;
  - PR shares with the CCM progress updates and/or disbursement requests submitted to the Global Fund including the Global Fund feedback and decision;
  - PR proactively shares with the CCM any Performance Letters or Notification Letters shared by the Global Fund, in case the CCM was not in copy.
  - PR involves the CCM in any reprogramming and extension requests that they may submit to the Global Fund and provides evidence of CCM's endorsement of the requests.
  - At the time of grant closure, PR involves the CCM in the preparation of the close-out plan and budget that should be endorsed by the CCM.
38. To support CCMs in undertaking their oversight role, the Global Fund has developed the grant oversight tool called a "dashboard". The use of the tool is voluntary but is strongly recommended for CCMs. The tool provides CCM members with a visual, strategic summary of key financial, programmatic, and management information drawn from existing data sources.



## **Code of Conduct for Recipients of Global Fund Resources**

### **1. Purpose and Scope**

- 1.1. The purpose of this Code of Conduct (the “Code”) is to establish the principles and standards of conduct required of all recipients of Global Fund grant funds, including, without limitation, Principal Recipients, Sub-recipients, Sub-sub-recipients, Country Coordinating Mechanisms, and procurement agents (altogether the “Recipients” and each a “Recipient”).

### **2. Principles**

- 2.1. Transparency, accountability and integrity are critical components for the success of the Global Fund in achieving its mission. Consistent with these core principles, the Global Fund requires its Recipients to adhere to the highest ethical standards in the conduct of Global Fund-supported activities and exercise the utmost care and integrity in the management, use and appropriation of Global Fund grant funds and any assets procured with Global Fund grant funds (altogether the “Global Fund Resources”).
- 2.2. All Recipients shall preserve and protect the Global Fund grant funds entrusted to them, and ensure that such Global Fund financing or procurement, including the monies and assets disbursed or purchased, are used solely for the purposes set out in the Board approved grant proposal and in accordance with the Grant Agreement under which they were disbursed. Global Fund Resources shall not be misappropriated, embezzled, misdirected, misused, lost or unaccounted for in any manner.
- 2.3. Recipients are required to exercise diligence in ensuring that Global Fund Resources are used for their intended purposes and reach the intended beneficiaries. Recipients will ensure that this Code is communicated to all affiliates, officers, employees, subcontractors, agents and intermediaries of Recipients (each a “Recipient Representative”) and will take all reasonable steps to ensure compliance by Recipient Representatives while performing their roles and responsibilities for activities and expenditures financed by Global Fund Resources, such as including this Code in any contract with a Recipient Representative that relates to the receipt, disbursement, procurement or management of Global Fund Resources; making the Code available to Recipient Representatives; and taking immediate action to end and correct behavior that is not compliant with this Code.
- 2.4. As part of its oversight function, the Country Coordinating Mechanism (“CCM”) has the responsibility to monitor the implementation of the Program supported by Global Fund Resources, including compliance with this Code by Recipients.

### **3. Standards**

#### **3.1. Accountable use of Global Fund Resources**

- 3.1.1. Recipients shall manage and utilize Global Fund Resources in a transparent, fair, accountable and honest manner.
- 3.1.2. Recipients shall ensure that all employees, consultants, contractors or agents have the requisite skills and experience to perform their respective roles and responsibilities in relation to the receipt, disbursement, procurement and management of Global Fund Resources.
- 3.1.3. Recipients shall develop and maintain financial management systems and practices to properly record, reconcile and report on the use, receipt and status of Global Fund Resources in accordance with the applicable terms and conditions of the Grant Agreement and other applicable Global Fund guidelines and policies such as the Guidelines for Budgeting in Global Fund Grants.
- 3.1.4. Specifically, Recipients shall maintain complete, well organized, and comprehensive records in appropriate books of account of all financial and business transactions and disbursements of Global Fund grant funds in accordance with the terms and conditions of the Grant Agreement between the Global Fund and the Principal Recipient and for a minimum of seven years after the date of last disbursement made under the Global Fund Grant Agreement.

#### **3.2. Fair and transparent practices**

- 3.2.1. Recipients shall uphold the principles of good faith and fair dealing, and follow standards of good procurement practice, as well as all applicable rules and regulations regarding fair competition.
- 3.2.2. Recipients shall not, directly or indirectly, including through an agent or other intermediary, engage in corrupt, fraudulent, collusive, anti-competitive, or coercive practices, as defined in Annex I to this Code, involving Global Fund Resources.
- 3.2.3. Furthermore, Recipients shall not engage in embezzlement, theft, misappropriation or misuse, as defined in Annex I to this Code, of Global Fund Resources.

#### **3.3. Ethics and Conflict of Interest**

- 3.3.1. Recipients shall not apply or seek to apply undue influence on the decision-making processes of the Global Fund and shall not engage in any conduct that breaches or facilitates the breach of the Global Fund's Policy on Ethics and Conflict of Interest.
- 3.3.2. Recipients shall notify the Global Fund (including, as appropriate, through the Global Fund Secretariat and/or through the anonymous, third-party reporting services of the Global Fund's Office of the Inspector General (the "OIG")) as soon as they have knowledge of any integrity concern involving or affecting Global Fund Resources, or any breach of this Code.

3.3.3. Recipients shall take all necessary precautions to avoid conflicts of interest, as defined in Annex I to this Code. In particular, Recipients shall maintain standards of conduct that adequately identify, mitigate and address any actual, apparent or potential conflicts of interest in connection with the decision, awarding and administration of contracts, grants, or other benefits resulting from Global Fund Resources.

3.3.4. If a Recipient or Recipient Representative has knowledge or becomes aware of any actual, apparent or potential conflict between the financial interests of any person affiliated with a Recipient, a Country Coordinating Mechanism, a Local Fund Agent, or the Global Fund and that person's duties with respect to the implementation of the Global Fund-supported program, the Recipient or Recipient Representative shall immediately disclose such conflict of interest directly to the Global Fund. The Global Fund shall report to the Audit and Ethics Committee of the Global Fund on such notifications on a regular basis.

3.3.5. In addition, the Global Fund's Whistle-blower Policy encourages anyone with knowledge or information to report misconduct confidentially, or anonymously, to the OIG through a third-party reporting service (see "Links", below).

#### 3.4. Anti-Corruption

3.4.1. Recipients shall not solicit, offer, give, receive, promise, or represent to offer fees, gratuities, rebates, gifts, commissions, other payments or benefits, except as disclosed in full to the Global Fund. This shall include, but not be limited to, activities in connection with the procurement process, in contract execution or in any determination of the use, employment, assignment, or participation of any other Recipients.

### 4. Compliance with Laws

4.1. Recipients and Recipient Representatives shall comply with all applicable laws and regulations, including all civil and criminal laws, in countries where they do business, as well as the publicized rules, regulations and policies of the Global Fund that apply to their areas of work.

4.2. Recipients and Recipient Representatives shall ensure that Global Fund Resources are not used to support, finance or promote violence, aid terrorists or terrorist-related activity or fund organizations known to support terrorism.

4.3. Recipients and Recipient Representatives shall not engage in money-laundering activities. This includes any kind of activity which hides or is intended to hide the fact that funds have been obtained illegally or are connected with the proceeds of crime, e.g. through fraud or bribery or other illegal activity. Recipients and Recipient Representatives shall comply with any applicable anti-money laundering laws, regulations or policies. In that regard, consistent with the Grant Agreement, Recipients and Recipient Representatives shall not use the parallel market or unauthorized, unregulated or third party currency exchangers in transferring funds received from the Global Fund for the grant programs. Grant funds should only be used for grant programs, and no other purpose.

### 5. Authority to Investigate

5.1. The OIG of the Global Fund has the primary responsibility in the Global Fund for investigating violations of this Code and may investigate such allegations of violations by Recipients and/or Recipient Representatives.

## **6. Access and Cooperation**

- 6.1. Recipients and Recipient Representatives shall fully cooperate with the authorized representatives of the Global Fund, including the OIG, in audits, investigations, financial reviews, forensic audits, evaluations or other activities that the Global Fund deems necessary to ensure Global Fund Resources are used in accordance with the terms and conditions of the Grant Agreement for the purposes approved by the Global Fund. Cooperation includes access to all relevant records, documents, personnel, sites, electronic materials and computerized records generated, or in the possession of, the Recipient, or Recipient Representatives that pertain to activities and expenditures supported by Global Fund Resources. The full or partial denial of access may result in sanctions, as described in Section 8 below.

## **7. Dissemination and Application**

- 7.1. Recipients shall ensure that this Code is communicated to and adhered by all entities which receive Global Fund Resources, including their Recipient Representatives. As such, Principal Recipients shall include this Code in any contract or agreement with other Recipients and receive from such Recipients an acknowledgement and agreement of their obligation and responsibilities to comply with this Code. Recipients shall integrate the principles of this Code with any existing guidelines or codes of conduct so that each Recipient and its Recipient Representatives are bound by the principles and requirements expressed herein. Furthermore, Principal Recipients shall ensure that all other Recipients adhere to the terms and conditions of the relevant Global Fund Grant Agreement under which Global Fund Resources are disbursed or financed.
- 7.2. In accordance with Article 14 of the Standard Terms and Conditions of the Global Fund's Grant Agreement, the Principal Recipient shall remain liable for the acts and omission of Sub-recipients as if they were the acts and omissions of the Principal Recipient. In the event that Global Fund Resources are misappropriated by other Recipients, the Principal Recipient shall be responsible to the Global Fund directly for the misappropriated sum, and shall be responsible for making restitution to the Global Fund, regardless of whether the Principal Recipient is able to recover the loss from the other Recipients. It is the responsibility of the Principal Recipient to justify and demonstrate to the Global Fund that Global Fund Resources, including those used by Recipient Representatives, were used by the intended beneficiaries for the intended purposes approved by the Global Fund.

## **8. Violation of this Code of Conduct**

- 8.1. Recipients shall undertake to exercise diligence in regularly examining program operations to ensure that they are conducted in line with this Code. Recipients shall notify the Global Fund upon discovery of conduct which is inconsistent with this Code and take timely and appropriate remedial or corrective actions in such situations, and if necessary, coordinating such actions with the Global Fund's Secretariat and OIG.
- 8.2. Violations of this Code may first be addressed by the Secretariat, or may be presented to the Sanctions Panel, under the Sanctions Procedure, at the discretion of the Executive Director or the Inspector General.
- 8.3. If it is determined that this Code has been violated, the Global Fund can take actions to correct the matter and this may result in decisions including but not limited to sanctions of the Recipient(s) or the Recipient Representative(s), including suspension of disbursements or termination of funding, money and asset recovery, possible debarment from further activities involving Global Fund grants and referrals to national authorities for prosecution.
- 8.4. The Global Fund shall coordinate with Recipients, Recipient Representatives and relevant national or local authorities, at its discretion, to recover Global Fund Resources determined to have been misused or misappropriated in accordance with applicable procedures. The Global Fund reserves the right to notify national or local authorities of violations without notification to the Recipients, if disclosure may jeopardize further law enforcement efforts to identify responsible parties or recover funds.

## **Links**

This Code of Conduct links to the following documents and information resources:

- Standard Terms and Conditions of the Grant Agreement between the Global Fund and the Principal Recipients
  
- Guidelines for Budgeting in Global Fund Grants
  
- Operational Policy Manual
  
- CCM Guidelines
  
- Policy on Ethics and Conflict of Interest for Global Fund
  
- Whistle-blowing Policy
  
- Code of Conduct for Suppliers
  
- Sanctions Procedures relating to the Code of Conduct for Suppliers
  
- OIG's Integrity Hotline (<https://www.integrity-hotline.com/theglobalfund.jsp>).

## Annex I

### 1. Definitions:

- 1.1. “Conflict of Interest”: A conflict of interest arises when a Recipient or Recipient Representative participates in any particular Global Fund matter that may have a direct and predictable effect on a financial or other interest held by: (a) the Recipient; (b) the Recipient Representative; or (c) any person or institution associated with the Recipient or Recipient Representative by contractual, financial, agency, employment or personal relationship. For instance, conflicts of interest may exist when a Recipient or Recipient Representative has a financial or other interest that could affect the conduct of its duties and responsibilities to manage Global Fund Resources. A conflict of interest may also exist if a Recipient or Recipient Representative’s financial or other interest compromises or undermines the trust that Global Fund Resources are managed and utilized in a manner that is transparent, fair, honest and accountable.
- 1.2. “Collusive practice” means an arrangement between two or more persons or entities designed to achieve an improper purpose, including influencing improperly the actions of another person or entity.
- 1.3. “Coercive practice” means any act or attempt to influence improperly the decisions or actions of a person or entity by impairing or harming, or threatening to impair or harm, directly or indirectly, such person or entity or their property.
- 1.4. “Corrupt practice” means the offering, promising, giving, receiving or soliciting, directly or indirectly, of anything of value or any other advantage to influence improperly the actions of another person or entity.
- 1.5. “Embezzlement” means the intentional act of dishonestly taking, appropriating, diverting or secreting money or property by an individual or entity entrusted to hold or possess such money or property as a fiduciary or in connection with an official responsibility.
- 1.6. “Fraud” means intentionally obtaining money or property by false or fictitious representations or promises, or material omissions.
- 1.7. “Fraudulent practice” means any act or omission, including a misrepresentation that knowingly or recklessly misleads, or attempts to mislead, a person or entity to obtain a financial or other benefit or to avoid an obligation.
- 1.8. “Misappropriation” is the intentional misuse or misdirection of money or property for purposes that are inconsistent with the authorized and intended purpose of the money or assets, including for the benefit of the individual, entity or person they favor, either directly or indirectly.
- 1.9. “Theft” means the intentional act of dishonestly taking, appropriating, diverting or secreting money or property to deprive the owner with rightful possession of the use or benefit of the money or property.

## **SECTION IV - TECHNICAL PROPOSAL (TP)**

### **Notes on the Preparation of Technical Proposal**

The technical proposal shall be prepared and submitted by the Principal Recipients.

It shall contain the following:-

- (a) Submission letter
- (b) Particulars of the Principal Recipient
- (c) Any proposed staff to assist in the assignment

*(To be prepared by the Principal Recipients as appropriate)*

**SECTION VI : REQUEST FOR REVIEW FORM :FORM RB 1**

**REPUBLIC OF KENYA**

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (Procuring Entity)

Request for review of the decision of the..... (Name of the Procuring Entity) of  
.....dated the...day of .....20.....in the matter of Tender No.....of  
.....20...

**REQUEST FOR REVIEW**

I/We.....,the above named Applicant(s), of address: Physical  
address.....Fax No.....Tel. No.....Email ....., hereby request the Public  
Procurement Administrative Review Board to review the whole/part of the above mentioned  
decision on the following grounds , namely:-

- 1.
- 2.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
- 2.

SIGNED .....(Applicant)

Dated on.....day of ...../...20...

---

**FOR OFFICIAL USE ONLY**

Lodged with the Secretary Public Procurement Administrative Review Board on ..... day  
of .....20.....

SIGNED  
Board Secretary



**SELF DECLARATION FORMS (r 62)**

**REPUBLIC OF KENYA**

**PUBLIC PROCUREMENT REGULATORY AUTHORITY (PPRA)**

**FORM SD1**

**SELF-DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.**

I, .....of P. O. Box ..... being a resident of  
..... in the Republic of ----- do hereby make a statement as  
follows:-

1. THAT I am the Company Secretary/ Chief Executive/Managing Director/Principal Officer/Director of .....  
..... (insert name of the Company) who is a Bidder in respect of **Tender No.** ..... for .....(insert tender title/description) for .....( insert name of the Procuring entity) and duly authorized and competent to make this statement.

2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.

3. THAT what is deponed to hereinabove is true to the best of my knowledge, information and belief.

.....  
(Title)

.....  
(Signature)

.....  
(Date)

*Bidder Official Stamp*

**FORM SD2  
SELF DECLARATION FORMS (r 62)**

**REPUBLIC OF KENYA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY (PPRA)**

**SELF-DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY  
CORRUPT OR FRAUDULENT PRACTICE.**

I, .....of P. O. Box ..... being a resident of  
..... in the Republic of ----- do hereby make a statement as follows:-

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of .....  
..... (insert name of the Company) who is a Bidder in respect of **Tender  
No. ....** for .....(insert tender title/description) for  
.....( insert name of the Procuring entity) and duly authorized and competent to  
make this statement.
  
2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors will not engage in any  
corrupt or fraudulent practice and has not been requested to pay any inducement to any member  
of the Board, Management, Staff and/or employees and/or agents of .....( insert  
name of the Procuring entity) which is the procuring entity.
  
3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any  
inducement to any member of the Board, Management, Staff and/or employees and/or agents of  
.....(name of the procuring entity)
  
4. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice with  
other bidders participating in the subject tender
  
5. THAT what is deponed to hereinabove is true to the best of my knowledge information and  
belief.

.....  
(Title) (Signature) (Date)  
Bidder's Official Stamp

## **MEMBERS OF THE TENDER TECHNICAL EVALUATION AND OPENING COMMITTEES**

- a) The tender opening committee shall consist of five members:
  - a. Mr. John Kamigwi -State
  - b. Dr Jantine Jacobi -Development Partner
  - c. Mr. Nelson Otwoma-Non-State
  - d. Mr. Sam Munga-KCM Secretariat
  - e. Procurement Officer.
  
- b) The Tender Technical Evaluation Committee will review documents and award marks
  
- c) The committee shall consist of five to seven experts from development partners and Non State Actors ( experts in Supply chain management, procurement, financial ,programmatic management of GF grants, monitoring and evaluation.
  
- d) Proposed representation from ***UNAIDS, WHO, Clinton Foundation, USAID, AIDS Health Care Foundation, Kenya Health Care Federation, World Bank.***
  
- e) To ensure fairness members of the technical committee shall not have a conflict of interest.