

CONDITIONS GOVERNING REQUESTS FOR PROPOSALS AND INVITATIONS TO BID

1.0 GENERAL PROVISIONS:

1.1 A Request for Proposals (RFP) is used as a standard legal procurement document for procurement of goods and services where the technical specifications or characteristics cannot be precisely determined, or are of a complicated/specialized nature which requires significant input from the supplier.

1.2 An Invitation to Bid (ITB) is used for the procurement of goods and services of standard and firm specifications.

1.3 The RFP or ITB shall be governed by the terms and conditions of the cover letter of the RFP/ITB; the Project Requirement/Statement Of Work and the Tender/Bid Form.

1.4 The United Nations reserves the right to modify or exclude any consideration, information or requirement contained in the RFP/ITB, and to add new considerations, information or requirements at any stage of the procurement process, including during negotiations with the selected proposer.

1.5 It is understood that all specifications shall be construed in the sense that provides the best execution of the contract.

1.6 Only the vendor to whom the RFP/ITB is addressed can submit a proposal. If the addressee does not wish to participate in the bidding process, then the documents may be forwarded to a third party, provided the prior written approval of the Purchase and Transportation Section (PTS) of the United Nations Office at Geneva (UNOG) is obtained. The proposal submitted by a third party company shall comply with all deadlines stipulated in the RFP/ITB.

2.0 SUBMISSIONS OF PROPOSALS:

Proposals must be submitted in the language(s) indicated in the cover letter of the RFP/ITB. They must be submitted in three (3) copies in accordance with the specific instructions provided in the cover letter of the RFP/ITB. Unnecessarily elaborate brochures or other additional information are not encouraged.

3.0 TECHNICAL SPECIFICATIONS OF REQUIREMENT:

No changes, substitutions, or other alterations to the technical specifications of requirement stipulated in the RFP/ITB will be accepted unless approved in writing by the United Nations.

4.0 NO COMMITMENT:

The RFP/ITB contains no contractual offer of any kind. Any proposal submitted will be regarded as an offer made by the proposer and not as an acceptance by the proposer of the offer made by the United Nations. No contractual relationship will exist except pursuant to a written contract document signed by the United Nations duly authorized official of the PTS and by the selected proposer. The RFP/ITB does not commit the United Nations to consider any proposal, to award a contract or to pay any costs incurred in the submission of the proposal, or costs incurred in making necessary studies for the preparation thereof.

5.0 CRITERIA FOR EVALUATION:

5.1 All proposals will be evaluated in accordance with the provisions of the United Nations Financial Regulations and Rules as well as the requirements of the RFP/ITB.

5.2 In the case of RFP the evaluation procedure will consist of a formal, substantive and financial assessment of the proposals received. Price is an important factor; however, it is not the only consideration in evaluating responses to the RFP. Detailed evaluation leading to a final selection or award may take several weeks.

6.0 PRICES AND TERMS OF CONTRACT:

6.1 The price quotes shall only be specified in the currency indicated in the RFP/ITB, free of any tax (such as VAT) and duty. Prices shall be final and not subject to revision from the time of entering into force of the contract until the end of contractual obligations.

6.2 The prices referred to above shall include any necessary service to be provided by the selected proposer (even if such services are not expressly enumerated) in order to ensure a satisfactory fulfillment of the contract, as well as any other expenses incurred by the selected proposer, e.g. travel, accommodation, daily subsistence, telecommunication, postal charges.

6.3 In no case may the selected proposer invoke a hiatus or an oversight in the description of the work components in the tender documents or claim inadequate explanations for seeking any price increase or any release from contractual liabilities.

7.0 PAYMENTS TERMS:

The Financial Regulations of the United Nations preclude advance payments and payments by letter of credit. Such provisions in a proposal will be prejudicial to its evaluation by the United Nations. The United Nations standard payment terms are 60 days (or similar discounted payment terms if offered by the proposer) upon receipt of invoices subsequent to satisfactory delivery of goods and acceptance thereof by the United Nations. Proposers must clearly specify in their proposal the payment terms being offered.

8.0 GSA Clause (for USA vendors only)

It has been officially established that the United Nations is eligible under the United States Foreign Assistance Act of 1961 to receive full benefits under General Services Administration (GSA) Contracts. Accordingly, all proposals must specify whether or not items quoted by the bidder are currently subject to GSA Federal Supply pricing and indicate the GSA Contract Number and Expiration Date, wherever applicable.

9.0 VALIDITY OF PROPOSALS:

Bids/Proposals shall remain open and valid for no less than ninety (90) days from the date of opening specified in the RFP/ITB.

10.0 REJECTION OF PROPOSALS AND SPLIT AWARDS:

10.1 The United Nations reserves the right to accept or reject any or all proposals received in response to the RFP/ITB, to request either wholly or in part new proposals, or to negotiate with

any proposer considered qualified in any manner deemed to be in the best interest of the United Nations. Bids/Proposals may be rejected if they, *inter alia*:

- (i) are received after the deadline stipulated in the RFP/ITB;
- (ii) are not properly marked or addressed as required in the RFP/ITB;
- (iii) are delivered to another United Nations office location than the one required in the RFP/ITB;
- (iv) are transmitted by facsimile without express written permission by PTS;
- (v) are unsolicited;
- (vi) contain an alternate proposal, unless specifically requested; or
- (vii) are not otherwise in compliance with the RFP/ITB.

10.2 The United Nations reserves the right to award more than one contract (non-exclusivity) or to enter into a negotiated contract, and it may not necessarily accept the lowest or any particular proposal, nor disclose the reasons for the rejection. The United Nations reserves the right to split awards in any combination as it may deem appropriate. If the proposal is submitted on a «all or none» basis, it should clearly state so.

11.0 WITHDRAWAL AND MODIFICATION OF BIDS/PROPOSALS:

Bids/Proposals may be modified or withdrawn in writing, prior to the fixed time for opening specified therein. Bids/Proposals may not be modified or withdrawn after that time.

12.0 ERRORS IN PROPOSALS:

Bidders/Proposers or their authorized agents are expected to examine any maps, drawings, specifications, circulars, schedules, and other instructions pertaining to the work, made available by the United Nations to the proposers for inspection. Failure to do so will be at the proposer's own risk. In case of error in the totaling of prices, the unit price will govern.

13.0 PUBLIC OPENING:

Public opening of tenders will take place at the address and time specified in the cover letter of each specific RFP or ITB. Bidders/Proposers may send one representative with the proper authorization to observe the public opening.

14.0 CONFIDENTIALITY:

The RFP/ITB or any part thereof, and all copies thereof must be returned to the United Nations upon request. It is understood that the RFP/ITB is confidential and proprietary to the United Nations, contains privileged information, part of which may be copyrighted, and is communicated and received by you on the condition that no part thereof, or any information concerning it may be copied, exhibited, or furnished to others without the prior written consent of the United Nations, *except that you may exhibit the specifications to your prospective subcontractors for the sole purpose of obtaining offers from them.* Notwithstanding the other provisions of the RFP/ITB, recipients of the RFP/ITB will be bound by the contents of this paragraph whether or not they submit a proposal or respond in any other way to this RFP/ITB.

15.0 QUERIES:

Instructions on making written inquiries on this RFP/ITB are provided in the cover letter.

16.0 CONTRACT:

Any contract resulting from this RFP/ITB will include the United Nations General Conditions of the United Nations Purchase Order or the United Nations General Conditions for General Contracts, as applicable.

Note: Vendors and service providers are informed that the United Nations Office at Geneva is a nonsmoking environment. It is, therefore, prohibited to smoke within the compound of the Office as well as its Annexes, with the exception of indicated zones.