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BID No. 05/21

REQUEST FOR PROPOSALS

Amendment. No. 1

FOR

**CONSULTING SERVICES FOR THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) STRATEGIC PLAN 2022-2026**

**EXECUTIVE SECRETARIAT OF THE OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (ES/IACHR)**

**GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES (GS/OAS)
DEPARTMENT OF PROCUREMENT AND MANAGEMENT OVERSIGHT (DPMO)**

August 23, 2021

TABLE OF CONTENTS

1	BACKGROUND	3
2	OBJECTIVE	3
3	RFP SCHEDULE	4
4	TERMS OF REFERENCE.....	4
5	PROPOSAL FORMAT AND CONTENT REQUIREMENTS.....	4
	5.1 Technical Proposal	4
	5.2 Price Proposal.....	6
	5.3 Legal Documentation:	6
	5.4 Financial Documentation:	6
	5.5 Limited Use of Data	6
6	THE RFP PROCESS.....	7
	6.1 Governing Law.....	7
	6.2 Bidder’s Warranties.....	7
	6.3 Submitting a Proposal in a Joint Venture.....	8
	6.4 Registration at the Official GS/OAS Procurement Portal.....	8
	6.5 Bidders’ Inquires.....	9
	6.6 Proposal Submission Instructions	10
	6.7 Presentations from Bidders	10
	6.8 Award Criteria	10
	6.9 Right to Cancel the RFP and/or Reject Proposals	12
	6.10 Requests for Clarification	13
	6.11 Discussions and Negotiations.....	13
	6.12 Award	13
7	CONTRACT TERMS	14
8	GENERAL PROVISIONS	15
	8.1 Language	15
	8.2 Privileges and Immunities	15
	8.3 Confidentiality and Privacy	15
9	ANNEXES	16

1 BACKGROUND

The Organization of American States (OAS) is a public international organization, with headquarters at 1889 F. St. N.W., Washington, D.C. 20006. The OAS brings together the nations of the Western hemisphere to promote democracy, strengthen human rights, foster peace, security and cooperation and advance common interests. For more information about the OAS, please refer to the OAS's web site at www.oas.org.

The General Secretariat of the OAS (GS/OAS) is the central and permanent organ of the OAS in accordance with Article 107 of the Charter.

The Inter-American Commission on Human Rights (IACHR) is a principal organ of the Organization of American States (OAS) whose function is to promote the observance and defense of human rights in the Americas and to serve as a consultative body of the Organization in this field. It is composed of seven members who are elected by the OAS General Assembly in their personal capacity and must be persons of high moral authority and recognized expertise in human rights, and has its headquarters in Washington, D.C. The IACHR was created by the OAS in 1959 and the Inter-American Court of Human Rights (IAHRCourt) was established in 1979, both of which make up the Inter-American Human Rights System (IAHRS).

The IACHR carries out its functions based on three pillars of work: the system of individual petitions; monitoring the human rights situation in the Member States; and advisory services and technical cooperation with the States. Through this framework, the Commission considers that in the context of the protection of the rights of all persons under the jurisdiction of the States in the Americas, it is essential to pay attention to persons, communities and groups historically subject to discrimination and exclusion.

The mandate of the IACHR is established in the American Convention on Human Rights (Pact of San José), adopted on November 22, 1969, and entered into force on July 18, 1978. For more information about the IACHR, please refer to the OAS's web site at <https://www.oas.org/en/iachr/>.

2 OBJECTIVE

The objective of this consultancy is to facilitate the participatory construction, systematization of information and preparation of the corresponding documents of the Strategic Plan 2022-2026 of the IACHR, in order to strengthen and increase its impact on the fulfillment of its mandate.

3 RFP SCHEDULE

The RFP Schedule represents the best estimate of the schedule that will be followed. The GS/OAS reserves the right, at its sole discretion, to adjust this schedule. Notification of any adjustment to the RFP Schedule will be provided to all Bidders registered through the Official GS/OAS Procurement Notices/Opportunities Portal directly to the email that Bidders registered with.

Activities	Dates
Request for Proposals and Invitations Released	August 2 nd
Bidder's inquiries due	August 8 th
Response to Bidder's Inquiries due	August 16 th
Deadline for Bidder's Registration and Proposal Submission	August 30 th
Proposals opening and preliminary evaluation	August 31 th – September 10 th
Presentations from Bidders (if required)	September 16 th – 17 th
Evaluation Process	September
Contract Award	October

4 TERMS OF REFERENCE

The Terms of Reference (TOR) for the consulting services for the IACHR Strategic Plan 2022-2026 are outlined in Annex A (Terms of Reference) of this RFP, and therefore, become part of it.

5 PROPOSAL FORMAT AND CONTENT REQUIREMENTS

Proposals must be structured in four separate sections:

1. Technical Proposal
2. Pricing
3. Legal Documentation
4. Financial Documentation

5.1 Technical Proposal

The Technical Proposal shall include the following information/documents:

Documents related to Bidder's Experience

- a) A general description of the background and organization of the bidding firm.
- b) A detailed description of the Bidder's work experience similar or relevant to this

Project. The description shall substantiate its qualifications and capabilities to satisfy the requirements of the RFP.

- c) A minimum of three (3) references from Bidder's clients to which similar or relevant services were provided during the last three (3) years. These references should include: the name of the client, contact person, telephone number and e-mail address, and a description of the work performed and the duration of the Project. Please follow Format 3 in Annex C.

Documents related to the Project

- d) Bidders shall provide a work plan which shall include a description of the basic infrastructure and associated professional services offered, implementation methodology including tools and technical support, deliverables, and an estimated timeline for delivery of the requested services (milestones), in accordance with the Terms of Reference contained in Annex A. Innovation and/or enhancements to the service, if offered, should be also described in the work plan.
- e) If the Bidder plans to perform the work with subcontractors and/or in joint venture with other firms, the work plan should address the interrelationship of the firms and how potential inefficiencies such as organization, communications, and process can be avoided. If the form of a joint venture is considered to submit a Proposal, the Technical Proposal should additionally address joint and several liabilities for all partners.

Documents related to Bidder's Personnel

- f) The resume of the lead professional staff person who will be assigned to this project as "Project Manager", and two concise but descriptive summaries of this person's prior experience with similar projects. Professional skills and previous experience of the technical team (minimum three persons) to be assign to the Project is required. At least one person with relevant experience in participatory processes with multidisciplinary and diverse teams. At least one person with demonstrable experience and understanding of the Inter-American human rights system and the IACHR mandate.

The proposal must include the Curriculum Vitae of each of the members of the team The Project Manager must have at least 12 years of experience in strategic planning and monitoring projects especially for human rights organizations with relevant background in project management, international affairs, law, politics, economics, management and other social sciences or related field.

The Project Manager must speak fluently Spanish and English. The other members of the team ideally should speak and understand Spanish and English.

Bidder's Point of Contact

- g) Information of Bidder's point(s) of contact. Provide the name, position, telephone

number and email of the person or persons serving as coordinator or focal point of information of the Bidder concerning this bidding process.

5.2 Price Proposal

- 5.2.1 The Bidders shall submit a Price Proposal expressed in United States Dollars (USD) in numbers.

5.3 Legal Documentation:

- a) A copy of the Bidder's certificate of incorporation issued by the competent authority of its country.
- b) A copy of the Bidder's bylaws.
- c) A copy of the Bidder's licenses and certifications in the corresponding jurisdiction (if required under the law of the duty station where the work is to be performed).
- d) A copy of the W-9 Form for US Companies and the Employer Identification Number for companies outside of the US.
- e) A list of the directors, officers, and the names of any stockholder with more than 50% of the stock.
- f) Acceptance of the General Contractual Terms and Conditions Statement. The statement should follow Format 1 of Annex C.
- g) A disclosure statement of conflict of interest. The statement should follow Format 2 of Annex C, which forms an integral part of this RFP. In the event of the Bidder intends to subcontract or perform the contract in joint venture, such statement shall be also disclosure by the subcontractors and by each member of the joint venture.

5.4 Financial Documentation:

- a) A copy of the Bidder's latest general balance sheet of 2020; and copy of the Bidder's latest three (3) audited financial statements, for the years 2018, 2019, 2020.

5.5 Limited Use of Data

If the Proposal includes data that the Bidder does not want to disclose to the public for any purpose or used by the GS/OAS except for evaluation purposes, the Bidder shall include in its Proposal a statement signed by its legal representative with the following legend:

USE AND DISCLOSURE OF DATA

This Proposal includes data that shall not be disclosed outside the GS/OAS and shall not be duplicated, used, or disclosed— in whole or in part—for any purpose other than to evaluate this Proposal. If, however, a contract is awarded to this Bidder as a result of—or in connection with—the submission of this data, the GS/OAS shall have the right to duplicate, use, or disclose the

data to the extent provided in the resulting contract. This restriction does not limit the GS/OAS' right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets].

6 THE RFP PROCESS

6.1 Governing Law

This RFP process is regulated by:

- a) This RFP.
- b) The Procurement Contract Rules of the GS/OAS, approved by Executive Order No. 00-1 <https://www.oas.org/legal/english/gensec/Executive%20Order%2000-1.pdf>
- c) The Performance Contract Rules, approved by Executive Order No. 05-04, Corr. No. 1 <http://www.oas.org/legal/english/gensec/EXOR-05-04-CORR1.htm>
- d) The Executive Orders, memoranda and other dispositions and official documents of the GS/OAS applicable to this process.

6.2 Bidder's Warranties

By submitting a proposal in response to this RFP, the Bidder represents and gives express warranty of:

- 6.2.1 Its knowledge and acceptance of RFP and the rules and conditions that governs the bidding process.
- 6.2.2 That it has studied and is thoroughly familiarized with the requirements and specifications of this RFP in its entirety. This includes familiarity with the technical and contractual information contained in this RFP and its Annexes, with all current equipment, labor, material, market conditions, shipping and with applicable laws, such that the Bidder accepts responsibility for and is prepared to execute and shall completely fulfill all obligations outlined in Annex B Contractual Terms & Conditions.
- 6.2.3 The accuracy and reliability of all information it submits in this procurement process.
- 6.2.4 Its knowledge that its proposal does not create any right in or expectation to a contract with the GS/OAS.

- 6.2.5 That the Bidder shall bear any and all costs or expenses associated with or incurred in the formulation or development of a proposal in response to this RFP.
- 6.2.6 That the Bidder accepts that it will not make any claim for or have any right to damages because of any misinterpretation or misunderstanding of the contract, or because of any information, which is known or should have been known to the Bidder.
- 6.2.7 Bidder shall be liable for improper or incorrect use of the data collected or information disclosed to Bidder by GS/OAS in connection with its Proposal, and/or in connection with any subsequent contract negotiations between GS/OAS and the Bidder.
- 6.2.8 The data and related information are legal documents and are intended to be used as such.
- 6.2.9 Bidder takes full responsibility for any errors or mistakes with respect to its bid proposal. Bidder has used its best efforts to ensure the accuracy, reliability, and completeness of its proposal, and agrees that any cost of any modification of proposal or contract terms based on Bidder's error in the information it has provided with its proposal shall be borne solely by Bidder.

6.3 Submitting a Proposal in a Joint Venture

Any firm may bid independently or in joint venture confirming joint and several liability, either with domestic firms and/or with foreign firms. The GS/OAS does not accept conditions of bidding which require mandatory joint ventures or other forms of mandatory association between firms.

6.4 Registration at the Official GS/OAS Procurement Portal

- 6.4.1 The GS/OAS will post this RFP and its appendices at the OAS website (<http://www.oas.org/OASpage/bid/default.asp>), United Nations Development Business website (www.devbusiness.com), dgMarket website (www.dgmarket.com) and at the Official GS/OAS Procurement Notices/Opportunities Portal (<https://oas.procurement.com/Bids>).
- 6.4.2 Companies interested in receiving updates of the RFP Schedule, requesting clarification and/or bidding will need to register at the Official GS/OAS Procurement Notices/Opportunities Portal (<https://oas.procurement.com/Bids>) as a vendor.

6.4.3 To start the registration process, Bidder must complete the following fields and then press "Next" to submit its entry. Bidders will receive an email message with instructions on how to complete the registration.

- a) Company Name
- b) First Name (Contact Person)
- c) Last Name (Contact Person)
- d) Title (Contact Person)
- e) Email Address (Contact Person. This email address will receive all further notifications)
- f) Legal ID # (EIN or Federal Tax ID of the Company)
- g) Phone (Contact Person)

6.4.4 Please note that some servers or SPAM filters may block important messages or send them to your junk mail folder because they do not recognize the sender. To help ensure that you receive all emails and further notifications from OAS/ProcureWare, please ensure to add our e-mail address noreply@procureware.com to your address book, contacts, and/ or "Safe Senders" list.

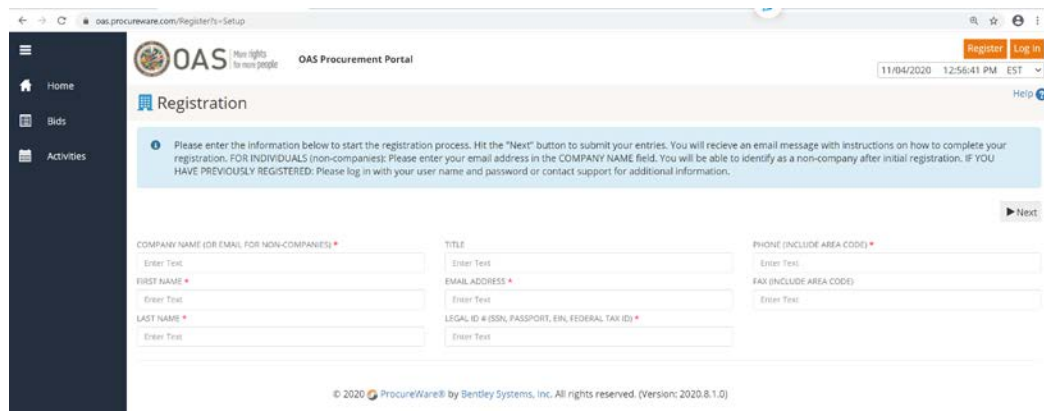
The screenshot shows a web browser window with the URL 'oas.procureware.com/Register?s=Setup'. The page title is 'OAS Procurement Portal' and the current page is 'Registration'. A navigation menu on the left includes 'Home', 'Bids', and 'Activities'. The main content area features a blue informational banner with instructions: 'Please enter the information below to start the registration process. Hit the "Next" button to submit your entries. You will receive an email message with instructions on how to complete your registration. FOR INDIVIDUALS (non-companies): Please enter your email address in the COMPANY NAME field. You will be able to identify as a non-company after initial registration. IF YOU HAVE PREVIOUSLY REGISTERED: Please log in with your user name and password or contact support for additional information.' Below the banner is a 'Next' button. The registration form consists of several text input fields: 'COMPANY NAME (OR EMAIL FOR NON-COMPANIES)', 'TITLE', 'PHONE (INCLUDE AREA CODE)', 'FIRST NAME', 'EMAIL ADDRESS', 'FAX (INCLUDE AREA CODE)', 'LAST NAME', and 'LEGAL ID # (SSN, PASSPORT, EIN, FEDERAL TAX ID)'. Each field has a small 'Enter Text' placeholder and a red asterisk indicating it is required. At the bottom of the page, there is a copyright notice: '© 2020 ProcureWare® by Bentley Systems, Inc. All rights reserved. (Version: 2020.8.1.0)'.

Fig 1: Screenshot of the Official GS/OAS Procurement Notices/Opportunities Portal.

Source: <https://oas.procureware.com/Register?s=Setup>

6.5 Bidders' Inquires

6.5.1 Bidders may submit any inquiry or request for more information and clarification regarding terms of reference in this RFP until **August 8th, 2021** through the Official GS/OAS Procurement Notices/Opportunities Portal at <https://oas.procureware.com/Bids>. Bidder must be registered to ask questions.

6.5.2 Bidder questions must clearly identify the number of the section of the RFP related to the question being asked.

6.5.3 The responses to these requests will be submitted through the Official GS/OAS Procurement Notices/Opportunities Portal directly to the email that the Bidder registered with, on or before **August 16th, 2021** where all submitted questions and answers (Q&A) will be available for registered Bidders.

6.6 Proposal Submission Instructions

6.6.1 Proposals shall be submitted through the GS/OAS Procurement Notices/Opportunities Portal at <https://oas.procureware.com/Bids> no later than 11:59 pm EST on **August 30th, 2021**. Bidders need to be registered to submit proposals. Bidder's failure to submit a proposal by the deadline will cause the proposal to be disqualified.

6.6.2 Bidders should not consider their proposal received unless they receive a Bid submission received confirmation email from our address noreply@procureware.com. It is the responsibility of the Bidder to ensure their proposal was received. The GS/OAS is not responsible for proposals not received due to email delivery issues.

6.7 Presentations from Bidders

6.7.1 Bidders may be required to give presentations and/or to have interviews (question and answer sessions). In the event that a presentation or interview is required, information given may be considered as part of the Technical Evaluation. The GS/OAS reserves the right to incorporate elements from presentations or interviews, if any, in the final Contract. The presentation or interview shall not encompass Price Proposals.

6.7.2 The purpose of the presentations and interviews is to validate the information provided by the Bidder in its Proposal and to test the Bidder's understanding of the service that will be performed per the SOW under the prospective Contract, which will be a factor in the overall Technical Evaluation of the Proposals.

6.7.3 The GS/OAS will determine the date and time for each Bidder's presentation and interview and provide the necessary instructions.

6.7.4 The GS/OAS will not inform Bidders of their strengths, deficiencies or weaknesses during the presentation and interviews. The GS/OAS will not engage in bargaining during the presentations and interviews. The presentations and interviews do not constitute discussions with Bidders.

6.8 Award Criteria

Proposals will be admitted for evaluation only if they comply with the mandatory minimums contained in the RFP. Once admitted, the GS/OAS will review, evaluate, and compare those Proposals according to, but not necessarily limited to, the following criteria:

EVALUATION CRITERIA	POINTS
Technical Evaluation Weight	70
Price Proposal Evaluation Weight	30

6.8.1 Technical Criteria:

- a) **Responsiveness.** Whether the Bidder’s Technical Proposal conforms in all material respects to the RFP.
- a) **Financial Capability.** The GS/OAS will assess the financial condition of the Bidder to perform the Contract through the review of the Bidder’s financial statements.
- b) **References Check.** The GS/OAS will request performance information from Bidder’s previous clients. Reference check will be based on the Reference information submitted by Bidders under Format 3 in Annex C, Commercial References, and at its discretion, may seek references from other Institutions that are familiar with the Bidder’s work. Information from the Reference Check will also be used as part of the technical evaluation process.
- b) **Responsibility.** Whether the Bidder’s Technical Proposal meets the RFP’s technical specifications in order to determine its capability and capacity to perform the Contract.
- c) **Relevant Experience / Past Performance.** Assesses Bidder’s capability, comprising of three elements: i) observation of the historical facts of Bidder’s work experience (what work it did, when and where it did it, whom it did it for, and what methods it used); ii) qualitative judgments about breadth, depth, and relevance of that experience based on those observations; and iii) qualitative judgments about how well the Bidder performed, also based on those observations.

Bidder’s relevant experience and past performance will be evaluated in respect to past or current efforts similar or relevant to this Bid.

- d) **Key Personnel.** Assesses the qualifications and relevant experience of the key personnel that the Bidder intends to use to perform the Contract, and its organization. Selection by the Bidder of the best trained personnel available is crucial to the success of the Contract, and will be a key element for the evaluation of the Proposal. The evaluation pays attention to specific experience on strategic planning of international human rights organizations of each member of Consultancy team and specific experience in conducting participatory processes.
- e) **Work Plan.** Assesses the completeness of the Proposal in order to determine technical compliance as per the Terms of Reference detailed on Annex 1
- f) **Innovation / Enhancements.** Favorable consideration will be given to those Bidders that offer greater performance through enhancements to the work called by the TORs, such as new technology that will enhance and improve the security work.

6.8.2 Price Criteria:

- a) The Bidder with the lowest evaluated pricing proposal will be awarded **30 points**.
- b) Price proposals from other Bidders will receive points based on the relationship of the Bidder's prices to that of the lowest evaluated pricing proposal.

6.8.3 Other Considerations:

- a) **Source of Information.** The GS/OAS shall determine to its satisfaction whether a Bidder is qualified to perform the contract satisfactorily. The determination may be based upon an examination of the documentary evidence of the Bidder's qualifications either submitted by the Bidder or being available as public information, and through reference check.

6.9 Right to Cancel the RFP and/or Reject Proposals

- 6.9.1 This RFP does not in any manner whatsoever constitute a commitment or obligation on the part of GS/OAS to accept any proposal, in whole or in part, received in response to this RFP, nor does it constitute any obligation by GS/OAS to acquire any goods or services.

6.9.2 The GS/OAS has the right to reject any and all proposals, and to disqualify any proposal not following RFP communication procedures and/or not responsive to the minimum technical requirements and proposal content specified in this RFP.

6.10 Requests for Clarification

6.10.1 In order to enhance the GS/OAS understanding of Proposals, allow reasonable interpretation of the Proposal, or facilitate the evaluation process, the GS/OAS may submit, in writing, any inquiry or request to the Bidders for explanation, substantiation or clarification of certain aspects of its Proposal.

6.10.2 Likewise, during the evaluation process, the GS/OAS may offer the Bidders an opportunity to eliminate minor irregularities, informalities, or apparent clerical mistakes in its Proposal.

6.10.3 Requests for clarifications shall not be used to cure Proposal deficiencies or material omissions that materially alter the technical or cost elements of the Proposal, and/or otherwise revise the Proposal.

6.10.4 Inquires or requests for clarification will be addressed to the point of contact indicated by the Bidders in its Proposal.

6.11 Discussions and Negotiations

6.11.1 Before granting the award, the GS/OAS may choose to have written or oral discussions and/or negotiations regarding the terms, conditions, and deliverables of the proposal with the Bidders that, in the opinion of GS/OAS, are within the competitive range.

6.11.2 For that purpose, the GS/OAS, through DPMO, will submit, in writing, any request (including interview requests) to the Bidders. Such requests will be addressed to the point of contact indicated by the Bidders in their proposal.

6.11.3 During the negotiations, the GS/OAS may request the Bidders to revise or modify their proposals. After the negotiations the GS/OAS may issue a request for Best and Final Offer (BAFO).

6.12 Award

6.12.1 Proposals will be admitted for evaluation only if they comply with the mandatory minimums contained in the RFP. Once admitted, the GS/OAS shall analyze and rate those Proposals using the award criteria described in section 6.8.

- 6.12.2 A technical-economic analysis will be applied for the evaluation of the Proposals. Under this rule, the GS/OAS will evaluate both price and non-price factors and will award the Contract to the Bidder proposing the combination of factors which offers best value to the GS/OAS. Therefore, the GS/OAS reserves the right to consider award to other than the lowest price bidder or the highest technically rated bidder.
- 6.12.3 All technical evaluation factors, when combined, have higher level of importance than cost or price.
- 6.12.4 The GS/OAS reserves the right to award the contract to multiple bidders rather than a single bidder.
- 6.12.5 The GS/OAS reserves the right to reject any or all Proposals, and to partially award the Contract.
- 6.12.6 The award will be notified to the winning Bidder. Such communication shall not be construed as a Contract with the GS/OAS. The award is contingent upon the winning Bidder's acceptance of the terms and conditions of the proposed Contract, which will be drafted by the GS/OAS based on this RFP and the winning Proposal. Consequently, the Contract shall come into effect when signed by both GS/OAS and the duly authorized representative of the winning Bidder.
- 6.12.7 The GS/OAS will promptly notify the unsuccessful Bidders in written and the awarded company will be posted at the GS/OAS website <http://www.oas.org/OASpage/bid/default.asp>.
- 6.12.8 The GS/OAS will enter into a contract with the selected Bidder. The contract will be for approximately for a period of six (6) months . The GS/OAS may, at its option, extend this contract as needed and agreed between the Parties.

7 CONTRACT TERMS

The Contract for the consulting services (Contract) will be drafted by the GS/OAS based on this RFP, the winning Proposal, and the results of the negotiations with the selected Bidder. The Contract shall come into effect when signed by both GS/OAS and the duly authorized representative of the winning Bidder.

Annex B of this RFP contains the Contract Terms & Conditions. No changes to the Contract shall be accepted after the contract award. Once the Contract is awarded, the Vendor shall be bound by such Contract either as stated herein in the RFP or as mutually modified by the Parties.

The GS/OAS selection of any Bidder who proposes changes to the Model Contract shall not be deemed as acceptance of the Bidder's proposed changes. At all times, the GS/OAS reserves the right to use its own Contract and to negotiate changes to it. The GS/OAS reserves the right to accept or reject any changes in language to the Contract and reserves the right to make final conforming changes to the Contract.

Bidders wishing to negotiate modification of the Contract Terms & Conditions stated in Annex B of this RFP must attach a copy of the GS/OAS's RFP and show proposed changes (deleted sections with a strike over and added sections in boldface type). Bidder's failure to identify any such changes in its Proposal will preclude the Bidder from raising any such changes thereafter. If Proposals are subject to additional terms, that the GS/OAS decides are not in its best interest, the GS/OAS reserves the right to deem that Proposal as unresponsive.

8 GENERAL PROVISIONS

8.1 Language

All correspondence and responses to this RFP shall be made in English.

8.2 Privileges and Immunities

8.2.1 Nothing in this RFP shall constitute an express or implied agreement or waiver by the GS/OAS, the OAS, or their personnel of their privileges and immunities under the OAS Charter, the laws of the United States of America, or international law.

8.2.2 The Bidders are not entitled to any of the exemptions, privileges, or immunities, which the GS/OAS may enjoy arising from GS/OAS status as a public international organization.

8.3 Confidentiality and Privacy

8.3.1 Contractor shall keep all work and services carried out hereunder and proprietary information disclosed hereunder entirely confidential, and not use, publish, sell, or make known, without the GS/OAS' written approval, any information, developed by the Contractor or provided by the GS/OAS, to any persons other than personnel of the parties to this Contract. Any public representation regarding the GS/OAS shall be made by the GS/OAS and any requests for information made to the Contractor by the news media, or others, shall be referred to the GS/OAS. Additionally, Contractor shall not reference the work performed for the GS/OAS under this Contract without prior written approval of the GS/OAS. For purposes of this Paragraph, proprietary information includes, but is not limited to any information that is generally understood as proprietary under common industry practices; and any matter designated as proprietary by the GS/OAS.

8.3.2 In addition, information that a party considers as proprietary or confidential and which it has indicated/marked as proprietary or confidential will be treated by receiving party in the same manner as receiving party treats its own proprietary or confidential information.

8.3.3 Period of confidentiality: The obligations under paragraph above, shall continue, notwithstanding the expiration or termination of this Contract.

9 ANNEXES

All annexes listed below form an integral part of this RFP:

- Annex A – Terms of Reference
- Annex B – General Contractual Terms & Conditions
- Annex C – Formats
 - Format 1: Acceptance of the Contractual Terms and Conditions
 - Format 2: Conflict of Interest Statement
 - Format 3: Commercial References