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BID No. 09/21

REQUEST FOR PROPOSALS

FOR

**CONSULTING SERVICES FOR THE
DEVELOPMENT OF A NATIONAL COMMUNICATIONS STRATEGY (AND ASSOCIATED
IMPLEMENTATION PLAN) FOR INTEGRATED WATER AND WASTEWATER MANAGEMENT
(IWWM) IN BARBADOS**

**EXECUTIVE SECRETARIAT FOR INTEGRAL DEVELOPMENT (SEDI)
DEPARTMENT OF SUSTAINABLE DEVELOPMENT (DSD)**

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

September 21, 2021

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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 Department of Sustainable Development (DSD) of the Executive Secretariat for Integral Development (SEDI) supports the Member States of the General Secretariat of the Organization of American States (GS/OAS) in the design and implementation of policies, programs and projects oriented to integrate environmental priorities with poverty alleviation, and socio-economic development goals. Translating sustainable development and environmental protection goals into concrete actions, DSD supports the execution of multiple country projects in such diverse areas as Integrated Water Management; Energy and Climate Change Mitigation; Risk Management and Climate Change Adaptation; Biodiversity and Sustainable Land Management; and Environmental Law, Policy and Good Governance. DSD also supports transparency and public participation, as practical ingredients of good governance.

The Integrated Water Resources Management Section within the DSD manages the OAS Water Program. Taking into consideration that the countries of the Western hemisphere share over 70 major transboundary river basins and aquifers, the primary objective of the OAS Water Program is to support Member States in their efforts to improve the management, conservation, and sustainable use of both superficial and ground water resources by promoting social and economic growth in these regions. Specific actions include the promotion of water governance; the assistance to develop policies, laws and regulations for integrated water resources management; the building capacity in regional, national and local institutions; and the support of the exchange of information through specialized networks in water resources.

Furthermore, in partnership with institutions such as the United Nations Environment Programme (UNEP), the World Bank, and the Global Environment Facility (GEF); the GS/OAS through the OAS Water Program within SEDI/DSD acts as a regional executing agency for various water resource management projects being conducted in transboundary, multi-country river basins and aquifers in the Americas.

The CREW+ is an Integrated Approach to Water and Wastewater Management Using Innovative Solutions and Promoting Financing Mechanisms in the Wider Caribbean Region. The objective of CREW+ is to “To implement innovative technical small-scale solutions in the Wider Caribbean Region using an integrated water and wastewater management approach building on sustainable financing mechanisms piloted through the Caribbean Regional Fund for Wastewater

Management.” By building on the frameworks and lessons of earlier projects (including CReW), CReW+ will implement small-scale, local, rural, peri-urban, and community-based technological solutions for integrated water and wastewater management. The project aims to implement solutions for the improved management of wastewater that can be up-scaled and replicated so as to significantly reduce the negative impact of domestic wastewater on the environment and people of the Wider Caribbean Region and to similarly implement appropriate solutions at selected watersheds and freshwater basins to ensure greater water security for vulnerable rural communities. This will be achieved through targeted water resources conservation measures, wastewater and water re-use, improved land use practices and greater water use efficiency. These interventions will increase resilience of local communities to the impacts of droughts and more generally to the impacts of climate change and climate variability on the water sector.

The GEF CReW+ Project as a vehicle for development of the National Communications Strategy on IWWM: The objectives of the GEF CReW+ project are consistent with two approved national Policies of the Government of Barbados: The 2020 Water Protection and Land Use Zoning Policy and the National Water Reuse Policy, 2018. There are also potential synergies between the Government of Barbados’ major transformational initiative the Roofs to Reef Programme (R2RP). The GEF CReW+ Project will serve as a catalyst to implement the development of a holistic National Communications Strategy and associated Implementation Plan, a requirement of the National Water Reuse Policy, which aligns with Component 4 of GEF CReW+ within the broader national context of the R2RP..

2 OBJECTIVE

General Objective: Development of a National Communications Strategy and Implementation Plan.

Barbados being a water scarce country and with the expected impacts of climate change, maintaining water security will be an increasing challenge. Under these projected conditions it is important to use existing water resources in an effective and efficient manner. To this end, Barbados has developed a National Water Reuse Policy (2018). The Reuse Policy is supported by the Barbados Physical Development Plan Amendment, 2017 and the 2020 Water Protection and Land Use Zoning Policy, which call for the treatment of all wastewater discharges. In addition, there continues to be discussion around the expansion of the tourism sector and more recently the need to substantially increase Barbados’ population – with all that these two issues would entail. There needs to be a deeper understanding of the role of IWWM and its importance across proposed population changes. The policy initiatives need to be communicated effectively and efficiently to support the national development pathways. This entails gaining the understanding and support of key target groups, professionals, service providers and the public alike, to facilitate awareness of the needs and opportunities relating to water reuse and changing attitudes. Hence

there is a need for improved awareness and understanding of the benefits of implementing integrated approaches to water and wastewater management to safeguard future water security. A key factor in achieving this will be the development of information and information products, and effective means of knowledge and information transfer to ensure the Policies achieve their desired outcomes and impacts. Understanding the current conditions with respect to reclaimed and water reuse, the ambit of wastewater infrastructure and virtual water footprint are necessary to inform the strategy. The strategy will also promote a blue economy approach which incorporates the reuse of wastewater for productive purposes.

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	September 21, 2021
Bidder's inquiries due	September 28, 2021
Response to Bidder's Inquiries due	October 5, 2021
Deadline for Bidder's Registration and Proposal Submission	October 11, 2021
Proposals opening and evaluation process	October 12 – 31, 2021
Contract Award	November – December 2021

4 TERMS OF REFERENCE

The Terms of Reference (TOR) for the consulting services for the Development of a National Communications Strategy (and Associated Implementation Plan) 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 firm or group of consultants shall provide adequate numbers of qualified personnel to execute the activities listed in this Terms of Reference. The group of experts assigned to the project shall be composed by at least: a) Technical Specialist (Project Manager) with (i) extensive experience in the water and wastewater sector, with strong design and construction experience in the sector; (ii) Solid technical skills in water and wastewater treatment system design, especially in decentralize systems, including a good balance of technical, socio-economic and environmental expertise; b) Communication Specialist with advanced degree (Masters/PhD) in communications and media, sociology and marketing, with (i) extensive experience in writing, editing and supervising written material for developing agencies; (ii)

experience in developing strategic documents, program design, and program monitoring and evaluation; (iii) experience in the water and environmental sector; and c) Policy Specialist with extensive experience in the public policy area in the Caribbean region. Previous direct experience in Barbados will be an asset. All experts should possess: (i) Knowledge and understanding of the water and wastewater sector in the wider Caribbean region; (ii) Knowledge of systems in use and/or feasible for use in developing countries (LAC); (iii) Excellent verbal and written communication skills; (iv) Field experience in working for multilateral, bilateral or NGO funded projects; (v) fluency in 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.procureware.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.procureware.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 the 'Registration' page on the OAS Procurement Portal. The page has a dark blue sidebar with 'Home', 'Bids', and 'Activities' options. The main content area is titled 'Registration' and features a form with the following fields: COMPANY NAME (FOR EMAIL FOR NON-COMPANIES), FIRST NAME, LAST NAME, TITLE, EMAIL ADDRESS, LEGAL ID # (SSN, PASSPORT, EIN, FEDERAL TAX ID), PHONE (INCLUDE AREA CODE), and FAX (INCLUDE AREA CODE). A 'Next' button is located at the bottom right of the form. A blue informational box at the top of the form provides instructions on how to complete the registration process.

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 **September 28, 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 **October 5, 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 **October 11, 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	80
Price Proposal Evaluation Weight	20

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.
- 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 **20 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 eleven (11) 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