

Request for Bid #2024-009

Respiratory Care Equipment,  
Accessories and Consumables

PATH Oxygen Delivery Gap Fund RCE Procurement



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# Request for Bid: 2024-009

## For: PATH Oxygen Delivery Gap Fund RCE Procurement

### 1. Request for Bid schedule

Activity	Date and time
Request for Bid (RFB) released	1 March 2024
Deadline to submit clarifying questions	15 March 2024
PATH to respond to clarifying questions	29 March 2024
Deadline for submission of proposal in response to the RFB	<del>10 April 2024</del> 26 April 2024
Award decision (to be followed by contract negotiations)	<del>10 May 2024</del> 17 May 2024

**Note:** PATH may change the dates at its discretion. Updates will be posted and sent via email to respondents who have communicated with PATH.

### 2. PATH statement of business

PATH is a global nonprofit dedicated to achieving health equity. With more than 40 years of experience forging multisector partnerships, and with expertise in science, economics, technology, advocacy, and dozens of other specialties, PATH develops and scales up innovative solutions to the world’s most pressing health challenges. Learn more at [www.path.org](http://www.path.org).

### 3. Contracting requirements

- 3.1 The contracting authority shall be PATH or any one of its affiliates either directly or on behalf of the operations countries or programs.
- 3.2 The commercial contracting terms and conditions will be negotiated with the successful supplier/contractor toward the end of the selection process.
- 3.3 By submitting a proposal, the supplier confirms that they will abide by the RFB terms and PATH policies, especially our Code of Ethics (<https://www.path.org/about/code-ethics/>), and general good practices regarding inclusivity, diversity, fair trading, health and safety, records management, anti-fraud and corruption, and environmental policy, among others.

- 3.4 Prices for all items included in a supplier's bid should be provided in USD. We require a bid for EX WORKS and CIP INCOTERMS. Prices shall remain valid for ninety (90) days from the closing date of the tender.

## 4. Solicitation terms and conditions

- 4.1 **Notice of nonbinding solicitation:** PATH reserves the right to reject any and all bids received in response to this solicitation and is in no way bound to accept any proposal.
- 4.2 **Confidentiality:** Suppliers shall treat all information provided by PATH as part of this solicitation as confidential. If any information is inappropriately released, PATH may seek appropriate remedies as allowed under applicable law.
- 4.3 **Conflict of interest disclosure:** Suppliers or vendors bidding on PATH business (also referenced herein as "bidders") must disclose, to the procurement contact listed in the RFB, any actual or potential conflicts of interest. Conflicts of interest could be present if there is a personal relationship with a PATH staff member that constitutes a significant financial interest, a board membership, other employment, or ownership or rights in intellectual property that may conflict with the supplier's obligations to PATH. Suppliers and PATH are protected when actual or perceived conflicts of interest are disclosed. When necessary, PATH will create a management plan that provides mitigation of potential risks presented by the disclosed conflict of interest.
- 4.4 **Acceptance:** Bidder's submission of a proposal means the bidder accepts all terms and conditions set forth in the RFB. PATH's acceptance of a proposal does not mean acceptance of its terms and conditions. PATH reserves the option to negotiate on the final terms and conditions. We additionally reserve the right to negotiate the substance of the RFB finalists' bids, as well as the option of accepting partial components of a bid if appropriate.
- 4.5 **Right to final negotiations:** PATH reserves the option to negotiate on the final costs and final scope of work and reserves the option to limit or include third parties in such negotiations at PATH's sole and full discretion.
- 4.6 **Third-party limitations:** PATH does not represent, warrant, or act as an agent for any third party because of this solicitation. This solicitation does not authorize any third party to bind or commit PATH in any way without our express written consent.
- 4.7 **Proposal validity:** Proposals submitted under this RFB shall be valid for at least 90 days, including all pricing, following the date the proposal is due. The validity period shall be stated in the proposal submitted to PATH.
- 4.8 **Limitation of liability:** The terms and conditions set forth in this RFB do not exclude or limit the liability of PATH or the supplier in relation to fraud or in other circumstances giving rise to liability under any applicable law.
- 4.9 **Tender costs and liability:** Bidders are responsible for obtaining all information necessary for the preparation of their bid and for all costs and expenses incurred in preparation of the bid. Subject to the "Limitation of liability" section in this RFB (section 4.8), the bidder accepts by their participation in response to this RFB, including without limitation the submission of the proposal, that it will not be entitled to claim from PATH any costs, expenses, or liabilities that it may incur in tendering a response to this RFB, irrespective of whether their proposal is successful.

- 4.10 **PATH's variation or termination rights:** PATH reserves the right to vary or terminate this RFB process with written notice to all suppliers from which it has received proposals. It is intended that this solicitation process will take place in accordance with the provisions of this RFB, but PATH reserves the right to terminate, amend, or vary (to include, without limitation, in relation to any time scales or deadlines) the solicitation process by notice to all suppliers from which it has received bids. Subject to section 4.8, "Limitation of liability," PATH will have no liability for any losses, costs, or expenses caused by its termination, amendment, or variation to this RFB.
- 4.11 **Joint venture or consortium or subcontractors:** Any lead supplier that submits a bid in response to this RFB takes responsibility and accountability for enforcing the RFB requirements set forth herein among the members of the joint venture or consortium, and each of their advisers, subcontractors, and staff.
- 4.12 **Payment and invoicing:** PATH will pay correctly addressed and undisputed invoices within 30 days. Suppliers shall ensure comparable payment provisions apply to payments to their downstream parties. Advance payment is not preferred. If an advance payment is envisaged and is other than industry or country known practice, such must be made clear in the financial proposal to PATH.
- 4.13 **PATH Values and DEI (Diversity, Equity, and Inclusion)**
- 4.13.1 Supplier Diversity Statement/Commitment - PATH works to create mutually beneficial business relationships with diverse suppliers and consultants that strengthen the communities in which we operate. We are committed to developing mutually beneficial relationships with small, minority-owned, women-owned, and other underrepresented business enterprises. The primary goal of PATH's Supplier Diversity Program is to provide opportunities to diverse suppliers that satisfy our procurement and contractual standards and reflect the communities we serve; build resilient supply chains that drive economic growth and cost savings; and finally, advance our commitment to diversity, equity, and inclusion.
- 4.13.2 Supplier diversity at PATH means that we seek and include small, minority-owned, women-owned, and other underrepresented businesses and consultants in our procurement policies, practices, and vendor providers. PATH recognizes that supplier diversity creates a sustainable competitive advantage for the organization, enhances our commitment to equity and has a positive impact on the communities which we serve.

## 5. Instructions for Bidding

- 5.1 **PATH contacts:** All communications regarding this RFB shall be directed to the contact(s) below. Contacting third parties involved in the project, the review panel, or any other party may be considered a conflict of interest and could result in disqualification of the proposal. All documents required as part of the proposal must be submitted to the contacts listed by the deadline for submission:

Procurement contact: Sarah Smith, [ssmith@path.org](mailto:ssmith@path.org)

- The SUBJECT line of all emails regarding the proposal should read: RFB #2024-009 [Your Company Name].
- Note, when attaching additional files (as described in Annex C in the attached Excel file) to your proposal package, please ensure they are in PDF format.

5.3 **Proposal technical content:** Bidders are advised to provide only what is required as captured in Annexes A, B, and C (see attached Excel file). Responses should include and only include:

- A complete Annex A (the first tab in the attached Excel file)
- A complete Annex B (the second tab in the attached Excel file)
- Additional files (in PDF format) as specified in Annex C (the third tab in the attached Excel file)

Responses must be clear, concise, unambiguous, and directly address the requirements stated.

5.4 **Selection of short list:** PATH reserves the right to select a short list from the bids received. PATH has the option to interview and discuss specific details with those candidates who are short-listed.

## 6. Specifications/Scope

6.1 **Scope of work/terms of reference/specifications:**

PATH is procuring respiratory care equipment, accessories, and consumables (as detailed in Annex B in the attached Excel file) on behalf of Ministries of Health in DRC, Kenya, Malawi, Tanzania, and Zambia. PATH is seeking interested and capable suppliers to submit quotations for the supply of all or any portion of items listed in Annex B.

PATH seeks to fulfill all items listed in Annex B utilizing as few suppliers as possible, while also ensuring access to quality assured products at the optimum price. Therefore, PATH will show preference to suppliers whose bid covers a larger portion of products listed in Annex B. Suppliers should clearly stipulate which products their bid includes and excludes in Column G “*Included in this bid (yes/no)?*” of Annex B.

Note, suppliers must provide costs for all items which are included in their bid and must provide costs for both EX WORKS and CIP INCOTERMS. PATH requires a minimum of two (2) years warranty for all durable goods. The warranty should be issued to the final recipient of the product and the time should begin when goods are provided to PATH. All costs should be provided in USD.

A complete bid will include and only include:

- A complete Annex A (the first tab in the attached Excel file)
- A complete Annex B (the second tab in the attached Excel file)
- Additional files (in PDF format) as specified in Annex C (the third tab in the attached Excel file)

Please fill in requested information directly in Annexes A and B and include documentation requested in Annex C as an email attachment. Once you have provided all requested information, save the Excel with a file name of “RFB #2024-009 [Your Company Name]” and submit to Sarah Smith via email with the subject line ““RFB #2024-009 [Your Company Name] FINAL SUBMISSION”.

## 7. Clarifying questions

7.1 Clarifying questions should be sent to the contact(s) listed in Section 5.1 by the date in the RFB schedule (Section 1). Clarifying questions received after this deadline cannot be accommodated.

- 7.2 It is advisable that any clarifying questions refer to a specific section of the RFB; and to the extent possible, be aggregated rather than sent individually.
- 7.3 In line with transparency principles, all clarifying questions and all of PATH's responses to these questions will be posted online and emailed to all respondents who have communicated directly with PATH prior to the deadline for submitting clarifying questions. Questions will be anonymized and answered if PATH reasonably determines that such clarifying questions do not disadvantage any potential supplier and are not commercially in confidence. If such are commercially in confidence, they shall be handled in line with PATH's policy on information and data.
- 7.4 PATH may request from a bidder additional information at any time ahead of award, and the bidder will be expected to provide the requested information within the time frame given. Failure by a bidder to provide supplementary information to PATH in a timely manner may lead to the proposal being rejected in full or disqualification from the procurement process.

## 8. Qualifications, evaluation criteria, and selection

- 8.1 **Supplier qualifications:** In relation to the scope, provide information on your overall qualifications as stipulated in Annexes A and C in the attached Excel file. Suppliers that do not meet reasonable qualifications shall not be short-listed and therefore not technically evaluated.
- 8.2 **Selection and evaluation criteria:** The Bid is to follow the template provided in Annexes A, B, and C (see attached Excel file) and will be expected to address all the requirements.
- Stage 1: Bids will be checked for completeness in terms of submission on time, technical proposal, financial proposal, and all required information. Bids that are correctly completed will proceed to Stage 2. Any bids submitted late, incomplete, or with omissions may be rejected at this point. If a bid is rejected at this stage, it will automatically be disqualified from further review.
  - Stage 2: If a Bid passes the Stage 1 evaluation, it will be evaluated in detail in line with the evaluation criteria. Information provided as part of qualification may be verified at this stage, and as part of the evaluation process.
- 8.3 **Evaluation criteria:** The winning bid(s) will provide the best overall value to PATH, which will be based on proposed scope (i.e., how much of the total scope a potential vendor bids on), competency of vendor (based on references, examples of past work, and general reputation), quality of medical products, provided warranties, overall cost, and delivery timelines.