



UN Procurement Seminar

Legal Aspects of UNDP Procurement

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UNITED NATIONS DEVELOPMENT PROGRAMME

Legal Status of UNDP



- **Subsidiary Organ of the United Nations**
 - **Established by General Assembly Resolution 2029 on 22 November 1965**

UNDP Policy is guided by...



SUSTAINABLE DEVELOPMENT GOALS



Legal Framework of UNDP



UNDP's Procurement activities
Are governed by TWO main treaties:

**1. Convention on the Privileges
and Immunities of the UN (1946)**

**2. The Standard Basic
Assistance Agreement (SBAA)**

Legal Framework of UNDP



Convention on the Privileges and Immunities of the UN (1946)

- ❖ Addresses P&I of the Organization and its Officials (Section 17)
- ❖ Legal Process (Sections 2,18)
- ❖ Inviolability of Premises/Archives (Sections 3 and 4)
- ❖ Tax Exemption (Sections 7,8, and 18)
- ❖ Cooperation to Facilitate the Administration of Justice (Section 21)
- ❖ Settlement of Disputes (Section 29)

Legal Framework of UNDP



The Standard Basic Assistance Agreement (SBAA)

- ❖ Host Agreement signed with each Programme Country Government
- ❖ Governments apply Privileges and Immunities (Convention) to UNDP
- ❖ Signed by most Programme Country Governments



UNDP Contract Templates

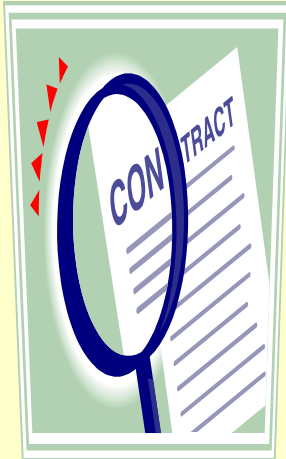
- ✓ Used for all contractual arrangements
- ✓ Address UNDP's status as international organization and its Privileges/Immunities
- ✓ New templates include a FACE SHEET and General Terms and Conditions (GTCs)
- ✓ Templates and GTCs shared with vendors as part of bidding documents (RFQs)

General Terms & Conditions (GTCs)



- ✓ **Standard within the UN System**
- ✓ **Applicable to Goods and/or Services**
- ✓ **Submission of a proposal by a vendor assumes and/or signals full acceptance of UNDP's GTCs**
- ✓ **Any queries or concerns with UNDP's GTCs must be flagged at the time of submitting a proposal**

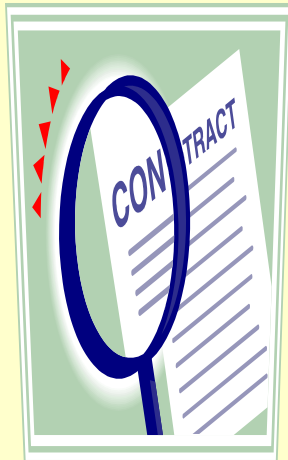
General Terms & Conditions (GTCs)



1. STATUS AND RESPONSIBILITIES:

- Legal Status (vis-à-vis UNDP)
- Source Of Instructions
- Contractor's Responsibility For Employees
- Assignment
- Sub-Contracting

General Terms & Conditions (GTCs)



2. RISK MANAGEMENT:

- Indemnification
- Insurance
- Confidential Information

General Terms & Conditions (GTCs)



3. PRIVILEGES AND IMMUNITIES:

- **Tax Exemption**
- **No Governing Law**
- **Settlement of Disputes**
- **Use of Name, Emblem or Official Seal of UNDP or the United Nations (GA Res. 92 (1) of 7 December 1946)**

General Terms & Conditions (GTCs)



4. BUSINESS ISSUES:

- Intellectual Property
- Force Majeure; Other Changes In Conditions
- Termination (for convenience/for cause)

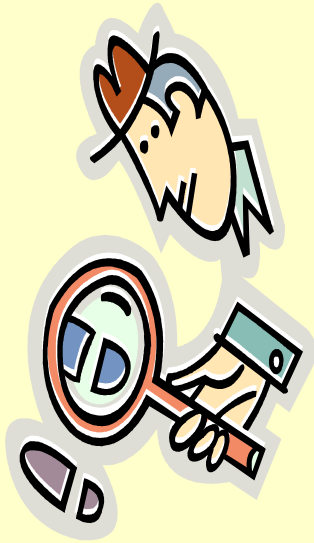
General Terms & Conditions (GTCs)



5. CORPORATE & INSTITUTIONAL RESPONSIBILITY

- Child Labour
- Mines
- Sexual Exploitation and Abuse
- UNDP Anti-fraud Policy ('Zero tolerance')
- Social and Environmental Standards (SES)

General Terms & Conditions (GTCs)



6. ADDITIONAL TERMS:

- Safety and Security
- Audit and Investigation
- Anti-Terrorism Provisions
*(UN Security Council Resolution 1267
Sanctions List)*



QUESTIONS?



Contract for Goods and/or Services
Between the United Nations Development Programme and **[insert name of the Contractor]**

1. Country Where Goods Will be Delivered and/or Services Will be Provided:	
2. UNDP <input type="checkbox"/> Request for Quotation <input type="checkbox"/> Request for Proposal <input type="checkbox"/> Invitation to Bid <input type="checkbox"/> direct contracting Number and Date:	
3. Contract Reference (e.g. Contract Award Number):	
4. Long Term Agreement: [Yes] [No] [indicate as appropriate]	
5. Subject Matter of the Contract: <input type="checkbox"/> goods <input type="checkbox"/> services <input type="checkbox"/> goods <i>and</i> services	
6. Type of Services:	
7. Contract Starting Date:	8. Contract Ending Date:
9. Total Contract Amount: [insert currency and amount in figures and words]	
9a. Advance Payment: [insert currency and amount in figures and words or indicate “not applicable”]	
10. Total Value of Goods and/or Services: <input type="checkbox"/> below US\$50,000 (Services only) – UNDP General Terms and Conditions for Institutional (de minimis) Contracts apply <input type="checkbox"/> below US\$50,000 (Goods or Goods and Services) – UNDP General Terms and Conditions for Contracts apply <input type="checkbox"/> equal to or above US\$50,000 (Goods and/or Services) – UNDP General Terms and Conditions for Contracts apply	