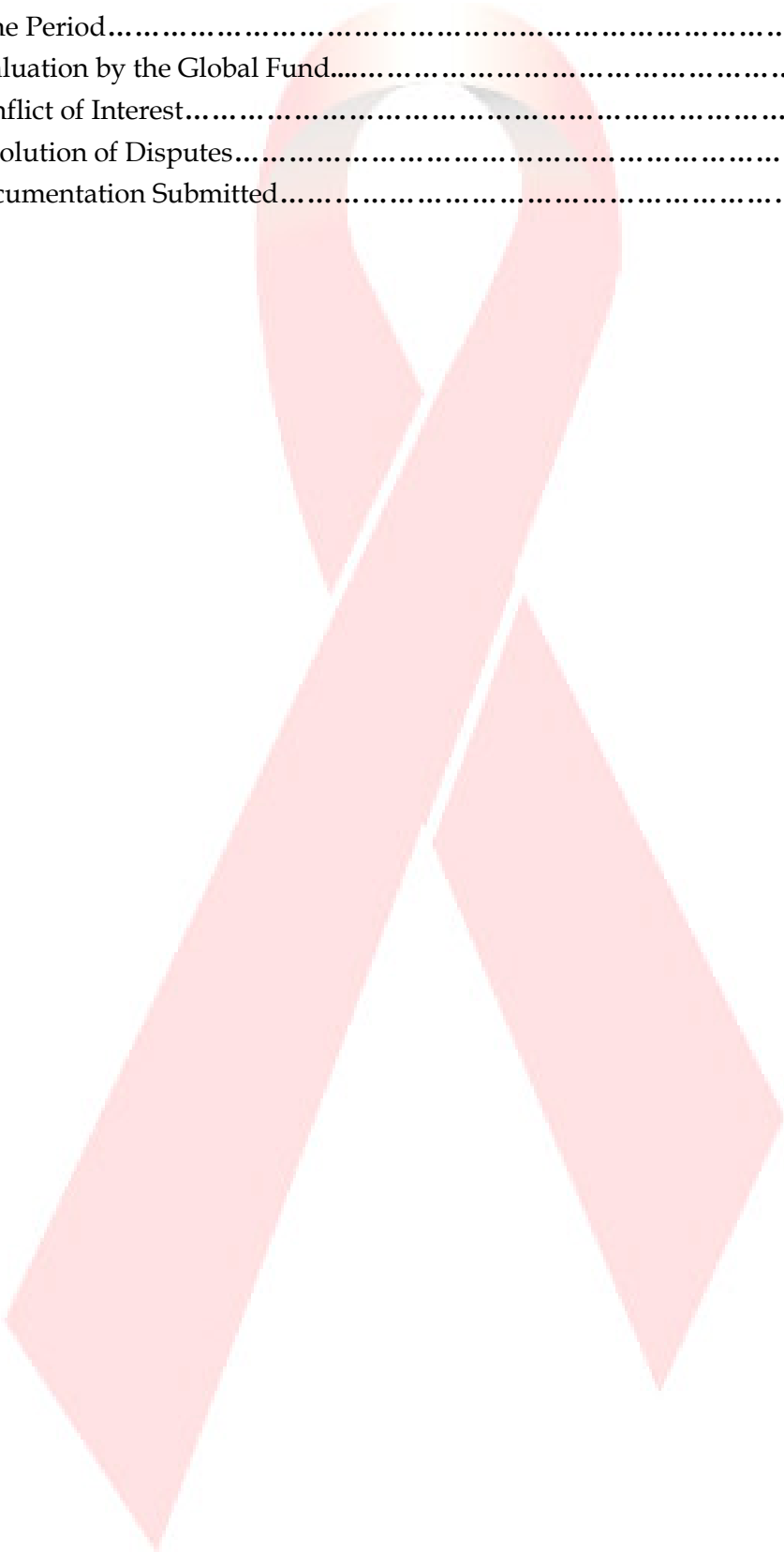


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**TERMS OF REFERENCE**  
**National AIDS Commission Belize's Country Coordinating  
Mechanism for HIV/AIDS Response**

## **INTRODUCTION**

In order to build on the existing multi-sectoral HIV/AIDS coordination framework, the National AIDS Commission is the country's coordinating mechanism. Established in 2000 initially under the Ministry of Human Development and later the Office of the Prime Minister, the National AIDS Commission (NAC) is a statutory body guided by the ACT No 6, Feb. 16<sup>th</sup>, 2004<sup>1</sup> with broad sector representation of governmental, private sector, non-governmental, community and faith-based organization

The Commission is primarily responsible for the following:

- Building partnerships at the local, regional, and international levels
- Defining the national policy agenda;
- Approving and guiding sectoral plans
- Approving budgets in support of implementation of the National Strategic Plan (NSP);
- Establishing National Standards;
- Monitoring and Evaluating all program targets at the national level

The duties and functions of the Commission include, but are not limited to the following –

- (a) multi-sectoral coordination, evaluating and monitoring of the national AIDS strategic plan;
- (b) making submissions to international organizations for and on behalf of Belize, for the supply of financial, technical, medical and pharmaceutical drugs and assistance for use in fighting the spread of AIDS and HIV, and for treating AIDS and HIV patients in Belize;
- (c) liaising with educational institutions, the print, television and radio media and advocating the development of programmes that educate the public on the social, economic, medical and legal impact of AIDS and HIV;
- (d) facilitating the promotion of a cost-effective approach to the acquisition by Belize of pharmaceutical drugs used to treat HIV;

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<sup>1</sup> Ref: ACT 16th February 2004, Amended 9th of January, 2009

- (e) entering into agreements, memoranda of understanding, contracts and other arrangements with research institutions and other organizations, within and outside Belize, involved in activities related to the prevention and control of AIDS and HIV;
- (f) generally taking all such other lawful measures as it considers fit and proper to assist in carrying out its functions most effectively.

Subject to the Act, the Commission shall have power, for the purpose of attaining its objectives, discharging its duties and performing its functions:

- (a) to carry on all activities the carrying on of which appears to be requisite, advantageous or convenient for or in connection with the discharge of its duties and performance of its functions;
- (b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, the acquisition of any property or rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

Since the onset of the epidemic, the national response has significantly expanded with the input of other partners. The Commission recognized the need to be inclusive in its consultation and planning process and has recently revised its structure to streamline its operations. In existence now are 5 sub-committees that address the following programmatic areas of the response;

- Care, treatment and support services
- Policy and Legislation
- Information, Education and Behavioral Change Communications
- Monitoring and Evaluation
- Program Oversight (subject to approval)

Each of these sub-committees has broader representation of the other stakeholders in the response.

The Chairs of these sub-committees along with the Chairperson, Vice Chair, and the National AIDS Program Director of the MOH, are members of the Executive Committee who guide on behalf of the broader CCM, the day to day planning and decisions. Recommendations on key initiatives are brought to the CCM for discussion and formal approval.

## **TERMS OF REFERENCE**

- ❖ This document is the Terms of Reference for the CCM.
- ❖ These Terms of Reference shall take effect the day they are approved by the revised quorum detailed in the ACT. Subsequent modifications to the Terms of Reference also require approval.

### **1. MANDATE**

- 1.1 The mandate of the CCM is to discuss, approve and submit viable and appropriate proposals consistent with the Belize HIV/AIDS National Strategic Plan and the eligibility criteria of the Global Fund and to monitor, oversee, evaluate and support the implementation of projects that are initiated by the CCM and financed by the Global Fund and other donors, ensuring a country-driven, coordinated, and multi-sector processes for leveraging and effecting additional resources to reduce morbidity and mortality from HIV/AIDS.

### **2. GENERAL PRINCIPLES**

- 2.1 The CCM adheres to the principles of broad and inclusive participation, democratic decision-making, full transparency, cooperative partnership, and efficient operation.

### **3. RIGHTS AND RESPONSIBILITIES**

- 3.1 Individual rights: Individual members of the CCM have the following rights:
- 3.1.1 The right to nominate people for CCM positions such as the Vice-Chair, to nominate persons to serve in key committees that will guide the proposal development and program oversight and to stand for such positions.
  - 3.1.2 The right to vote on any matter put to a vote.
  - 3.1.3 The right to participate in all discussions and activities of the CCM.
- 3.2 Individual responsibilities: Individual members of the CCM have the following responsibilities:
- 3.2.1 Respect these Terms of Reference
  - 3.2.2 Attend and participate in CCM meetings in a timely and responsible manner
  - 3.2.3 Freely share relevant experiences and information with their constituencies
  - 3.2.4 Respect CCM decisions.

- 3.2.5 Consult regularly with organizations and individuals within their constituency with an aim to fairly and accurately represent their views and concerns at CCM meetings.
- 3.2.6 Openly declare when the CCM is discussing an issue that could have an impact on them or their organization, and offer to leave the room, and/or to refrain from voting, during that discussion and/or decision in full compliance with CCM Conflict of Interest (COI) management plan.
- 3.3 CCM Responsibilities: The CCM has the responsibility to put in place and maintain transparent, documented process to:
  - 3.3.1 Develop, modify and implement these Terms of Reference.
  - 3.3.2 Prepare, coordinate, review, and submit national proposals to the Global Fund (and other donor agencies) that meet their respective requirements and that are in line with national AIDS strategies, priorities and programmes.
  - 3.3.3 Respond to inquiries from the Global Fund (and other donor agencies) concerning these proposals.
  - 3.3.4 Select and propose to the Global Fund who should be the Principal Recipient(s) ("PR(s)") for CCM-initiated projects financed by the Global Fund.
  - 3.3.5 Ratify Sub-Recipient(s) ("SR(s)") selected by the PR for projects financed by the Global Fund.
  - 3.3.6 Monitor and oversee the implementation of activities under programs financed by the Global Fund grant (and other projects), including approving major changes in implementation plans as necessary;
  - 3.3.7 Monitor and evaluate the performance of the PR(s).
  - 3.3.8 Evaluate the performance of the PRs and its relations with the SR(s).
  - 3.3.9 When necessary, submit to the Global Fund requests for continued funding for each approved grant, prior to the end of the two years of initially approved financing.
  - 3.3.10 Submit a request for continued funding prior to the end of the two years of initially approved financing from the Global Fund; and
  - 3.3.11 Ensure linkages and consistency between Global Fund assistance and other development and health assistance programs.
  - 3.3.12 Review the overall progress and oversee the performance of the Global fund project implementation as well as any other project.

### 3.4 CCM Responsibilities to PLWHA members

- 3.4.1 PLWHA CCM members and alternates should be selected through an all-inclusive and democratic process.
- 3.4.2 PLWHA and other CCM members, including alternates, should be paid travel costs and per diems where appropriate.
- 3.4.3 When necessary, PLWHA and other members of a CCM should have the right to seek outside guidance in specific areas, such as policy, finance and legal issues.
- 3.4.4 CCMs should support PLWHA in acquiring the relevant skills and capacity they require to fully participate on the CCM.
- 3.4.5 CCM Secretariats should encourage the employment of PLWHA in all constituencies.
- 3.4.6 CCM members should facilitate the strengthening of knowledge and understanding of Global Fund issues, systems, and procedures. Composition, Selection and Accountability by PLWHA members.
- 3.4.7 PLWHA CCM members should have alternates to replace them if, for some reason, they are unable to participate in the work of the CCM.
- 3.4.8 Terms of Reference (ToR) should be established for PLWHA CCM members and alternates by their constituencies.

## 4. **CCM STRUCTURE**

- 4.1 The CCM is composed of members, who shall elect a Vice-Chair as the Chairperson is appointed by the Prime Minister. The Vice Chair should be a civil society or NGO representative.
- 4.2 The CCM shall appoint an Oversight Monitoring Committee and other CCM committees (as required).
- 4.3 The CCM through the established NAC Secretariat, shall appoint the Executive Director to lead the Secretariat and act as the focal point for Global Fund.

### 4.4 Composition:

- 4.4.1 The CCM shall have broad representation from the following constituencies:
  - Government
  - Domestic non-governmental organizations (NGOs), community-based organizations (CBOs)
  - Academic, educational and professional institutions
  - Private constituency



- A representative of people living with or affected by HIV/AIDS
  - Religious/faith-based organizations
  - Multilateral and bilateral development partners operating in-country
- 4.4.2 Every effort shall be made to ensure that the membership of the CCM comprise a minimum of 40% representation from the non-government constituencies, including NGOs, community based organizations, religious/faith-based organizations, private constituency, professional associations and academic institutions.
- 4.4.3 Every effort shall be made to ensure that the membership of the CCM comprise representation from the PLWHA community, based on confidential disclosure of status by PLWHA community.
- 4.4.4 Every effort shall be made to ensure that the membership of the CCM comprise a maximum of 40% representation from government.
- 4.4.5 Every effort shall be made to ensure that the CCM membership is gender balanced, and that the CCM includes several people with in-depth understanding of the gender dimensions of the epidemic.
- 4.4.6 Every effort shall be made to ensure that there is representation on the CCM from youth
- 4.4.7 Every effort shall be made to ensure that vulnerable groups are represented in the key sub-committees that guide planning and implementation
- 4.4.8 The maximum size of the CCM shall be 23 members.

#### **4.5 Executive Committee:**

- 4.4.1 The Executive Committee is comprised of the Chairs of all the subcommittees, the Chair and Vice-Chair of the CCM, the Director of the MOH, and the Representative of the UN Theme Group. The Executive Director supports the committee.
- 4.4.2 The Executive is responsible for guiding the day to day planning and operations of the CCM its role and responsibilities include the following:
- 4.4.3 Review recommendations coming forward from the CCM, sub-committees as it relates to programmatic areas of the response and propose strategies to address these
- 4.4.4 With support of the Secretariat will guide the development of the annual operational plans that are in line with the National Strategic Plan and guide the implementation of the same.

- 4.4.5 Review any projects and technical assistance offers in support of the national response and recommend areas for action
- 4.4.6 Review requests for country representations at international or regional workshops, trainings, conferences or committees/ international bodies, and nominate the appropriate representative.
- 4.4.7 Review the initial recommendations of the oversight committee and determine strategies that can be addressed at the executive committee level and where necessary, at the broader CCM level
- 4.4.8 Set the agenda for CCM meetings in consultation with broader membership.
- 4.4.9 On behalf of the CCM review and approve correspondence to the GF

## **5. SELECTION PROCEDURE**

- 5.1 CCM members representing non-governmental constituencies shall be chosen by that constituency, providing an acceptable process has been established within the constituency for this to happen. Such a selection process shall be developed within the constituency, shall be described in a publicly-accessible document, and shall be conducted in an open manner as follows:
  - 5.1.1 Selection/election reports and communication at the District level of the constituency including posting (web site, letters or other media) of non-government CCM members and the processes by which they were selected by each sector;
  - 5.1.2 Minutes of sector meetings (e.g. NGO umbrella organization) describing how their representative was chosen;
  - 5.1.3 Letter from organization(s) representing the sector which also describes the process for selection and final results.
  - 5.1.4 Copies of newspaper or other media announcements inviting the non-governmental Sector to a meeting to select their CCM members.
- 5.2 Membership is normally granted to an organization, which then selects an individual to represent it at CCM meetings. When membership is granted to an organization, that organization will select an individual to represent it at CCM meetings. That organization will also select an alternate to attend those CCM meetings that the regular representative is unable to attend.

## **6. CCM MEETINGS**

6.1 The CCM shall hold at least four (4) meetings per year. However, additional meetings may be called by the Chair or the Vice Chair or the Program Oversight Monitoring Committee, or may be called pursuant to a request submitted to the CCM Secretariat by at least 20% of the CCM members.

### **6.2 Voting:**

6.2.1 Decisions shall be made by consensus whenever possible. But where necessary, decisions shall be made by voting.

6.2.2 Votes shall be of two possible kinds: "simple majority" and "quorum." All votes shall be by simple majority except when these Terms of Reference state that they require a quorum.

6.2.3 Voting methods shall be of two possible kinds: "informal" and "formal." All votes shall be informal unless any members present demands that a vote be made (or repeated) as a formal vote. Informal votes require a show of hands. Formal votes require recording each member's vote in the minutes of the meeting.

### **6.3 Quorum:**

6.3.1 Twelve voting members shall constitute a quorum.

### **6.4 Notice and Agenda:**

6.4.1 All CCM members must receive, by email, fax or letter, at least one week's prior notice of each meeting of the CCM. The notice must specify the proposed agenda. The agenda may be modified and must be approved at the start of each meeting.

### **6.5 Minutes:**

6.5.1 Draft minutes of CCM meetings shall be prepared and distributed to CCM members by the CCM Secretariat. At the following meeting, these draft minutes shall be discussed, amended as necessary, and approved by CCM vote.

6.5.2 Approved minutes of meetings of CCM Committees shall be distributed to CCM members by the CCM Secretariat.

6.5.3 The minutes of CCM meetings shall record any decisions passed by a vote, and shall record any major dissents articulated at the meeting to any such decision (unless those dissenting agree that the dissent need not be recorded in the minutes).

## **7. CCM CHAIRPERSON**

7.1 The CCM shall have one Chair.

7.2 Responsibilities: The responsibilities of the Chair include:

7.2.1 Chair CCM meetings.

7.2.2 Propose and seek approval of the agenda of each CCM meeting.

7.2.3 Inform the CCM of the activities of the Committees.

7.2.4 When necessary, make decisions between CCM and/or Committee meetings.

7.2.5 Seek the opinion of the Vice Chair on all important matters.

7.2.6 When necessary, delegate certain responsibilities and decisions to the Vice-Chair.

7.3 Eligibility:

7.3.1 The Chair and the Vice-Chair must be from different constituencies. The Chair must be from a domestic (non-international) organization.

7.4 Selection procedure of the Chair:

7.4.1 The Chair is appointed by the Prime Minister of Belize and as such, the Chairperson reports to his Office.

7.5 Term:

7.5.1 The term of office for the Chair is \_\_\_ years or the duration of the Government Administration. The Prime Minister can re-appoint the Chair.

7.6 Mid-term departure:

7.6.1 If the Chair resigns or is removed in mid-term, the Vice-Chair shall serve as Chair until a new Chair is elected. Every effort shall be made to ensure that an election take place at the meeting at which the Chair's departure is announced, or at the next meeting. The new Chair shall be appointed to complete the term of the former Chair and, at the discretion of the Prime Minister

## **8. CCM VICE-CHAIR**

8.1 The CCM shall have one Vice-Chair.

8.2 Responsibilities: The responsibilities of the Vice-Chair are:

8.2.1 Perform tasks delegated by the Chair.

8.2.2 Stand in for the Chair when requested by the Chair to do so, and when the Chair is unable to fulfill his/her functions.

8.3 Eligibility:

8.3.1 The Chair and the Vice-Chair must be from different constituencies. The Vice-Chair must be from a domestic (non-international) organization.

8.4 Selection procedure:

8.4.1 The CCM Vice-Chair shall be elected by a vote of the CCM.

8.4.2 Any candidate for Vice-Chair must be nominated and seconded by CCM members.

8.5 Removal:

8.5.1 The CCM can vote to remove a Vice-Chair in mid-term. Such a vote requires a two-thirds majority.

8.6 Term:

8.6.1 The term of office for the Vice-Chair is three (3) years. The CCM can vote to re-elect a Vice-Chair for a maximum of two (2) consecutive terms.

8.7 Mid-term departure:

8.7.1 If the Vice-Chair resigns or is removed in mid-term, every effort shall be made to ensure that an election take place at the meeting at which the Vice-Chair's departure is announced, or at the next meeting. The new Vice-Chair shall be appointed to complete the term of the former Vice-Chair and, at the discretion of the CCM, to serve for a full term beyond that.

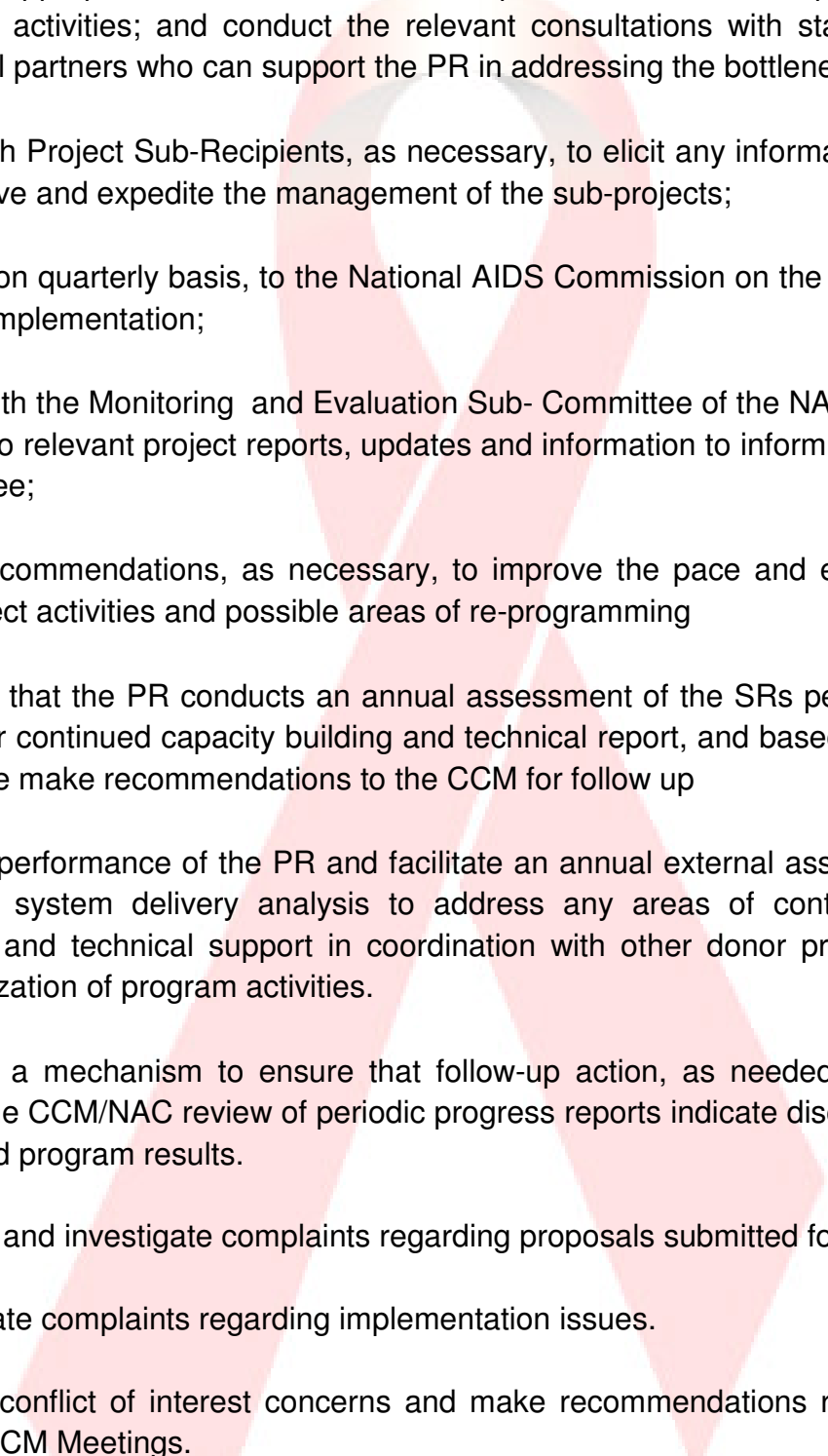
**9. PROGRAM OVERSIGHT MONITORING COMMITTEE**

9.1 The CCM shall have a Program Oversight Monitoring Committee.

9.2 Responsibilities: The responsibilities of the Oversight Monitoring Committee are to:

9.2.1 Specifically, the NAC gives the Oversight Committee responsibility to:

- Meet with the PR quarterly to obtain progress reports on implementation and possible areas for strengthening
- Formulate the annual oversight plan including periodic CCM/NAC site visits to SR and the regular submission and review of PR periodic reports;

- 
- Assess appropriate measures for the improvement of the implementation of program activities; and conduct the relevant consultations with stakeholders and technical partners who can support the PR in addressing the bottlenecks.
  - Meet with Project Sub-Recipients, as necessary, to elicit any information necessary to improve and expedite the management of the sub-projects;
  - Report, on quarterly basis, to the National AIDS Commission on the progress of the project implementation;
  - Liaise with the Monitoring and Evaluation Sub- Committee of the NAC to ensure full access to relevant project reports, updates and information to inform the work of the committee;
  - Make recommendations, as necessary, to improve the pace and effectiveness of the project activities and possible areas of re-programming
  - Request that the PR conducts an annual assessment of the SRs performance and areas for continued capacity building and technical report, and based on findings of the same make recommendations to the CCM for follow up
  - Monitor performance of the PR and facilitate an annual external assessment of the PR and system delivery analysis to address any areas of continued capacity building and technical support in coordination with other donor programs for the harmonization of program activities.
  - Develop a mechanism to ensure that follow-up action, as needed, will be taken where the CCM/NAC review of periodic progress reports indicate discrepancies with observed program results.
  - Receive and investigate complaints regarding proposals submitted for funding.
  - Investigate complaints regarding implementation issues.
  - Monitor conflict of interest concerns and make recommendations regarding same during CCM Meetings.

### 9.3 Composition:

9.3.1 The Program Oversight Monitoring Committee shall be composed of three (3) to five (5) independent CCM members or non-members, the majority of whom should not be representatives of the PR or SRs. At least one (1) committee member should have technical knowledge of HIV/AIDS issues. Executive Director supports these sessions and offers technical guidance.

### 9.4 Eligibility:

9.4.1 Members of a Committee do not need to be members of the CCM, but the Committee Chair must be a CCM member.

### 9.5 Selection procedure:

9.5.1 The membership of the Program Oversight Monitoring Committee shall be approved by the CCM every year.

### 9.6 Meetings:

9.6.1 The Program Oversight Monitoring Committee shall meet as necessary to carry out its work. The Program Oversight Monitoring Committee shall operate by simple majority vote. The quorum for meetings of the Oversight Monitoring Committee shall be two-thirds of its membership. In matters directly concerning members of the Oversight Monitoring Committee, that member should reclude themselves from that discussion and/or decision unless consulted.

## 10. **CCM COMMITTEES**

10.1 The CCM shall set up standing Committees, and/or temporary Committees, as needed.

### 10.2 Responsibilities:

Each Committee shall conduct tasks assigned to it by the CCM, and make recommendations to the CCM.

### 10.3 Composition:

The composition of each Committee shall be determined by the CCM. Members of a Committee do not need to be members of the CCM, but the Committee Chair must be a CCM member.

### 10.4 Procedures:

Each Committee shall operate by simple majority vote. The quorum for meetings of any Committee shall be fifty percent of its membership. Each Committee shall report on its work to the CCM as necessary.

## **11 CCM SECRETARIAT**

11.1 The CCM Secretariat will support the efficient functioning of the CCM.

11.2 The NAC shall perform the role of CCM Secretariat with the help of the PR focal point.

11.3 The responsibilities of the CCM Secretariat, to be implemented under the guidance of the CCM and the CCM Chair, are:

11.3.1 Support the CCM and the relevant committees in guiding policy development, strategic planning, ensuring that the response is effective and efficient and in keeping with national, regional and international HIV/AIDS developmental goals and or indicators.

11.3.2 Support efforts for the mobilization of financial and technical resources for the national response.

11.3.3 Keep the NAC abreast of current and relevant information to facilitate informed, evidence-based decision making and actions. Such strategic information will include but is not limited to:

- Reporting on the status of the national HIV/AIDS planning and implementation of activities;
- Reporting on the progress of the epidemic within the country and worldwide
- Informing the NAC and other relevant partners on the impact of the national response on the progress of the epidemic with emphasis on the strengths and areas for program and service improvement, acceleration and expansion of interventions and documentation of best practices.
- Monitor the allocation of and use of all resources assigned to the HIV/AIDS response and report to the NAC on the status of the same

11.3.2 Coordinate the meetings of the CCM and its committees, including: prepare draft agendas, and issue meeting reminders.

11.3.3 Distribute Global Fund guidelines and other documents.

11.3.4 Distribute drafts of project proposals and other relevant documents to be submitted to Global Fund.

11.3.5 Maintain and update distribution lists.

11.3.6 Maintain the records of the CCM.

11.3.7 Issue public announcements of calls for proposals.

11.3.8 Prepare and submit reports to the Global Fund.

11.3.9 Respond to enquiries from the Global Fund.



11.3.10 Share information with the Local Fund Agent, the PR(s), and other stakeholders, including members of the public.

11.3.11 The CCM Secretariat shall be headed by an Executive Director, with support of programmatic and support staff.

## **12 INFORMATION EXCHANGE AND TRANSPARENCY**

12.1 After each meeting, all members shall receive draft minutes of the meeting.

12.2 Members of CCM Committees shall receive the same types of information for Committee meetings. In addition, the approved minutes of all Committee meetings shall be sent to all CCM members.

12.3 CCM members shall be provided with all relevant Global Fund documentation concerning implementation of programmes funded through Global fund grants, specifically quarterly and other periodic reports prepared by the PR and sent to the Global Fund.

## **13 DEVELOPMENT OF GLOBAL FUND PROPOSALS**

13.1 Guided by the Belize HIV/AIDS National Strategic Plan and the approved Global Fund proposal the CCM shall establish a formal process and maintain a transparent, documented process to: i) solicit and review submissions for possible integration into a national proposal; ii) for the development of proposals to the Global Fund; and iii) in conducting grant oversight. The process shall be transparent and documented, and shall seek input from all CCM members and from interested stakeholders not on the CCM.

13.1.1 Solicitation process shall include newspaper or email announcements (with distribution lists) inviting stakeholders to participate. For the documentation of the process followed for solicitation and review process, the CCM Secretariat is required to file:

- i) copies of request for proposal announcement with a description of who (or what sector) it was sent to and description of how many responses were received;
- ii) Review process with minutes of CCM meetings (records of decisions taken regarding accepted/rejected proposals, documentation of stakeholders' input and participation) describing the process through which CCM members (or a technical sub-committee) reviewed submissions for consideration;
- iii) Minutes of meetings of technical panels that evaluate proposals;
- iv) Terms of Reference including criteria for proposal submission (sections about GF Proposal Development);
- v) Archive of submitted proposals (tracking sheets, written records evaluating the potential proposals);

- vi) Link to web posting of proposal announcements, decision awards, minutes, CCM Constitution, etc.

13.1.2 To ensure the transparency in obtaining inputs of a broad range of stakeholders in proposal development, the CCM/NAC Secretariat shall document:

- i) Minutes of CCM meetings documenting how non-CCM members participated in CCM committees and/or proposal review panels or program oversight panels;
- ii) Newspaper or email announcements (with distribution lists) inviting stakeholders to participate in proposal development;
- iii) Include in CCM Procedures Manual description of the roles and responsibilities of non-CCM members on CCM committees and/or other decision-making procedures.
- iv) Link to web posting of proposal announcements, decision awards, minutes, reference to CCM Constitution Act, etc.

#### **14 SELECTION OF THE PR(S)**

14.1 The CCM shall establish criteria for the selection of the PR(s) (See Annex 1).

14.2 To ensure the transparency in the PR nomination, the CCM/NAC Secretariat shall document:

- i) Minutes of CCM meetings, including CCM Secretariat meetings, where the process for selecting the PR is described. (records of decisions about PR nominations, results of votes, definitions of what constitutes a quorum for selection of the PR).
- ii) Description of what organizations were considered to be a PR and what criteria was used for the selection process.
- iii) CCM Terms of Reference (See Annex 1) outlining processes for PR selection and program oversight plan.
- iv) Copies of advertisements that were placed for potential PRs.

#### **15. PROGRAM IMPLEMENTATION**

15.1 For each CCM-initiated project in Belize financed by the Global Fund, the CCM shall come to an agreement under a memorandum of understanding (MOU) with the PR concerning their respective roles in the implementation and the monitoring, oversight and evaluation of the project (See MOU Format, Annex 3). The MOU

includes descriptions of how the CCM will oversee the PR(s) implementation responsibilities and how the CCM will be involved in planning and decisions during implementation.

- 15.2 The CCM shall receive and review copies of progress updates from the PR to the Global Fund.
- 15.3 CCM will develop in coordination with the PRs annual work plan describing process for overseeing program implementation as indicated in Numeral 9.

## **16 CONFLICT OF INTEREST**

- 16.1 In accordance with Clause 7 of the CCM TOR the CCM Chairperson and Vice-Chair must be from different constituencies.
- 16.2 To reduce to a minimum conflict of interest a Program Oversight Monitoring Committee will be established as stipulated in section 9. Respect COI, the Committee shall:
- i) Monitor conflict of interest concerns (i.e. situations in which personal, occupational or financial considerations may affect or appear to affect the objectivity or fairness of CCM members during the decision-making process) and make recommendations regarding same during CCM Meetings;
  - ii) Review any conflicts of interest that have been disclosed and determine what action, if any, is required;
  - iii) Receive and investigate complaints regarding proposals submitted for funding and review proposals appeals (recourse mechanism);
  - iv) Investigate complaints regarding implementation issues;
  - v) Resolve any conflicts concerning the stakeholder's (PR or sub-recipient) participation in the discussions on issues where they are beneficiaries;
- 16.3 The Program Oversight Monitoring Committee will be responsible for reporting to the CCM any perceived or real instances of conflict of interest within the following scenarios:
- Decision-making regarding the PRs financing of SR proposals;
  - Decision-making regarding the PRs financing of activities to be implemented by the PR;
  - Where representatives of the PR or SR enter into consulting arrangements from which they would benefit financially or professionally.
- 16.4 A third party may forward concerns confidentially regarding a real or perceived conflict

16.5 Once a conflict of interest has been declared the Oversight Monitoring Committee may employ any of the following management strategies to manage conflict of interest concerns:

- Full disclosure of any conflicts of interest either orally or in writing
- Recusal of the member from chairing a decision-making process
- Recusal of the member from final decision-making
- Inclusion of an independent committee member in decision-making
- Transfer or reassignment of the members duties and responsibilities to a non-conflicting function
- Recommend specific sanctions consistent with the failure to disclose
- Breaches of conflict of interest will be viewed as very serious and investigated and appropriate action taken including sanctions where indicated.

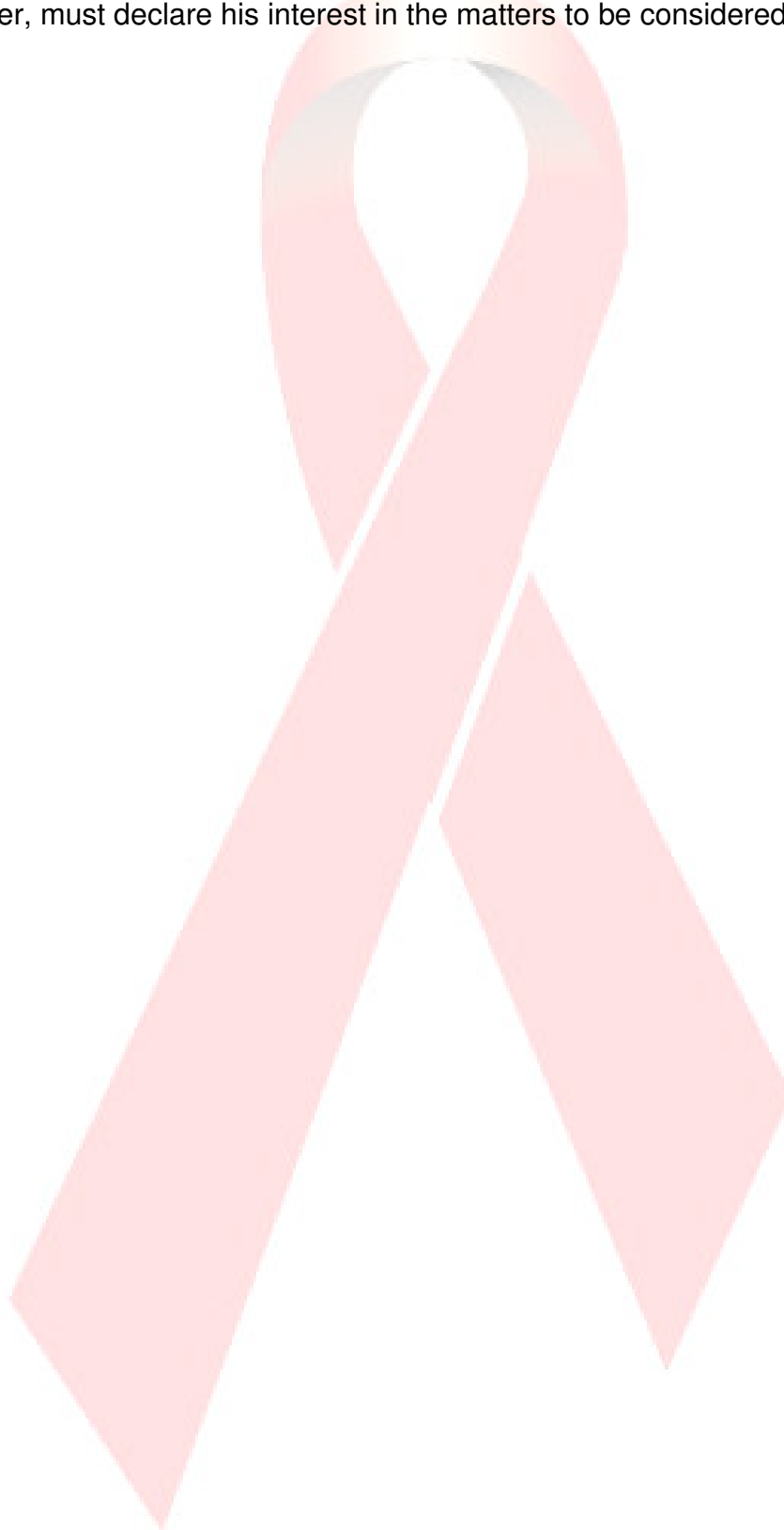
16.6 **Program Oversight Monitoring Committee Operational Guidelines:** Committee members will not use their position on the committee to benefit materially from the process or the outcomes, nor will they be eligible on an individual basis for consulting or other paid work.

- They will also not use their position to assist other members in their dealings with the CCM where this would result in preferential treatment to any person or organization.
- Where discussions are taking place to commission work to organizations whose current employees or Board members are sitting on the Committee, those persons must excuse themselves from the selection or decision-making process.
- All members must maintain confidentiality with respect to discussions and outcomes of POMC meetings relating to the ranking and the award of grants.
- Committee members should not participate in ranking applications in which they have a direct interest. In such cases, the member should declare a conflict of interest and absent themselves during any discussion of the relevant application(s).

### **16.7 Disclosure of Conflict of Interest**

- At the first annual CCM meeting all CCM members will be required to complete a Disclosure of Conflict of Interest form for the record.
- All disclosure forms will then be reviewed and evaluated individually by the entire CCM membership at the following meeting.

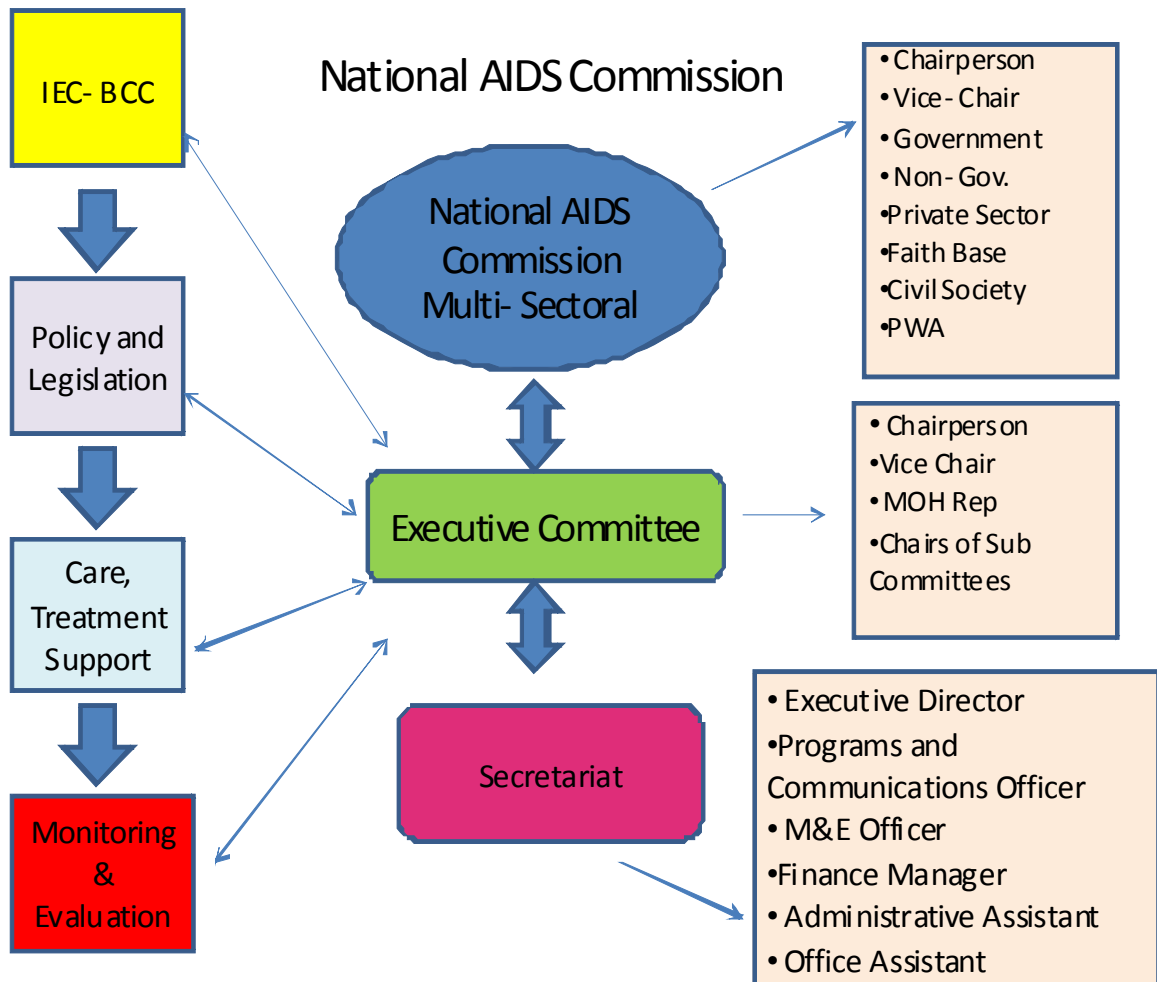
- For any advisory or decision making session each Commissioner or Sub-committee member, must declare his interest in the matters to be considered in such meeting.



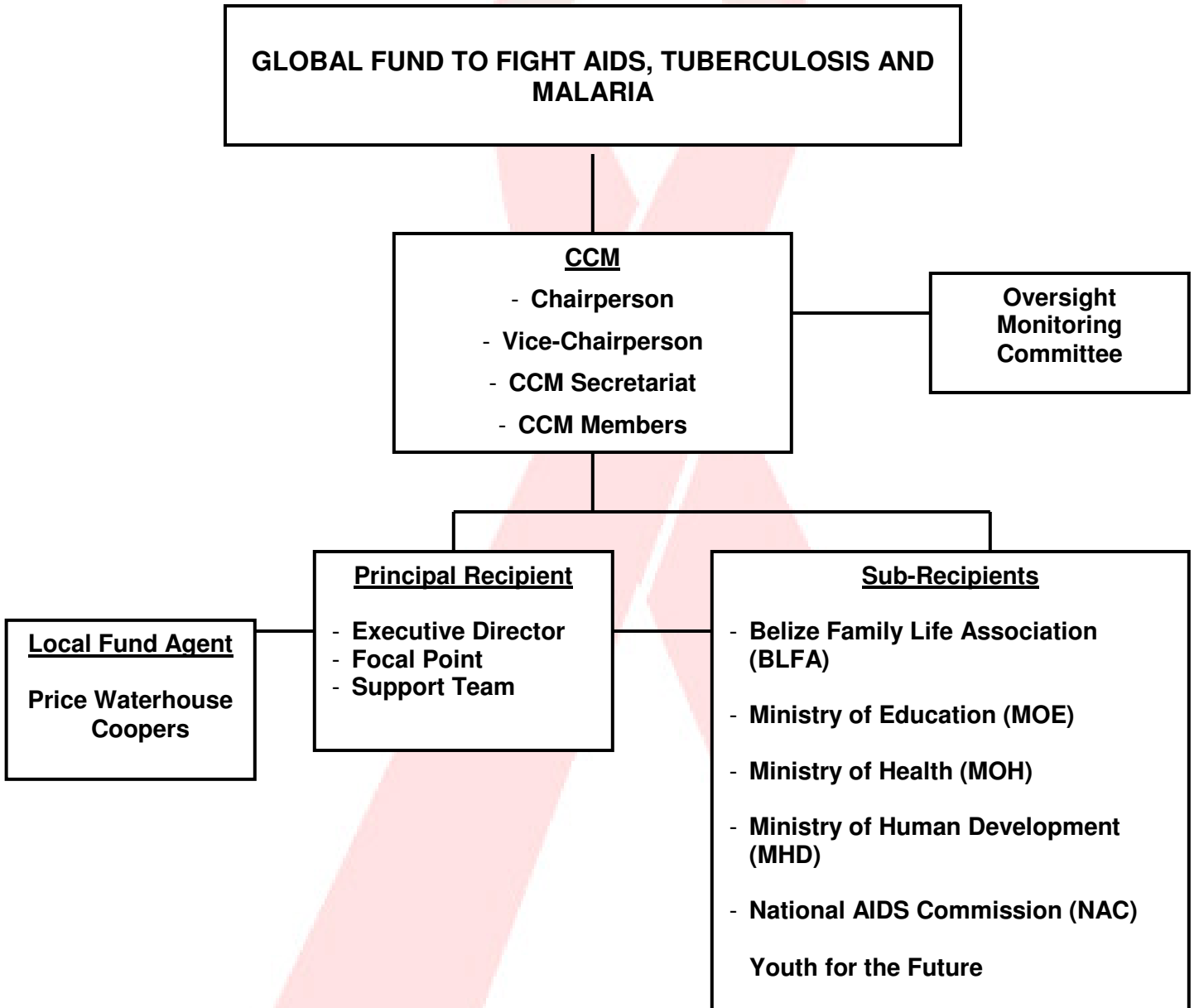
# Organizational Structure of the National AIDS Commission

## Sub- Committees

## Composition



## ORGANIZATIONAL STRUCTURE – BELIZE COUNTRY COORDINATING MECHANISM



**SELECTION CRITERIA, TERMS OF REFERENCE AND PROCESS FOR NOMINATION OF PROPOSED PRINCIPAL RECIPIENT(S)**

**1. Background**

The CCM needs to *select one or more appropriate organization(s)* to act as Principal Recipients for the Global Fund grant(s) in each of the different stages of the Grant Cycle, namely:

- Proposal,
- Phase 2 Requests or
- Rolling Continuation Channel (RCC) proposals.

This ANNEX to the Terms of Reference of the CCM establishes the criteria for the selection of the PR(s) required in the Numeral 14.1 of the CCM TOR.

The Global Fund encourages implementation of solutions that promote local ownership, capacity building and sustainable arrangements at the country level. The CCM shall, therefore, give preference to nominate one or a few local stakeholders from the public or private sectors or civil society among its membership to become PR(s).

The most suitable PR arrangement in some cases may be for an entity from one sector to assume PR responsibility for a certain part of the proposal, while an entity from another sector assumes PR responsibility for another part of the proposal. The Ministry of Health or other agency could be selected as PR for the public sector part of the proposal, while a representative from civil society or the private sector could be PR for the non-public sector part of the proposal (dual tracking funding).

The CCM shall submit to the Global Fund the minutes of the meeting where 1) the PR nomination was discussed and decided; 2) the PR with the higher qualifying scores (obtained according to the minimum requirements) was selected; and including the selection criteria and proposed implementation plan.

**2. PR Selection Criteria:**

The CCM is required to put in place and maintain a transparent, documented process to nominate the Principal Recipient(s) and oversee program implementation.

The CCM Secretariat will, as part of the proposal screening process, review the documentation setting out the nomination process and the minutes of the CCM meeting on the nomination of one or more Principal Recipients (PRs).



The potential PR(s) may be local stakeholders from the public or private sector or civil society. The proposals for Principal Recipient shall be qualified according to the below minimum requirements and selection criteria:

The CCM selection criteria shall give priority to those PR candidates that already have existing systems in place, in order to meet the required minimum Global Fund capacities. Before agreeing to enter into a Grant Agreement with an entity that has been nominated to be PR through a CCM, the Global Fund assesses whether that entity has (or has access to) the required minimum capacities, as relevant for the particular proposal that has been approved for grant funding.

The existing implementation arrangements of the organization proposed for the PR role in the Belize CCM has to fulfill the Global Fund's minimum requirements either through internal capacity or outsourced arrangements in each of the critical functional areas including:

- Financial Management & Systems
- Program Management
- Sub-recipient Management
- Pharmaceutical and Health Product Management
- Monitoring & Evaluation

If in-house capacities are insufficient, the proposed PR may sub-contract, outsource or otherwise gain access to some required functions to successfully implement the country grant proposal.

The proposed PR has to demonstrate the knowledge and capacity to comply with the Global Fund "*Fiduciary Arrangements for Grant Recipients*", "*Guidelines for Performance Based Funding*" and "*Guidelines for Annual Audits of Program Financial Statements*", making specific reference to when the proposed PR normally does its annual (fiscal year) programmatic reporting and financial audits.

The proposed PR has to:

- List the personnel and respective curriculum showing adequate expertise to fulfill all critical implementation functions described above;
- Briefly describe the track record in managing sub-contracted entities;
- Describe the existing systems and capacities to manage sub-recipients in compliance with the Global Fund's minimum capacity requirements;
- Provide documentation on prior experiences and track-record, relevant to successful grant implementation; and

- List the donors, clients and other partners who can provide references on relevant experience and track-record.

The proposed PR has to acknowledge in their proposal, its preparedness and willingness to be subject to Local Fund Agent (LFA) onsite assessment in each of the functional areas, including the capacity to manage sub-recipients, according to the Global Fund LFA Guidelines for Completing the PR Assessment.

### **3. PR Terms of Reference (TOR):**

To facilitate grant management, the Global Fund requests the CCM to propose one or a few suitable PRs at the country level to be legally responsible for program results and financial accountability. In this regard:

- Each PR may be responsible for several sub-recipients.
- The selected PR(s) will receive periodic disbursements of funds directly from the Global Fund's Trustee account at the World Bank, employ these funds towards the implementation of the approved proposal, and
- The selected PR(s) will periodically report on progress made with the grant proceeds to the Global Fund and to the CCM.

The proposed PR(s) in their applications shall address:

- Implementation Plan proposal; and
- Implementation arrangement including Financial Management and arrangements; Program Management; Sub-recipient Management; Pharmaceutical and Health Product Management and Monitoring and Evaluation.

### **Implementation Plan Proposal**

The Request for Proposal (RFP) should require the proposed PR(s) to include a preliminary implementation plan fully consistent and coordinated with the country proposal, including the entity (ies) that have been involved in their preparation.

If selected, the nominated PR will work with the CCM in detailing the proposed implementation plan to formulate the following components of the country proposal:

- I. Work plan and Budget;
- II. Procurement & Supply Management (PSM) plan;

- III. M&E plan
- IV. PR's detailed work plan and budget for the first year and the indicative plan for the second year; and
- V. Proposed financial and programmatic reporting.

The nominated PR(s) must ensure that effective arrangements are put in place for

- disbursement of funds to all implementing entities (sub-recipients);
- procurement and supply management; and
- monitoring and evaluation, including periodic reporting on program results
- And financial accountability to the Global Fund and the CCM.

The nominated PR will use and build on its existing systems and arrangements to implement the approved proposal. The full responsibilities of PRs are set out in the Global Fund's Grant Agreement.

### **Implementation Arrangements**

In order to successfully assume financial and programmatic accountability for the grant, PRs need certain minimum capacities and systems.

Before the first disbursement of the grant for an approved proposal, the Global Fund through the LFA must:

- Assess whether the proposed PR(s) have the minimum capacities required to assume financial and programmatic accountability for the grant before the signing of a Grant Agreement; and
- Provide independent oversight and verification of program progress and financial accountability throughout the grant period.

The LFA assures that the proposed PR(s)' implementation arrangements fulfill certain minimum requirements as follows:

### **Financial Management & Systems:**

The Proposed PR has to demonstrate in the proposal, subject to CCM or LFA onsite confirmation that it can:

- i. Correctly record all transactions and balances, including those supported by the Global Fund;
- ii. Disburse funds to sub-recipients and suppliers in a timely, transparent and accountable manner;
- iii. Support the preparation of regular reliable financial statements;
- iv. Safeguard the PR's assets; and

- v. Be acceptable auditing arrangements.

### **Program Management:**

The Proposed PR must provide legally binding documents showing that the institutional and programmatic arrangements include:

- i. Legal status to enter into the grant agreement with the Global Fund;
- ii. Effective organizational leadership, management, transparent decision making
- iii. and accountability systems;
- iv. Adequate infrastructure and information systems to support proposal implementation, including the monitoring of performance of sub-recipients and outsourced entities in a timely and accountable manner; and
- v. Adequate health expertise (HIV/AIDS and/or Tuberculosis) and cross-functional expertise (finance, procurement, legal, M&E).

### **Sub-recipient Management:**

The proposed PR's Sub Recipient Oversight capacity should correspond with the Global Fund's minimum capacity requirements including:

- Effective systems for undertaking sub-recipient capacity assessments and providing technical support as needed, to ensure that any proposed sub-recipients have the required capacities to implement the program activities
- Management arrangements that ensure adequate PR oversight of grant implementation at sub-recipient level facilitating effective and timely program implementation and resource management by sub-recipients.

### **Pharmaceutical and Health Product Management**

The proposed PR should include documentation that its Procurement and Supply Management Systems can:

- i. Provide a basic procurement supply and management plan which outlines how the proposed PR will adhere to the Global Fund's procurement principles, which include, among others, competitive and transparent purchasing, adequate quality assurance, compliance with national laws and international agreements, appropriate use of health products, mechanisms for the monitoring the development of drug resistance where necessary, and accountability safeguards;

- ii. Deliver to the end-user adequate quantities of quality products in a timely fashion (especially in the area of health products) that have been procured through a transparent and competitive process; and
- iii. Provide adequate accountability for all procurement conducted.

### **Monitoring & Evaluation (M&E):**

The proposed PR's monitoring and evaluation system/arrangements must be able to:

- i. Collect and record programmatic data with appropriate quality control measures;
- ii. Support the preparation of regular reliable programmatic reports; and
- iii. Make data available for the purpose of evaluations and other studies.

The Global Fund and the selected PR enter into a Grant Agreement that defines their respective legal obligations. An essential part of the Grant Agreement negotiations is agreement on intended program results to be achieved during the grant period as linked to the main program objectives specified in the approved grant proposal.

For monitoring purposes, progress towards each main program objective should be measurable by a small number of easily-verifiable indicators with periodic targets. The main program objectives and the agreed-upon key indicators and periodic targets are included in the Grant Agreement and used as a management tool to monitor program progress - for a PR's own management purposes, for the PR's progress updates to the Global Fund, and for the Global Fund's review of program progress and decisions on further disbursements.

### **4. Process for Nomination of PR(s)**

The CCM is required to put in place and maintain a transparent, documented process to nominate the Principal Recipient(s) and oversee program implementation. The CCM Secretariat will, as part of the proposal screening process, review the documentation setting out the nomination process and the minutes of the CCM meeting on the nomination of one or more Principal Recipients (PRs).

The first part of this requirement lays the critical foundation for developing an interactive, workable, and transparent relationship between the grant's administrator/implementer (the Primary Recipient (PR)) and its custodian/owner (the CCM).

The Belize CCM Terms of Reference, Section 14.1, in the "SELECTION OF THE PR(s)" states that "The CCM shall establish criteria for the selection of the PR(s)".

- Section 2 of this document, establish those selection criteria;

- Section 3 defines the Terms of Reference which shall guide the proposed PR(s) in responding to the Request for Proposal (RFP) which shall be the basis for the proposed PR's review, qualification and selection.

Belize CCM selection processes and criteria for PRs and sub-recipients shall:

- Take into account the diversity of potential implementing partners and the different strengths they bring to the response
- Ensure that all potential PRs and sub-recipients have access to the selection process
- Ensure transparency at each stage of the process
- Give feedback to, and capacity building for organizations that fail to meet selection criteria.

Belize CCM regards all institutions interested in participating in country proposals to the Global Fund, as potential partners to scale up future programs.

The following steps outline the transparent and documented process to select and nominate the PR selection and nomination process:

- **Terms of Reference for PR to be developed**
- **Advertise for PR Post:**
- **Documented process for selection of PR to be put in place**
- **Document developed outlining how to judge the proposal according to the expected performance of the PR**

**PR Terms of Reference:** As described in Section 2, the TOR for PR selection shall define the procedures the CCM will use, outlining: i) processes for PR selection ii) criteria followed to assess the soundness of the proposals and the capacity of the proposed PR; and iii) program oversight plan to oversee program implementation and PR performance.

Belize CCMs shall enforce the compliance of the TOR and the by-laws to define and guide its oversight role and ensure that the PR has a process for monitoring and evaluating program implementation.

**Advertisement for the PR:** The CCM with the NAC/CCM Secretariat support shall advertise the Request for Proposals or letters of interest for PR selection and nomination in each of the different stages of the Grant Cycle, namely:

- Proposal,

- Phase 2 Requests, or
- Rolling Continuation Channel (RCC) proposals.

The following media shall be used:

- Newspaper or email announcements (with distribution lists) inviting stakeholders to participate in PR proposal;
- Link to NAC/CCM Secretariat web posting of PR proposal announcements, decision awards, minutes, CCM Constitution, etc;

**Documented process for selection of PR:** Include the minutes of CCM/ NAC Secretariat meetings where the process for selecting the PR is described to the CCM membership and nomination sub-committees if appropriate; records of decisions about PR nominations; results of votes; and definitions of what constitutes a quorum for selection of the PR. The minutes of CCM meetings shall document:

- Which members and invited non-CCM members participated in CCM PR nomination committees and/or PR proposal review panels;
- Discussions about and votes on the PR, including possible conflict of interest according to Belize CCM COI policy and COI Management Plan;
- Description of how the conflicts of interest were addressed and avoided for the PR nomination process.
- Description of which organizations were considered to be a PR and what criteria was used for the selection process; and
- Copies of advertisements that were placed for potential PR selection.

**Outline for the PR proposal evaluation and qualification:** The selection process shall include the following steps:

- Preparation of the TOR;
- Advertising;
- Preparation and issuance of the RFP which should include: the Letter of Invitation (LOI); Instructions to proposed PRs; the TOR and the proposed draft Memorandum of Understanding (MOU) between the CCM and the PR;
- Receipt of PR proposals;
- Evaluation of PR proposals;
- CCM selection and nomination the PR.

**Evaluation Criteria:** The CCM shall evaluate each PR proposal (using an evaluation committee of three or more specialists in the sector), taking into account several criteria:

- The proposed PR's relevant experience for the scope of the Grant Implementation;
- The quality, relevance<sup>2</sup> and effectiveness<sup>3</sup> of the methodology and Implementation Plan proposed as requested in the TOR;
- The qualifications of the key staff proposed;
- The level of demonstrated capacity of the implementation arrangements indicated by the proposed PR according to the Global Fund's minimum requirements either through internal capacity or outsourced arrangements in each of the critical functional areas including:
  - Financial Management & Systems
  - Program Management
  - Sub-recipient Management
  - Pharmaceutical and Health Product Management
  - Monitoring & Evaluation

Each criterion shall be marked on a scale of 1 to 100. Then the marks shall be weighted to become scores. The following weights are indicative. The actual percentage figures to be used shall fit the specific TOR and shall be within the ranges indicated below previous approval of the CCM based on the recommendations of the Program Oversight Monitoring Committee (POMC). The proposed weights shall be disclosed in the RFP.

Proposed PR's relevant experience:	0 to 10 points
Methodology and Implementation Plan:	20 to 30 points
Key personnel:	30 to 40 points
Implementation arrangements Capacity:	30 to 40 points
Total:	100 points

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<sup>2</sup> **Relevance** - The extent to which objectives are consistent with the NAP's priorities.

<sup>3</sup> **Effectiveness** – The extent to which the intervention's objectives has attained or is expected to attain its relevant objectives efficiently in a sustainable fashion.



**ANNEX 2**  
**DECLARATION OF CONFLICT OF INTEREST**

**Commissioner of the National AIDS Commission [NAC] of Belize**

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As required by the Conflict of Interest Policy of the National AIDS Commission, each Commissioner must sign annually a declaration of Conflict of Interest.

Name:

Organization:

1. Have you or your family received or do you expect to receive compensation (Receipt of salary, anything of value, or economic benefit conferred within the past 12 months) in return for services rendered or to be rendered from any CCM member entity.
2. Do you or does a member of your family hold an office (position or office of director, officer, associate, partner, or consultant) in any CCM member entity which it could be concluded influences or potentially conflicts with any of the decisions taken by the CCM regarding beneficiaries.
3. Please identify the relevant organization that may be affected by the interest that you, your spouse, dependent children, or other members of your personal household may have.
4. Are you aware of any circumstances that may give rise to a conflict of interest with respect to your membership in the CCM?

I, \_\_\_\_\_, declare that this report of potential conflict of interest has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement. I have read the Terms of Reference of the Belize National AIDS Commission and I have complied with Conflict of Interest policies and procedures. Also, I understand that failure to file this statement as required or intentionally filing a false statement may result in disciplinary action.

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**Declaration of Interest**  
**Commissioner of the National AIDS Commission [NAC] of Belize**

As required by the Conflict of Interest Policy of the National AIDS Commission, each Commissioner must declare his interest in the matters to be considered in this meeting.

**Board Meeting # \_\_\_ of 2009**

**Date:**

**1. Agenda Items/Matters to be considered:**

- a)
- b)

**2. I, [Name of Commissioner] \_\_\_\_\_ hereby declare:**

- a) \* That I have no financial or other interest, directly or indirectly in these proposed contract or other matter to be considered by the National AIDS Commission ;

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Except for:**

- b) \* That I have a financial or other interest, directly or indirectly in the proposed contract or other matter to be considered by the Commission, the details of which are disclosed hereunder:

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**ANNEX \_3 - MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL AIDS COMMISSION (BELIZE'S) CCM AND THE PRINCIPAL RECIPIENT**

**1 INTRODUCTION AND PURPOSE**

- 1.1 This document is an Agreement, dated \_\_\_\_\_ between the National AIDS Commission, Belize's CCM and the nominated Principal Recipient PR for the Global Fund Grant Program Implementation (Proposal, Phase 2 or Rolling Continuation Channel), with domicile at \_\_\_\_\_ for the second party, in their capacity as legal representative.
- 1.2 The PR will carry out the proposed activities duly approved by the Country Coordinating Mechanism in accordance with the proposed budgeted PROGRAM GRANT AGREEMENT signed by the nominated PR and the Global Fund, and acknowledged by the Chair and Vice Chair of the Country Coordinating Mechanism, in accordance with the clauses and conditions established below.

**2 WHEREAS**

- 2.1 The PR has entered into an Agreement with the Global Fund ("the Donor") \_\_\_\_\_ ("the Global Fund Agreement") for the provision of a grant in the amount of \_\_\_\_\_ United States Dollars (US\$ \_\_\_\_\_) over a \_\_\_ year period ("the Grant") to support the implementation of the project titled "\_\_\_\_\_".

**3 CONDITIONS**

- 3.1 This MOU lays the foundation for developing an interactive, workable, and transparent relationship between the grant's administrator/implementer (the Primary Recipient (PR)) and its custodian/owner (the CCM). This includes the establishment of transparent communication mechanisms and oversight plans agreed between the PR and the CCM, giving credibility and legitimacy to all parties involved.
- 3.2 Belize's CCM has formulated and implemented an oversight work plan which defines the procedures by which the CCM will oversee program implementation. This MOU incorporates the Oversight Plan. The agreements reached in this MOU,

- shall regulate how the CCM will oversee the PR(s) implementation responsibilities and how the CCM will be involved in planning and decisions during implementation.
- 3.3 The attached TOR for the PR define clear lines of communication among and between CCM members and the PR. TORs also outline appropriate feedback loops between the PR and CCM; clarify realistic monitoring and evaluation plans, technical assistance plans, and systems analysis and strategic planning reviews to ensure coordinated implementation.
- 3.4 For the purpose of supporting the CCM's oversight responsibility of the PR for the implementation of activities identified in Annex III (Work plan), the PR shall submit to the CCM a) quarterly financial reports and b) quarterly implementation management reports in the format of:
- i. Quarterly PR Technical Management Report;
  - ii. Sub Recipients Management Report;
  - iii. Sub Recipients Reports on National HIV/STI Program indicators, and Key Performance Indicators established by the CCM for the performance scorecard and the CCM dashboard.
- 3.5 The PR shall provide within ten (10) days of signing this agreement a list of the persons responsible and accountable for implementing the proposed activities and administering the resources provided by the Program Grant Agreement.
- 3.6 The PR and the Sub-recipients shall cooperate with the CCM to accomplish the purpose of this Agreement. The PR shall be available to meet regularly with the CCM to discuss plans, to review the scope of the annual work plan, share information and communicate on matters that relate to the program. The PR shall provide to the CCM, upon request of the CCM, a copy of reports and material information relating to the programme for information purposes. This may include, but not be limited to, copy of the Requests for disbursements to the Global Fund, items delivered to fulfill standard financial and procurement requirements, and any amendment to this Agreement. In addition the PR and the Sub-recipients shall assist the CCM in the preparation of any Requests for Continued Funding. The PR and the Sub-recipients understand that the Principal Recipient is obligated to share information about the program with the CCM.

#### **4 GLOBAL FUND REQUIRED REPORTS:**

- 4.1 **Periodic Reports.** The Principal Recipient shall, no later than 45 days after the end of each reporting period indicated in Annex A to the Grant Agreement, report, with a copy to the CCM, on the progress towards Program objectives and targets for that period indicated in Annex A of the Grant Agreement. The Principal Recipient shall submit periodic reports on the form specified in the Annex A. For the period in question, the Principal Recipient shall brief the CCM and explain in the report to the Global Fund any variance between planned and actual achievements and between planned and actual expenditures.
- 4.2 **Annual Progress Reports.** Not later than 18 months after the (Phase 1, Phase 2 or RCC) Starting Date, and on an annual basis thereafter, the Principal Recipient shall submit to the Global Fund, with a copy to the CCM, in form and substance satisfactory to the Global Fund, an Annual Progress Report covering programmatic progress during the Principal Recipient's preceding programmatic or fiscal year. Guidance on the form of this report is available upon request from the Global Fund.

#### **5 PERFORMANCE-BASED FUNDING (PBF) AND MONITORING & EVALUATION**

PBF is a principle that runs throughout the Global Fund at global and country level. At the global level, the Global Fund raises money from donor countries, the private sector and foundations, spends it by allocating it to recipient countries and finally needs to prove its effectiveness and performance before being able to raise additional funding. The application of the same principle, through effective M&E, at the country level shall govern the terms of this MOU. Every effort shall be made by the PR and the SRs to support the CCM oversight role, in the monitoring and evaluation of the country grant implementation program under the performance based funding principle.

- 5.1 **Performance Framework.** The Performance Framework contains a summary of key indicators and targets measuring output and coverage on a routine basis (quarterly or every six months, depending on reporting frequency) and outcome and impact in the long-term perspective (yearly, biannually or every three to five years).
- 5.2 **Progress Update/Disbursement Request (PU/DR).** The PU/DR is both a progress report on the disbursement period just completed and a request for funds for the next period. It serves as an indicator of how well the grant is going

and provides evidence for performance-based funding decisions. It includes a periodic report (quarterly or every six months, depending on reporting frequency) on the following:

- Programmatic progress/results in relation to the targets;
- Financial accounting including expenses to date and cash balance both for Principal Recipient and Sub-recipients;
- Budget per line category e.g. drugs and commodities;
- A request for ongoing funding;
- An update on Condition Precedents and other requirements in relation to the Grant Agreement, and
- Any response to Global Fund remarks.

5.3 **Grant Performance Report.** The Grant Performance Report provides the Global Fund Secretariat, the CCM, PR, partners, and all other CCM stakeholders with a thorough and transparent summary of a grant throughout its lifetime. The report shall include important grant information such as the initial PR assessments, the Grant Agreement, implementation progress, intended results and results achieved to date. Grant Performance Reports shall be created for every grant after grant signature and updated regularly when any of the following events take place:

- Disbursement decisions;
- A new Performance Framework is prepared or revisions are made to the existing Performance Framework;
- A new audit is carried out;
- Grant consolidation, or
- Grant closure.

Additionally, Grant Performance Reports are updated to reflect any important changes that occur during implementation, such as reprogramming or critical changes in contextual consideration'

5.4 **Grant Scorecard.** At month 22 all grants undergo Phase 2 review for continued funding. At this stage, the Global Fund Secretariat provides a recommended decision category, recommends what amount of money should be awarded for Phase 2, and may suggest actions that it believes the CCM or PR need to implement as pre-conditions for renewal of the grant. After the Board decision on Phase 2 funding has been made, the Board-approved Grant Scorecards are published and include:

- Program performance and ratings;
- Contextual information, and
- Performance indicators and approved budget for Phase 2.

5.5 **Submission and implementation of the M&E Plan.** The Global Fund and the CCM require a Monitoring and Evaluation Plan at the time of grant signature and it is a precondition for the signature of this MOU. The Plan shall explain the Monitoring and Evaluation system that the PR will use or proposes to put in place in order to report on performance against targets in the grant agreement. The M&E Plan for the grant or program shall include the indicators related to program management – ranging from input and process to output, outcome and impact.

5.6 The comprehensive M&E Plan shall include the selection and implementation of a small set of indicators, which shall be updated for periodic reporting to the Global Fund and the CCM. The PR shall ensure the availability of regular updates on grant performance which will be used to make future disbursement decisions.

## 6 LOCAL FUND AGENT

6.1 **LFA.** The Global Fund has retained the services of a Local Fund Agent (the “LFA”), as indicated in block \_\_\_ of the face sheet of the PROGRAM GRANT AGREEMENT, to perform certain functions on behalf of the Global Fund, including:

- iv. Assessment of the capacity of the Principal Recipient to implement the Program and manage Grant funds; and
- v. Verification of the Principal Recipient’s progress towards the objectives of the Program, use of Grant funds and compliance with the terms and conditions of the Grant Agreement.

6.2 **Cooperation.** The CCM shall ensure that the Principal Recipient and Sub-recipients cooperate fully with the LFA to permit the LFA to carry out its functions. To this end, the Principal Recipient shall, among other things:

- i. Submit all reports, Requests for Disbursement and other communications required under the Grant Agreement to the Global Fund through the LFA;
- ii. Submit copies of all audit reports to the LFA;
- iii. Permit the LFA to perform ad hoc site visits at the times decided by the LFA;

- iv. Permit the LFA to review Program Books and Records, (as described in Article \_\_\_ of the Grant Agreement) at the times and places decided by the LFA;
- v. Permit the LFA to interview its personnel and personnel of Sub-recipients;
- vi. Cooperate with the LFA to identify additional training and capacity building that the Principal Recipient and Sub-recipients may need to implement the Program;
- vii. Cooperate with the LFA in other ways that the Global Fund may specify; and
- viii. The PR shall keep the CCM informed regarding any material issue between the PR and the LFA relevant to the CCM oversight responsibility on Program implementation, and PR and SRs performance affecting the Program.

6.3 **LFA Representative.** For purposes of the Grant Agreement, the principal representative of the LFA shall be the person named or acting in the position identified in block \_\_\_ of the face sheet of the Grant Agreement. The Global Fund may, in its sole discretion, decide to replace the LFA or designate an alternative principal representative of the LFA and shall inform the CCM and Principal Recipient accordingly.

## 7 TIME PERIOD

- 7.1 The proposed activities shall be implemented for the period /\_\_\_/\_\_\_/\_\_\_/ to /\_\_\_/\_\_\_/\_\_\_/.
- 7.2 Provided that all requirements are met by the PR, if within thirty days of signing this Agreement the PR fails to begin implementation of the actions planned, the CCM may rescind this agreement in accordance with the terms of Clause 11.8 of this Memorandum of Understanding.
- 7.3 In consultation with the Global Fund, the CCM may agree with the PR to extend this period for duly verified *force majeure* reasons.
- 7.4 For purposes of this Memorandum of Understanding, *force majeure* means an event beyond the reasonable control of either of the parties that makes compliance with the contractual conditions by that party impossible or impractical so as to be considered reasonably impossible, given the circumstances.



- 7.5 The party affected by a *force majeure* event shall inform the other party of that situation within a period of five days, providing evidence regarding its nature and origin, and shall also indicate the period needed for the situation to return to normal.
- 7.6 Any event caused by the negligence or intent of either of the parties, or any event that a diligent party could reasonably be expected to consider when entering into this MOU and to avoid or overcome in the course of meeting their obligations under the MOU is not considered a *force majeure* event.
- 7.7 The parties shall take all reasonable measures to mitigate the consequences of any *force majeure* event.
- 7.8 The CCM in agreement with the Global Fund may opt to rescind this Memorandum of Understanding when *force majeure* reasons prevent the PR from implementing the agreed upon actions for a period of ninety days.

## **8 EVALUATIONS BY THE GLOBAL FUND**

- 8.1 The Global Fund may, at its sole discretion, conduct or commission evaluations of the Program, or of specified Program activities, implementing structures or other Program issues. PRs and Sub-recipients shall facilitate these evaluations. Exercise by the Global Fund of this right does not mitigate the obligation of the CCM or the PR to monitor and evaluate the Program.

## **9 CONFLICTS OF INTEREST (COI):**

- 9.1 **Standards of Conduct.** The Principal Recipient shall maintain and enforce standards of conduct to govern the performance of persons affiliated with the Principal Recipient or any Sub-recipient (for example, directors, officers, employees or agents) engaged in the award and administration of contracts, grants, or other benefits using Grant funds to ensure that such persons do not engage in any practice set forth in the CCM Conflict of Interest Management Plan and shall report to the CCM through the CCM Oversight Monitoring Committee any deviations from the COIMP.

## **10 RESOLUTION OF DISPUTES**

- 10.1 In the event that disputes arise between the parties to this Contract, provided that they are not resolved through negotiation, the aggrieved party may ask for initiation of an arbitration process;

- 10.2 For this purpose, if there is no agreement, both parties may request the Ministry of Labour to appoint an arbitrator. This appointment cannot be appealed;
- 10.3 The arbitration proceeding shall be set by the arbitrator in consultation with the parties and the cost of the process thereof shall be assumed by them according to the order caused, at the decision of the arbitrator, which cannot be appealed;
- 10.4 The arbitration ruling should be based firstly on the provisions of this contract and should consider the positions of each of the parties as well as the evidence submitted;
- 10.5 The arbitration ruling shall be final and binding and a competent jurisdictional court may be asked to enforce it.

## **11 DOCUMENTATION SUBMITTED**

- 11.1 Prior to the signing of this document, the PR has submitted the documentation confirming its operation in accordance with applicable legal standards. Said documentation is a part of the history of the PR and is on file in the area responsible for oversight and monitoring of the Grant Program and the PR performance.
- 11.2 In accordance with the stipulations of this Memorandum of Understanding, two identical copies are signed in Belmopan City, on the /\_\_/\_\_/\_\_/.

**THE END**