10 Delivery of Goods

Three Phases	*Ten Elements*
I. Program Planning	**1. Defining Reproductive Health Supply Requirements**
	2. Specifications
	3. Assessment of Procurement Options
	4. Budget, Funding, and Procurement Requisition
II. Procurement Process	**5. Procurement Planning**
	6. Developing Bidding Documents and Inviting Offers
	7. Selecting Suppliers
	8. Contracts
III. Performance	**9. Contract Performance and Monitoring**
	10. Delivery of Goods

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A. Introduction

This module covers Element 10, the last element of the reproductive health (RH) supply process. It describes the activities that begin after the purchaser authorizes the supplier to ship the commodities to the port of entry and concludes when the commodities have been cleared through customs, received, and inspected at the central warehouse and any outstanding insurance claims have been resolved.

Delivery of goods is an important element of the procurement supply process, since delays in receiving commodities, which can occur when customs clearance procedures are not managed efficiently, can have a negative impact on program objectives. If commodities are damaged in shipment and commodity replacement plans and insurance claim procedures are not handled effectively, then normal delays encountered in replacing goods can become extensive.

B. Learning Objectives

At the end of this module, the reader will be able to:

- Cite the information and documentation needed to support customs clearance of ocean and air freight shipments.
- List the responsibilities of the purchaser and supplier in supporting customs clearance procedures.
- Discuss the purchaser's responsibilities upon receipt of commodities at the central (receiving) warehouse.

C. Components, Considerations, and Challenges

1. Components

The three main components of Element 10 are:

- Supporting the customs clearance process.
- Receiving goods at the central warehouse.
- Settling insurance claims or outstanding liquidated damages.

The purchaser is primarily responsible for these components, although the supplier supports the customs clearance process by providing required documentation in a timely manner.

2. Considerations

The main considerations for Element 10 are:

a. Overarching Principles of Quality and Timeliness

- Inspection of goods upon receipt at the central warehouse for damage during shipment helps ensure that only good-quality products are entered into program inventory.
- Understanding and supporting customs clearance requirements helps to ensure that shipments are cleared in a timely manner and additional costs, such as demurrage (storage) charges, are avoided.

b. Critical Component: Commodity Loss or Damage During Shipment

If the commodities are lost or damaged during the shipping process to the point that they must be replaced, then the time required to process an insurance claim and replace the commodities could jeopardize RH program implementation.

c. Required Input From Other Elements

- Shipping instructions with details of the documents required for customs (Element 9).
- Appropriate terms and conditions regarding any liquidated damage requirements from the bidding documents (Element 6) and the contract (Element 8).

d. Key Decision Points

There are no key decision points for the purchaser at this stage. Established procedures for customs clearance and warehouse receipt and inspection are followed.

e. Expected Output

- Quality-assured commodities accepted into inventory at the central warehouse on time.

3. Challenges

The main challenges inherent in Element 10 are:

- Understanding and supporting customs clearance requirements so that the clearance process is completed in a timely manner.
- Ensuring proper inspection of goods upon receipt at the receiving warehouse.

D. Customs Clearance

Customs clearance of shipments entering a country is traditionally managed by the national customs bureau and is, therefore, outside the direct control of the purchaser or supplier. However, both parties play an important role in providing the documentation and information needed to support the clearance process and ensuring that it is done in the most effective and timely manner possible. Delays in customs clearance can result in the shipment incurring additional demurrage charges, which the purchaser is responsible for paying.

1. Preparing for Customs Clearance

After the shipment has met the preshipment compliance requirements and the purchaser has authorized shipment, the supplier proceeds to finalize shipping arrangements with a shipping company and prepare the commodities for shipment. As noted in Module 9, it is in the purchaser's best interest to provide the supplier with a specific set of shipping instructions that describe the requirements for shipment preparation and documentation. See Exhibit 9-5 in Module 9 for a sample form for preshipping and marking instructions.

a. Information Required Prior to Shipment

The purchaser needs to confirm the commodity information (type, quantity, and cost), consignee and notify party information, and ship-to destination prior to the shipment being released. The request for the shipping documents should be made by the purchaser at least 7 days prior to shipment for ocean shipments. The following information should be provided by the supplier:

- Copy of commercial invoice and the packing slip, containing:
  - Type, quantity, and value of product(s) to be shipped.
  - Number of shipping cartons.
  - Weight of shipment.
- Copies of quality assurance (QA) documents and certifications.
- Estimated departure date and estimated time of arrival.
- Port of destination.
- Vessel name and voyage number (if available).
- Booking number (if available).

- Bill of lading number (if available).

Similar information should be requested for air shipments at least 3 days in advance:

- Copy of commercial invoice and the packing slip, containing:
  - Type, quantity, and value of product(s) to be shipped.
  - Number of shipping cartons.
  - Weight of shipment.
- Copies of QA documents and certifications.
- Estimated departure date and estimated time of arrival.
- Routing and transfer points during transit.
- Airport of destination.
- Air waybill number (if available).

The purchaser should advise port clearance staff, central warehouse staff, and program managers when an estimated time of arrival has been set. This allows warehouse staff time to plan for any space adjustments that may be necessary to accommodate the incoming shipment and alerts them to the upcoming arrival of shipping documents.

b. Information Required Upon Shipment

As soon as the goods have been shipped, the supplier is required (by contract conditions) to notify the purchaser and provide the following documents:

- Copies of commercial documents, including a commercial invoice and packing list.
- Copies of QA documents and certifications (analysis and origin).
- Insurance certificate.
- Certifications regarding packing and markings (if applicable).
- Original bill of lading that includes the bill of lading number, vessel name, sailing date, destination port, container number, estimated time of arrival, number of crates or pallets, quantity and description of commodities, weight, and estimated value (for air shipments, equivalent information is provided from the air waybill).

  It is common practice for an original bill of lading set to consist of three original bills (although some purchasers request only one or two). At least one of the original bills of lading will need to be signed by the consignee and provided to the customs clearance agent (also called a customs and forwarding agent) in order to

clear the shipment at customs. If a letter of credit (L/C) has been issued, an original bill of lading is usually required to be sent to the issuing bank. The most important thing to remember is to check where original bills of lading need to go and to have them sent accordingly in good time, as this is a legal document that will need an original signature from the consignee in order for the goods to clear customs. It is imperative to check what documents are needed by the clearance agent to avoid any customs clearance delays and possible demurrage charges.

2. Requirements for Processing Shipping Documents for Payment

a. Seller's Distribution of Shipping Documents for Letter of Credit Payment

For ocean shipments, the supplier hands over the goods to a freight company or freight forwarder and receives at least one of the three original onboard bills of lading. For air shipments, the supplier receives only a copy of the air waybill; the original is sent with the shipment.

The supplier puts the original bill of lading (copies are acceptable for air waybills) together with the other documents required by the L/C (such as certified QA documents) and presents them for payment at the commercial bank named in the L/C. The bank reviews the documents submitted by the supplier, and if the documents are in order, and the supplier has complied fully with the L/C requirements, the bank releases payment to the supplier and forwards the documents to the purchaser.

If there are any discrepancies in the required documents submitted by the supplier with the L/C, then the bank withholds payment and informs the purchaser of the noted discrepancies. The purchaser must then decide whether (1) to accept the discrepancies and authorize the bank to release payment, or (2) not to accept the discrepancies, in which case, the bank does not release payment to the supplier. If a discrepancy is considered insignificant or minor and does not affect the key requirements of the L/C, the purchaser is generally in a position to accept the discrepancy and authorize release of payment. For significant discrepancies, the supplier must address the discrepancies in full, or the purchaser and supplier must agree on an alternative settlement to the discrepancy, with the supplier receiving payment from the bank upon submitting documentation that it has complied with the conditions of the settlement.

b. Purchaser's Distribution of Documents

The purchaser, as the consignee, receives the negotiated bill of lading or the air waybill and other shipping documents from the bank named in the L/C. The purchaser sends copies of the documents to the following:

- Customs clearance agent (receives original documents).
- Insurance surveyor for the onboard joint insurance survey.
- Central warehouse for receipt and accounting records.
- Procurement files.

3. Clearing Customs

In most cases, the purchaser contracts a specialized service company (such as a customs clearance agent) to work with the national customs bureau on the purchaser's behalf to facilitate clearing the shipment through the customs process. These agents are often licensed by the government and have expertise in and knowledge of national customs requirements and procedures, and they charge a fee for their services. "Customs broker" is another term used to describe an agency that specializes in customs clearance services.

a. Ocean Shipments

For ocean shipments, the purchaser sends the original shipping documents to the customs clearance agent for customs clearance as soon as possible. These documents generally include:

- Ocean bill of lading.
- Commercial invoice.
- Packing list.
- Insurance policy.
- Certificate of Origin.
- Certificate of Quality.

Sending documents late causes delays in port clearance, and demurrage charges may accrue after delays of as little as 4 days. It is also important to provide the correct number of original documents and copies to meet customs requirements. Although copies of these documents may have been sent earlier, the shipment cannot be cleared without the signed original bill of lading, which is a "negotiable instrument" and must be handled with secure

procedures (in other words, protected against theft, loss, forgery, etc.). If the commodities have received an exemption from customs duties and value added tax, an exemption certificate is also provided to the customs clearance agent.

Upon receipt of the shipping documents, the customs clearance agent arranges for the following:

- Unloading of the shipment at the port of entry.
- Clearance from the port and customs.
- Onboard joint insurance survey.
- Preparation of insurance claim documentation, if required.

When these activities have been completed, the shipment is released from customs.

b. Air Shipments

For air shipments, the purchaser passes the required documents to the customs clearance agent, who should quickly begin clearance procedures. These documents generally include:

- Air waybill.
- Commercial invoice.
- Packing list.
- Insurance policy.
- Certificate of Origin.
- Certificate of Quality.

The original air waybill accompanies the shipment. It does not confer ownership as an ocean bill of lading does; therefore, only proper identification of the consignee or its designated customs clearance agent to customs is required in order to be given possession of the shipment.

As with ocean shipments, the customs clearance agent arranges for the clearance of the shipment from customs at the destination airport.

E. Warehouse Delivery and Inspection

1. Transport From Customs Area to the Central Warehouse

The customs clearance agent may also arrange for transport from the customs area to the central warehouse if required, but in most cases, this is arranged by the government agency responsible for distribution of program commodities. All necessary precautions should be taken to protect the commodities from damage during transport from customs to the central warehouse.

The commodities should be insured during this transit; however, when this insurance coverage is provided by the international air or ocean cargo insurer, it can be very expensive. Local insurance, if it is available, can be significantly less expensive. The purchaser should determine the risk and need for insurance during this final stage of transit.

2. Receipt of Consignment

The warehouse staff officially receives the shipment from the transporting agency along with the following documents:

- Commercial invoice.
- Packing list.
- Onboard insurance survey report.

In the case of domestic delivery, the documents will consist of:

- Commercial invoice.
- Packing list.
- Local delivery receipt.

3. Warehouse Delivery Inspection

Upon delivery, warehouse staff must inspect the commodities for the following details:

- Correct commodity.
- Shipping damage.
- Special packing as required by the contract.

- Full quantities delivered.
- Packing slip present and correct.
- Correct markings on packaging, including expiry dates.
- Manufacturer's certification included in the shipment.
- Any further testing required.

The warehouse staff must immediately report any problems found to the procurement officer and appropriate officials. Commodities with unresolved questions should be quarantined and not put into distribution until all the problems are answered.

4. Accepting Goods Into Inventory

After the warehouse staff inspects the commodities, those that comply with the warehouse delivery inspection requirements as described above are accepted into inventory. The commodities should be placed in the designated location for program distribution and use. The commodities should be stored in warehouse locations with appropriate environmental conditions. The warehouse records should then be updated to reflect the commodities received. All receiving paperwork should be provided to the procurement unit to process the supplier payment. This finalizes the receipt of the commodities.

F. Freight Claims and Damages

1. Freight Claims

When an ocean shipment arrives in port, an onboard joint insurance survey is conducted to document the condition of the shipment. If the survey reveals damage or problems with the shipment, the shipment is received with "qualifying remarks." In this situation, the customs clearance agent prepares the necessary papers to file an insurance claim. These papers include:

- Copy of the onboard insurance survey report that documents the problem reported.
- Copy of the bill of lading.
- Copy of the commercial invoice.
- Copy of the insurance policy is provided by the supplier in CIF (cost, insurance, and freight) contracts.
- The insurance policy is secured by the purchaser in CFR (cost and freight) contracts.
- Claim bill.

The purchaser assembles the necessary documents and files the insurance claim with the insurance company. The insurance claim process is often managed by staff on the purchaser's side who possess appropriate legal or technical expertise. Similar procedures are followed for air shipments with reported shipment damage.

2. Liquidated Damages

Liquidated damages are usually monetary fines imposed against the supplier for late delivery. For the purchaser to be able to pursue liquidated damages, the right to do so must be included in the contract.

If the contract allows for liquidated damages for late delivery, then once all shipments have been completed (but prior to release of final payment), the purchaser should review the delivery schedules to determine if the supplier has accrued any liquidated damages. If review indicates there were late shipments that were subject to liquidated damages, the purchaser then calculates the amount of liquidated damages according to the contract requirements.

This amount is then withheld from the final payment to the supplier. In managing the liquidated damages process, the purchaser should:

- State in writing how the liquidated damages apply.
- Calculate the amount of liquidated damages.
- Advise the supplier of the applicability and amount of the liquidated damages.
- Mark the supplier invoice for the amount to be paid after deduction of the liquidated damages amount.
- Send invoices and supporting statements and calculations to the appropriate finance office for action.

3. Closing the Contract

At the end of the commodity warranty period, if there are no outstanding issues or payments due, and no other valid reservations, the contract file can be marked closed and the file retained for the required minimum length of time.

G. Reference Material

1. Books

Warehouse Receipt

Managing Drug Supply: The Selection, Procurement, Distribution, and Use of Pharmaceuticals (Management Sciences for Health/World Health Organization, 1997) provides a complete overview as well as step-by-step approaches on managing pharmaceutical systems in developing countries. It contains substantially revised sections on selection, procurement, distribution, and use in addition to new or considerably expanded sections on pharmaceutical policy, financing, organization, management information systems, and human resources management. The book can be ordered at Amazon.com and other online retailers.

2. Websites

Contracting for Services

See World Bank documents: *Standard Bidding Document: Procurement of Non-Consultant Services* (revised April 2007), at http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/PROCUREMENT/0,,contentMDK:21305355~isCURL:Y~menuPK:84284~pagePK:84269~piPK:60001558~theSitePK:84266,00.html, and *Standard Request for Proposals: Selection of Consultants* (revised March 2002), at http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/PROCUREMENT/0,,contentMDK:20061915~isCURL:Y~pagePK:84269~piPK:60001558~theSitePK:84266,00.html.

H. Learning Evaluation

1. To prepare for customs clearance, what information should the supplier provide to the purchaser approximately 7 days prior to an ocean shipment?

2. Once the commodities have shipped what bill of lading information should the supplier provide to the purchaser?

3. What options does a purchaser have if the commercial bank notifies the purchaser that there are discrepancies in the documents submitted by the supplier for payment of the L/C?

4. What are the traditional documents required for clearing ocean shipments through customs?

5. What are the traditional documents required for clearing air shipments through customs?

6. What are the key activities a customs clearance agent will arrange to support customs clearance?

7. What documents do central warehouse staff receive with an arriving shipment?

8. What do central warehouse staff inspect upon the arrival of the commodities?

9. What documents are assembled by a customs clearance agent to support the filing of a marine insurance claim?

10. What steps should a purchaser take in managing settlement of a liquidated damages process with the supplier?

Learning Evaluation Answers

1. The supplier should provide the purchaser with the following documents 7 days prior to shipment:
   - Copy of commercial invoice and the packing slip, containing:
     - Type, quantity, and value of product(s) to be shipped.
     - Number of shipping cartons.
     - Weight of shipment.
   - Copies of QA documents and certifications.
   - Estimated departure date and estimated time of arrival.
   - Port of destination.
   - Vessel name and voyage number (if available).
   - Booking number (if available).
   - Bill of lading number (if available).

   See Section D.1.a.

2. After the commodities have shipped, the supplier should provide the bill of lading, which includes the bill of lading number, vessel name, sailing date, destination port, container number, estimated time of arrival, number of crates or pallets, quantity and description of commodities, weight, and estimated value. See Section D.1.b.

3. If there are discrepancies in the documents submitted by the supplier to the commercial bank for the payment of the L/C, then the purchaser has two options: (1) to accept the discrepancies and authorize the bank to release payment, or (2) not to accept the discrepancies, in which case, the bank does not release payment to the supplier. See Section D.2.a.

4. The traditional documents required for clearing ocean shipments through customs are the ocean bill of lading, commercial invoice, packing list, insurance policy, Certificate of Origin, and Certificate of Quality. See Section D.3.a.

5. The traditional documents for clearing air shipments through customs are the air waybill, commercial invoice, packing list, insurance policy, Certificate of Origin, and Certificate of Quality. See Section D.3.b.

6. The key activities of a customs clearance agent are: unloading of the shipment at the port of entry, clearance from the port and customs, onboard joint insurance survey, and preparation of insurance claim documentation, if required. See Section D.3.a.

7. The documents received by the central warehouse staff are the commercial invoice, packing list, and onboard insurance survey report. In the case of domestic delivery, the documents are the commercial invoice, packing list, and local delivery receipt. See Section E.2.

8. The central warehouse staff inspect:

   - Correct commodity.
   - Shipping damage.
   - Special packing as required by the contract.
   - Full quantities delivered.
   - Packing slip present and correct.
   - Correct markings on packaging, including expiry dates.
   - Manufacturer's certification included in the shipment.
   - Any further testing required.

   See Section E.3.

9. The documents assembled by a customs clearance agent to support the filing of a marine insurance claim are:

   - Copy of the onboard insurance survey report that documents the problem reported.
   - Copy of the bill of lading.
   - Copy of the commercial invoice.
   - Copy of the insurance policy is provided by the supplier in CIF contracts.
   - The insurance policy is secured by the purchaser in CFR contracts.
   - Claim bill.

   See Section F.1.

10. The steps a purchaser should take in managing settlement of a liquidated damages process with the supplier are:

- State in writing how the liquidated damages apply.
- Calculate the amount of liquidated damages.
- Advise the supplier of the applicability and amount of the liquidated damages.
- Mark the supplier invoice for the amount to be paid after deduction of the liquidated damages amount.
- Send invoices and supporting statements and calculations to the appropriate finance office for action.

See Section F.2.

I. Performance Indicators

Performance indicators measure and evaluate success against a specific goal. The process begins by selecting performance indicators that are relevant for the procurement environment. This is followed by identifying and collecting appropriate data for each performance indicator to establish a baseline on the level of performance in the country. After training and corrective actions have been implemented, the same performance indicators are evaluated to determine the revised level of performance. Further information on conducting an assessment can be found in the Procurement Assessment Guide.

The following performance indicators can be used for monitoring and evaluating key aspects of this module:

1. Percentage of deliveries in which all required shipment information for the RH commodities were received from the supplier prior to arrival and transmitted to stores department (in accordance with contract requirements).
2. Percentage of contracts in which the purchaser notified port clearance and warehouse staff of the estimated arrival of the shipment.
3. Percentage of ocean shipments that arrived in port and received a set of clean findings from a marine insurance survey.
4. Percentage of shipments that were cleared through customs without incurring any demurrage charges.
5. Percentage of shipments that were received at the central warehouse, inspected, and accepted for inventory without any reported damage or discrepancies.
6. Percentage of contracts containing liquidated damages provisions.
7. Percentage of contracts in which the supplier did not accrue liquidated damages.

J. Glossary and Acronyms

Air waybill	A shipping document issued by airlines and air freight carriers when cargo is loaded on board an aircraft. It contains a description of the commodity being shipped, shipping instructions, terms and conditions of the shipment, and applicable transportation charges.
Bidding documents	The written description and set of terms and conditions of an intended purchase that is circulated by the intending buyer to prospective sellers.
Bill of lading	A shipping document issued by a carrier (usually an ocean shipping line) to a shipper that provides a written receipt for the goods, describes the conditions by which transport is made, and includes a written commitment to deliver goods at a stated destination to the lawful holder of the bill of lading.
CFR	Cost and freight: Title and risk insurance cost pass to buyer when delivered on board the ship by seller, which pays the transportation cost to the destination port.
CIF	Cost, insurance, and freight: Title and risk pass to buyer when delivered on board the ship by seller, which pays transportation and insurance costs to destination port.
Commercial invoice	Document required by customs to determine the true value of imported goods for assessment of duties and taxes.
Commodity	Any piece of tangible property, supplies, or equipment that is the subject of a procurement activity.
Component	An important function or process that occurs within an element of the reproductive health supply process. Each module of the *Toolkit* focuses on one element.

Consignee	A term used in shipping to describe the party to which something is entrusted (e.g., the "ship-to" party).
Contract	An agreement entered into by two parties for the execution of a certain activity (e.g., sale and purchase, construction, service provision, etc.).
Customs clearance agent	A licensed professional agent appointed by an importer to clear a shipment (consignment) coming from abroad through the port and customs authorities. Also called a customs broker.
Demurrage charges	Charges assessed against the consignee (purchaser) by a carrier, shipping agent, or customs agent for delay beyond the time allowed or agreed upon for unloading and/or removal of goods from port facilities.
Discrepancy	Used in banking and trade to indicate lack of agreement with stated requirements and/or documents.
Duty	A tax charged by a government, especially on imports.
Element	One of the ten key operational, broad-based activities in the reproductive health supply process.
Expiration (Expiry) date	The date beyond which the manufacturer will not guarantee the product.
L/C	Letter of credit: An arrangement by banks for settling commercial transactions; specifically, a written promise by a bank given to the seller in accordance with instructions (backed by a cash deposit) of the buyer to pay up to a given sum of money within a prescribed time limit when and if the seller presents specified documents that give evidence of its performance.
Liquidated damages	In sales contracts, a specified sum to be paid to the purchaser should the seller default on its obligation (usually pertaining to a delivery schedule).

Marks, markings	An application of numbers, letters, labels, tabs, symbols, or colors for handling or identification during shipment and storage.
Negotiated bill of lading	Term for a bill of lading that has been released to the purchaser following payment to the supplier.
Onboard joint insurance survey	An inspection of an arriving ocean freight shipment by both the marine insurance company surveyor and the vessel surveyor to document the condition of the shipment.
Packaging	The primary wrapping and marking of a product.
Packing	The assembling of a packaged product into multiple units. Prepared for shipment in appropriate cartons or crates with all necessary blocking, bracing, cushioning, weatherproofing, reinforcement, and markings.
Packing list	A schedule showing detailed packing information, including items and totals, number of units or items per box or crate, total number of boxes or crates with individual identification numbers provided, shipping marks, total volume of the cargo, weights and dimensions per box or crate, etc.
Performance indicator	Measures and evaluates success against a specific goal.
Phase	A natural division of the ten elements of the supply process into three sequential parts: program planning, procurement process, and contract performance.
Preshipment compliance	Process by which the purchaser confirms the acceptability for shipment of the supplier's commodity prior to shipment. There are three basic levels of preshipment compliance a purchaser can institute, ranging from document review to visual inspection up to full laboratory or physical testing of the commodity.
Procurement unit	Individuals organized around procurement duties within a larger entity.

QA	Quality assurance. For more information, see Supplementary Topics, Section H: Product Quality Assurance.
RH	Reproductive health: A state of complete physical, mental, and social well-being—not merely the absence of disease or infirmity—in all matters relating to the functions and processes of the reproductive system. Reproductive health implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when, and how often to do so; implicit in this last condition is the right of men and women to be informed and to have access to safe, effective, affordable, and acceptable methods of family planning of their choice, as well as other methods of their choice, for regulation of fertility.
Supplier	The party that transfers goods out of its own control to a named recipient.
Supply	Goods and services of a specific kind that are provided to businesses, public agencies, or directly to consumers.
United Nations	An international organization founded in 1945 after the Second World War by 51 countries committed to maintaining international peace and security; developing friendly relations among nations; and promoting social progress, better living standards, and human rights.
Value added tax	A tax levied by governments on values added resulting from an exchange of property; for example, from wholesale value to retail value. Generally paid by the seller (but passed along to the customer via sale price).
Warranty	A written guarantee given to the purchaser of health-sector goods by the manufacturer or dealer, usually specifying that the manufacturer will replace poor-quality goods free of charge for a stated period of time.

World Bank	The World Bank Group offers loans, advice, and an array of customized resources to more than 100 developing countries and countries in transition.
World Health Organization	The directing and coordinating authority for health within the United Nations system.