



## The Commonwealth

COMMONWEALTH SECRETARIAT  
MARLBOROUGH HOUSE, PALL MALL, LONDON SW1Y 5HX

*IN STRICT COMMERCIAL CONFIDENCE*

### Request for Quotations (RFQ)

For a Consultancy to Develop Principles and a Model Law on the Enforcement of  
Suppression orders in the Commonwealth.

February 2024

Secretariat Reference Number: GPD/ROL/CC/ATE2114/02/2024

Return Date: Return Date - 5 PM on 15/03/2024

Estimated Contract Award: April 2024

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## 1. Introduction

The Commonwealth Secretariat (The Secretariat) is an international organisation established by Agreed Memorandum, which is given privileges and immunities under the domestic law of the United Kingdom by the Commonwealth Secretariat Act 1966 (as amended by the International Organisations Act 2005). Under this legislation, the Secretariat is not subject to UK jurisdiction and enforcement.

This status has an impact on some of our standard terms and conditions. In particular, we draw your attention to our dispute resolution clause, which refers disputes to the exclusive jurisdiction of the Commonwealth Secretariat Arbitration Tribunal (CSAT). The 8 members of the Tribunal are selected by the Board of Governors and come from Commonwealth member countries. Information about CSAT, including its governing statute and procedure are available on its website at <http://thecommonwealth.org/tribunal>.

The Secretariat implements decisions agreed by 56 Heads of Government and Ministers through advocacy, consensus-building, information sharing, analysis, technical assistance, capacity-building, and advice on policy development.

## 2. Purpose

The purpose of this request for a quote (RFQ) is to find and appoint a suitable consultant for the provision of consultancy services to develop **Commonwealth Principles for the Enforcement of Suppression Orders and a Model Law on the Enforcement of Suppression Orders In The Commonwealth**. The appointed consultant shall be awarded a contract that will be effective for up to nine (9)months.

See Specification of Requirements/Terms of Reference in Section 7 for details on the services required.

## 3. Instructions to Bidders

This is a one stage RFQ process with a written submission to this RFQ followed by bidder clarifications, if required. Bidders will be scored following the first stage and if required bidders may be asked to attend a clarification of their Quote meeting.

Bidders must submit all documents as set out in Part 1 - Part 5 'Quote' no later than the return date of **5PM GMT on 15/03/2024**. The quote documents are to be returned to the following email address: [ruleoflawsection@commonwealth.int](mailto:ruleoflawsection@commonwealth.int).

Following all stages of the Quote process, the quote received that is deemed as offering best overall value to the Commonwealth Secretariat, shall be awarded the contract based on the notified evaluation weightings:

## 4. Evaluation Weightings

**Quality 70%**

**Price 30%**

The lowest price bid shall be awarded the full points, all other bids shall be awarded a percentage from the benchmark. E.g. (lowest price/other bid)\*weighting = Score.

## 5. Quote Timeline

Please note, that the following timeline is an estimate and may change at short notice.

| Activity   | Date               |
|--|--------------------|
| Request for quote (RFQ) issued   | 07/02/2024         |
| Clarification questions to be submitted by bidders by  | 16/02/2024         |
| Secretariat's response to (anonymised) clarification questions will be circulated to all in writing by | 23/02/2024         |
| Quotes submission closing date   | 5 PM on 15/03/2024 |
| Contract Start Date  | April 2024         |

## 6. Information for Bidders

- Unless indicated otherwise, all prices should be quoted in Pounds Sterling. Prices quoted for Technical Assistance Consultancy should include all travel, per diem and taxes and should be submitted on an all inclusive fixed basis, providing a breakdown of day rates per named Consultant mapped against the Secretariat's TAP Consultants: Corporate Fee Band Table (annexed to this RFQ)
- The bidder must ensure that they have all the information required for the preparation of the Quote submission and that they are satisfied about the correct interpretation of terminology used in this documentation. The bidder must also ensure that they are fully conversant with the nature and extent of the obligations should the Quote be accepted.
- Quotes are to be valid for a minimum of **30 days** from the closing date for the submission of the Quotes.
- The Commonwealth Secretariat reserves the right to cancel the RFQ at any time during the process and not to award a contract as a result of this procurement.
- Bidders shall bear all costs in completing a quotation submission.
- Bidders shall not disclose details of the RFQ to third parties without prior agreement from an authorised officer of the Commonwealth Secretariat.
- All clarification queries must be submitted by 5PM GMT 16/02/2024 and only to [ruleoflawsection@commonwealth.int](mailto:ruleoflawsection@commonwealth.int).
- Bidders are required to submit transparent pricing with no hidden costs or charges.
- The Secretariat will carry out an evaluation of the quotes using the weighted criteria method as described. Following the evaluation stage(s) the Secretariat will select a preferred bidder which will be taken forward to contract award. The Secretariat reserves the right to appoint a reserve preferred bidder which the Secretariat could then take forward to contract award if any contract negotiations with the preferred bidder are unsuccessful.

By taking part in this request for quotes all bidders commit to the following:

- Bidders confirm that by submitting a quote they agree to abide by the Secretariat's Code of Ethics and relevant Corporate policies as published from time to time on the following web page:  
<https://thecommonwealth.org/corporate-policies>
- Bidders certify that they have not canvassed or solicited any officer or employee of the Secretariat in connection with this Quote submission and that no person employed or acting on behalf of the bidder has done any such act.
- The CSAT shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Procurement (including non-contractual disputes or claims).
- **Compliance with policies:** The Secretariat has a zero-tolerance approach towards sexual exploitation, abuse and harassment. The bidder must familiarise itself with the Secretariat's policies available at <https://thecommonwealth.org/corporate-policies>. Particularly with reference to the Anti- Bribery and the Safeguarding Policy, the bidder must understand the obligations imposed on Suppliers/Consultants and their personnel and

sub-contractors including having robust procedures to detect and report any wrongdoing or concerns. Adherence to the Secretariat policies is mandatory and if awarded a contract, the Supplier/Consultant will be required to ensure continued compliance with the policies for the duration of the contract.

## 7. Terms of reference (ToR)

### Terms of Reference

|                                     |   |
|-------------------------------------|---|
| <b>Title:</b>                       | Consultant (Commonwealth Principles and Model Law on the Enforcement of Suppression Orders) |
| <b>Organizational Section/Unit:</b> | Governance and Peace Directorate<br>Rule of Law Section<br>Commonwealth Secretariat         |
| <b>Duty Station:</b>                | Home based  |
| <b>Proposed period:</b>             | April 2024 - December 2024  |
| <b>Consultancy days</b>             | 60 days of work within proposed period  |

#### 1. Background:

The Commonwealth is a voluntary association of 56 countries with a combined population of 2.2 billion. Thirty-three Commonwealth member countries are classified as small states with most having populations of 1.5 million or less. And, of these, 25 members are small island developing states.

Article VII of the Commonwealth Charter recognises the rule of law as an essential protection for the people of the Commonwealth. In furtherance of the organisation's goals on the rule of law, the Secretariat convenes meetings of Law Ministers of all Commonwealth countries every two years. These are preceded by meetings of Senior Officials of Commonwealth Law Ministries (SOLM). The Secretariat also convenes separate meetings of Law Ministers of the thirty-one small Commonwealth jurisdictions. These key meetings provide an opportunity for the Secretariat to report to Law Ministers and Senior Officials on progress on the realisation of strategic outcomes, as well as for Law Ministers and Senior Officials to exchange views and experience on contemporary and emerging legal issues and to take decisions on key matters.

The Secretariat uses policy papers to apprise Commonwealth Law Ministers and Senior Officials of key developments and to inform key decisions:

*'At their meeting in 2019 in Colombo, Sri Lanka, Law Ministers discussed the practical challenges pertaining to the enforcement in the digital age of suppression orders which are court-issued injunctions prohibiting the publication of details of on-going, or the outcome of, legal proceedings. Law Ministers agreed to explore potential solutions, including the establishment of frameworks that would enable the mutual recognition of suppression orders in the Commonwealth.'*

*At their meeting in February 2021, Senior Officials of Law Ministries requested that the Secretariat establish an expert working group, which would meet virtually, to assess the need for a formal framework. They recommended that the expert working group update the Senior Officials, and report to Law Ministers at their next meeting, providing options, which would assist Law Ministers to consider the issue and/or decide on further work.*

*At the Commonwealth Law Ministers Meeting in Balaclava, Mauritius in November 2022, Law Ministers received the report of the Expert Working Group on Suppression Orders. Law Ministers accepted the recommendations of the Expert Working Group that the Secretariat develop a model law on the enforcement of suppression orders.’ [Outcome Statement, Commonwealth Law Ministers Meeting 2022 [para 44 - 46].*

## **2. Expected Output:**

The Consultant is expected to:

- (a) Prepare a questionnaire to facilitate mapping of legislation on suppression orders in all Commonwealth countries.
- (b) Drawing from the mapping of legislation:
  - i. identify common domestic principles for the enforcement of suppression orders in legislative frameworks of Commonwealth countries;
  - ii. use the common domestic principles to guide the development of Commonwealth principles for enforcement of suppression orders. (The Consultant may also recommend principles which are not common among Commonwealth member countries, but inclusion should just be justifiable and beneficial to the Model Law)
- (c) Develop Commonwealth draft model law, and accompanying guidance notes for legislators, on suppression orders encompassing:
  - i. the bases used in Commonwealth countries to issue and enforce suppression orders;
  - ii. provisions obliging Internet Service Providers (ISPs) and Internet Content Hosts (ICPs) to prevent breaches of suppression orders; and
- (d) Present Model Law to the Expert Working Group and key stakeholders, for feedback, make necessary revisions and validate and finalize the Model Law on the Enforcement of Suppression Orders.

It is expected that these outputs will aid progressive unified development of law and practice on the enforcement of suppression orders across the Commonwealth.

## **4. Expected tangible and measurable output(s):**

| <b>Deliverable</b>   | <b>Timeline</b>  |
|--|------------------|
| a. Attend kick off meeting with Commonwealth Secretariat team and Expert Working Group and draft and submit work plan  | April 2024       |
| b. Draft and submit questionnaire to facilitate mapping of existing Commonwealth laws on suppression orders and Commonwealth principles on the enforcement of suppression orders | By 15 April 2024 |
| c. Collate responses to questionnaires and prepare report clearly identifying  | By 7 June 2024   |

|  |                     |
|--|---------------------|
| Commonwealth principles on the enforcement of suppression orders; attend review meeting with Secretariat and working group and implement amendments and submit |                     |
| d. Draft and submit Commonwealth draft model law on enforcement of suppression orders with guidance notes for legislators                                      | By 15 October 2024  |
| e. Attend review meeting(s) with Secretariat and Expert Working Group and implement recommended amendments and submit  | By 15 November 2024 |
| f. Submit Commonwealth draft model law on enforcement of suppression orders  | By 15 December 2024 |

## 5. Indicators to evaluate the consultant's performance

All outputs shall be assessed in accordance with the following indicators:

| Deliverable  | Indicators   |
|--|--|
| a. Approved work plan and questionnaire  | <ul style="list-style-type: none"> <li>Comprehensive background information</li> </ul>   |
| b. Approved report mapping existing Commonwealth laws on enforcement of suppression orders       | <ul style="list-style-type: none"> <li>Clear identification of the key deliverables</li> </ul>   |
| c. Approved Commonwealth principles on enforcement of suppression orders                         | <ul style="list-style-type: none"> <li>All Secretariat comments reflected appropriately</li> </ul>   |
| d. Approved Commonwealth draft model law and guidance notes on enforcement of suppression orders | <ul style="list-style-type: none"> <li>Excellent English drafting style and suitability for audience of Law Ministers</li> <li>Technical excellence</li> </ul> |

## 6. Qualifications/expertise sought (required educational background, years of relevant work experience, other special skills or knowledge required):

- Minimum of master's degree in law, public policy or another relevant field;
- Minimum of 10 years of professional expertise in legislative drafting with proven practical professional experience in drafting of legislation;
- Proven ability to work well under pressure and meet strict deadlines;
- Fluency in English required.

*This consultancy assignment is expected to require a Consultant at Band C of the Secretariat's Technical Assistance Consultants: Corporate Fee Band Table (see Annex 1 Below).*

## 7. Administrative arrangements

The assigned tasks are to be performed on a part-time, remote basis over a contract period.

The total budget payable under this contract will be up to £28,500 (including VAT and other charges):

*Payment 1 - £15,000*

- *Submission of deliverables (a) - (c) as outlined in the table above.*

*Payment 2 - £15,000*

- *Successful completion of deliverable (d) listed in the table above.*

Payment will be made upon satisfactory completion of all stages of work signed off by the Commonwealth Secretariat and within 30 days upon submission of the invoice.

Applicants should send a CV and a quote (including the number of consultancy days) to [ruleoflawsection@commonwealth.int](mailto:ruleoflawsection@commonwealth.int) before 17:00 GMT on Friday 15 March 2024.

## **Quote Submission Documents (ref GPD/ROL/CC/ATE2114/02/2024)**

**Note - Bidders must complete and return all Quote submission documents below:**

### **Part 1 - Bidder Details**

#### **Part 2 - Suitability Assessment Questions**

#### **Part 3 - Technical Questionnaire**

#### **Part 4 - Pricing**

### **Part 1 - Bidder Details (for information)**

Please provide details relating to your registered offices, legal status and date of incorporation.

|  |  |
|--|--|
| <i>Individual / Company and/or Trading Name</i>  |  |
| <i>Company Address</i>                           |  |
| <i>Post Code</i>                                 |  |
| <i>Company / Sole Trader Registration Number</i> |  |
| <i>Date of incorporation</i>                     |  |

|                     |  |
|---------------------|--|
| <i>Contact Name</i> |  |
| <i>Telephone</i>    |  |
| <i>Job Title</i>    |  |
| <i>Email</i>        |  |

In the event of utilising a third party, on your behalf for any part of the services, please provide the full details of the secondary consultant/supplier:

|  |  |
|--|--|
| <i>Company Name</i>                      |  |
| <i>Company Address</i>                   |  |
| <i>Post Code</i>                         |  |
| <i>Duration of working relationship,</i> |  |
| <i>Reason for use</i>                    |  |

In line with the Secretariat's Procurement Code of Ethics<sup>1</sup>, the Secretariat works towards encouraging SMEs to apply for relevant tenders and is committed to monitoring the environmental awareness of our consultants, suppliers and partners with a view (where relevant to the subject matter of the contract) to only doing business with ISO 14001 Environmental Management or ISO 50001 Energy Management accredited organisations.

|  |        |
|--|--------|
| <b>Is the Consultant classified as a Micro or Small Medium Enterprise (SME)?</b>               | Yes/No |
| <b>Is the Consultant an ISO14001 or ISO 50001 (Energy Management) accredited organisation?</b> | Yes/No |

### **UK VAT Declaration**

For UK Registered consultant: Is the bidder registered for Value Added Tax (VAT)? [Y/N]

If Yes, please include VAT registration number [insert] and provide a copy of your VAT registration certificate as part of your response.

### **Annual Turnover check:**

<sup>1</sup> <https://thecommonwealth.org/corporate-policies>

In line with the Secretariat's Procurement Code of Ethics<sup>2</sup>, the Secretariat expects for its consultant/suppliers to have a turn over that is, as a minimum, twice the value of the contract they are applying for. Please state the following:

| Annual    | Previous Year | Year 2 |
|-----------|---------------|--------|
| Turnover: | £             | £      |

Or

For individual consultants, please confirm that your annual turnover is twice the value of the Contract you are applying for:

YES

Please note, the successful bidder (if a company and not an Individual) may also be checked for their Equifax Financial Credit Score. Should the bidder (if a company) fail the commercial credit score check, the Secretariat will be entitled to commence negotiations with the second preferred bidder subject to that bidder (if a Company) having passed the Equifax Credit Score and so forth.

Please provide the contact details of two reference clients. A minimum of two references will be collected from previous clients (excluding the Secretariat) from projects carried out in (max) last 18 months. Please provide references from similar international organisations or public sector bodies or equivalent if possible. One of the references should relate to the most recent contract you/your company has fulfilled. If possible, additionally, **supply a list of potential references from which the Secretariat can select the referees they wish to contact<sup>3</sup>**. The referees will not be contacted until the final stage of the Quote process.

|                   | Reference 1 | Reference 2 |
|-------------------|-------------|-------------|
| Company Name      |             |             |
| Company Address   |             |             |
| Post Code         |             |             |
| Referees name     |             |             |
| Referee Telephone |             |             |
| Referee Email     |             |             |

## Part 2 - Suitability Assessment Questions (pass/fail)

### Grounds for Exclusion

You will be excluded from the Quote process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations.

1. Within the past five years, have you or your organisation (or any member of your proposed consortium, if applicable)- if you are trading as a company - Directors or Partner or any other person who has powers of representation, decision or control been convicted of any of the following offences? Individual Consultants - please complete the table to the best of your knowledge.

| Please Mark 'X' In the Relevant Box | Yes | No |
|-------------------------------------|-----|----|
|-------------------------------------|-----|----|

<sup>2</sup> <https://thecommonwealth.org/corporate-policies>

<sup>3</sup> This will go some way to mitigate against bidders selecting the references that are likely to be more favorable and will assist in providing a more realistic reflection of performance.

|     |  |  |  |
|-----|--|--|--|
| (a) | Conspiracy as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (b) | Corruption as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (c) | Bribery as defined by the legislative or judicial bodies in your jurisdiction.   |  |  |
| (d) | The offence of cheating the Revenue as defined by the legislative or judicial bodies in your jurisdiction.   |  |  |
| (e) | The offence of conspiracy to defraud as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (f) | Fraud as defined by the legislative or judicial bodies in your jurisdiction.   |  |  |
| (g) | Theft as defined by the legislative or judicial bodies in your jurisdiction.   |  |  |
| (h) | Fraudulent trading as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (i) | Fraudulent evasion as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (j) | Destroying, defacing or concealing of documents or procuring the execution of a valuable security as defined by the legislative or judicial bodies in your jurisdiction. |  |  |
| (k) | The possession of articles for use in frauds as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (l) | Any offence considered to be Counter Terrorism as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (m) | Money laundering as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |
| (n) | Any Sexual Offences as defined by the legislative or judicial bodies in your jurisdiction.   |  |  |
| (o) | Drug trafficking as defined by the legislative or judicial bodies in your jurisdiction.  |  |  |

2. Within the past three years, please indicate if any of the following situations have applied, or currently apply, to you (if an Individual Consultant) or your organisation.

| Please Mark 'X' In the Relevant Box |  | Yes | No |
|-------------------------------------|--|-----|----|
| (a)                                 | You/your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are |     |    |

|     |  |  |  |
|-----|--|--|--|
|     | suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;  |  |  |
| (b) | You/your organisation is guilty of grave professional misconduct, which renders its integrity questionable;  |  |  |
| (c) | You/your organisation has entered into agreements with other economic operators aimed at distorting competition;   |  |  |
| (d) | the prior involvement of you/your organisation in the preparation of the procurement procedure has resulted in a distortion of competition;  |  |  |
| (e) | you/your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions. |  |  |

### 3. Employment and Human Rights

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. Please delete 'Yes' / 'No' as applicable.

|     |  |               |
|-----|--|---------------|
| (a) | In the last three years, has any finding of unlawful discrimination been made against you/your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?  | Yes/No        |
| (b) | In the last three years, have you or has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination?<br><br><i>If you have answered "yes" to one or both of the questions, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</i><br><br><i>If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring. You may be excluded if you are unable to demonstrate to The Secretariat's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</i> | Yes/No        |
| (c) | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?   | Yes/No/<br>NA |

### 4. Environmental Legislation

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. Please delete 'Yes' / 'No' as applicable.

|     |  |               |
|-----|--|---------------|
| (a) | <p>Have you or your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?</p> <p><i>If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served. The Secretariat will not select bidders that have been prosecuted or served notice under environmental legislation in the last 3 years, unless The Commonwealth is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</i></p> | Yes/No        |
| (b) | <p>If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation?</p>  | Yes/No/<br>NA |

## 5. Health and Safety legislation

For individuals/organisations working outside of the UK please refer to equivalent legislation in the country that you are registered in and/or located. Please delete ‘Yes’ / ‘No’ as applicable.

|     |  |  |
|-----|--|--|
| (a) | <p>Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.</p>  | Yes/No/NA<br>(individual consultant)     |
| (b) | <p>Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?</p> <p><i>If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result. The Secretariat will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to The Secretariat’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</i></p> | Yes/No/NA<br>(individual consultant)     |
| (c) | <p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?</p>  | Yes/No/<br>NA<br>(individual consultant) |

## 6. Insurance requirements (for information)

Does the Consultant (whether an Individual or Company) have insurances (as may be necessary or relevant by the subject matter of the contract specified in the ToR in this RFQ), currently in place, for the business activities they are proposing to carry out?

YES

NO

If Yes, please state the type of insurance and level of insurance held:

| Area   | Does the Consultant/supplier have insurances in place? | Level of cover expected | Level of cover currently held |
|--|--|-------------------------|-------------------------------|
| <i>e.g. Public liability</i>   | Yes/No/NA  | £10m                    |                               |
| <i>e.g. Employer's liability</i>   | Yes/No/NA  | £5m                     |                               |
| <i>e.g. Professional Indemnity</i>   | Yes/No/NA  | £1m                     |                               |
| e.g. Data Protection Liability (for relevant projects only, where the supplier will be handling/processing personal data on behalf of the Secretariat) | Yes/No/NA  | See below <sup>4</sup>  |                               |

Please note that the **Individual Consultant** will not be excluded from the tender process if the answer is 'No'. However, it is industry best practice for consultants to ensure they have suitable insurances in place for the work they are proposing to undertake.

Please note that the insurance cover detailed above should be in place before activities commence in pursuance of the services required (if successful) and will not be considered as part of the costs under the contract between the Secretariat and the selected consultant.

## 7. Terms and Conditions/Code of Ethics/Corporate Policies

Please delete 'Yes' / 'No' as applicable.

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<sup>4</sup> Where contracts involve significant data processing, data protection cap needs to be determined on a case-by-case basis. For low-cost contracts that involve little (emails only) or no data processing, the liability is capped at 1.5 times of the contract value.

|     |  |        |
|-----|--|--------|
| (a) | <p>Please confirm that you (if an Individual Consultant)/your organisation agrees to the Commonwealth Secretariat's:</p> <ol style="list-style-type: none"> <li>1. Secretariat's standard terms and conditions for below £30,000 total contract value can be found at: <a href="https://thecommonwealth.org/terms-and-conditions">https://thecommonwealth.org/terms-and-conditions</a></li> <li>2. Secretariat's Code of Ethics and Safeguarding Policy at: <a href="https://thecommonwealth.org/corporate-policies">https://thecommonwealth.org/corporate-policies</a> and</li> <li>3. Secretariat's Corporate policies applicable to Consultant/suppliers and as published from time to time on the following web page: <a href="https://thecommonwealth.org/corporate-policies">https://thecommonwealth.org/corporate-policies</a></li> </ol> <p>.....</p> <p>If you do not agree to abide by the above, please state reasons and/or changes requested as part of your bid:</p> | Yes/No |
|-----|--|--------|

#### 8. Legal comments table

By submitting a response, the bidder is agreeing to be bound by the terms of this RFQ and the Contract save as in relation to those areas of the Contract specifically highlighted below. As such, if the terms & conditions of the Commonwealth Secretariat [Terms and Conditions | Commonwealth \(thecommonwealth.org\)](#) renders proposals in the bidder's response unworkable, the bidder must submit full details of the unworkable/unacceptable provisions within the relevant Standard Terms and Conditions (Consultancy) by completing the Legal Comments Table below.

| Clause/Paragraph /Schedule | Summary of Issue | Suggested Revisions |
|----------------------------|------------------|---------------------|
|                            |                  |                     |
|                            |                  |                     |
|                            |                  |                     |
|                            |                  |                     |
|                            |                  |                     |
|                            |                  |                     |
|                            |                  |                     |
|                            |                  |                     |
|                            |                  |                     |

### Part 3 - Technical Questionnaire

The following scoring mechanism will be used to score each question in this section:

| <b>Using a 0 - 5 scoring system:</b> |   |
|--------------------------------------|---|
| <b>0</b>                             | <b>Unacceptable Response</b> - No information provided or response does not address the requirement.  |
| <b>1</b>                             | <b>Poor response</b> - The response contains material omissions and / or is supported by limited evidence / examples. Concerns that the organisation does not have the potential to deliver / that they have failed to meet a reasonable standard.  |
| <b>2</b>                             | <b>Fair response</b> - There is adequate detail / supporting examples giving a reasonable level of confidence in the Tenderer's experience and ability. The Tenderer appears to have the potential to deliver as required / has met a reasonable standard and there are only minor concerns about the Tenderer's experience   |
| <b>3</b>                             | <b>Good Response</b> - The level of detail / supporting examples gives a high level of confidence in the Tenderer's experience and ability. The Tenderer clearly has the potential to deliver and / or has clearly met an acceptable standard.  |
| <b>4</b>                             | <b>Excellent Response</b> - A comprehensive well evidenced submission, clearly demonstrating expertise and knowledge incorporating some value-added benefits attributes & other points of innovation. The bid is deemed to offer little risk and fully captures the understanding of the steps involved to deliver aspects of the service which can be related to the question posed, giving a high level of confidence in the Tenderer's experience and ability.   |
| <b>5</b>                             | <b>Exceptional Response</b> - A comprehensive and exceptionally evidenced submission that substantially exceeds the expectations of the requirement and offers significant additional benefits. Submission clearly demonstrates exceptional expertise and knowledge incorporating value added benefits/ & other points of innovation. The bid is deemed to offer well identified risks and a mitigation of these put forward and fully captures the understanding of the steps involved to deliver all the aspects of the service and is directly relatable to the question posed, giving an exceptionally high level of confidence in the Tenderer's experience and ability. |

- The technical questions below are worth **70%** of the total score. The individual question weightings are set out in the weighting column.
- The following formula will be applied for each question:
  - Points Scored ÷ Points Available × % weighting
  - The scores for each of the questions will be added to give a total Technical/Quality Score
- Unanswered questions or sections that are left blank shall be awarded a 0.

Please answer all questions in the spaces provided. Please do not attach documents or appendices.

| Question No.            | Question   | Weighting |
|-------------------------|--|-----------|
| 1                       | <p><b>Specialist expertise</b><br/>           Minimum of 10 years of professional expertise in legislative drafting with proven practical professional experience in drafting of legislation;</p>  | 30%       |
| Insert your answer here |  |           |
| 2                       | <p><b>Education</b><br/>           Minimum of master's degree in law, public policy or another relevant field</p>  | 15%       |
| Insert your answer here |  |           |
| 3                       | <p><b>Practical skills</b><br/>           Strong research and drafting skills including capacity to prepare accurate, relevant, reliable and analytical legal and policy documents.<br/>           Solid understanding and knowledge of Commonwealth legal systems.<br/>           Highly developed skill in designing and conducting research. Communication skills, including ability to draft/edit texts and to articulate ideas in a clear, concise style to a variety of audiences. Proven ability to work well under pressure and meet strict deadlines.</p> | 25%       |
| Insert your answer here |  |           |

#### Part 4 - Pricing (30%)

Transparent pricing must be submitted with no hidden costs. Pricing and cost must be broken down to the different elements of the services and any other costs.

Please complete the Pricing Schedule and submit as a separate document. Please refer to Instructions to bidders which states that unless indicated otherwise, all prices should be quoted in Pounds Sterling.

The Consultant is expected (within their financial proposal) to provide a full breakdown of the number of experts/number of days (total and per expert) needed to complete the assignment.

Consultants are to give an indication as to which Band each Consultant's fee falls within in the Secretariat's **Technical Assistance Consultants: Corporate Fee Band Table** (see Annex 1). Include CVs of all staff proposed. Please note that the maximum daily fee rates can not normally exceed £700.

| For Consultancy:<br>Consultant's<br>Name/Role/Band - refer to<br><i>Annex 1 Technical<br/>Assistance Consultants:<br/>Corporate Fee Band Table</i><br>Experts name/role | Day Rate<br>(including<br>all taxes) | No of<br>Days | Total (including all taxes)<br>GBP |
|---|--------------------------------------|---------------|------------------------------------|
|   |                                      |               |                                    |
|   |                                      |               |                                    |
|   |                                      |               |                                    |
|   |                                      |               |                                    |
|   |                                      |               |                                    |
|   |                                      |               |                                    |
|   |                                      |               |                                    |
| <b>Total</b>  |                                      |               |                                    |

Payments will be made upon successful completion of the assignment, upon receipt of the Secretariat's written approval of all agreed deliverables and upon submission of a compliant invoice. If there is a VAT element - for UK VAT registered consultant only - this must be itemised in the total quote received/agreed by the Secretariat and the consultant must submit a UK VAT registration certificate to the Secretariat when invoicing. All invoices will be sent to contract manager.

## Annex 1 is to be included only for TAP Consultancy

### Annex 1 - Secretariat's Technical Assistance Consultants: Corporate Fee Band Table

The consultancy fee rate range associated with a particular level of assignment may be based on the following:

- Knowledge, qualifications, experience, and skills required.
- Level of work in terms of responsibilities and complexity of the assignment.
- Degree of specialization required by the assignment.

| Band | Per Day (GBP) | Comments and Guidelines  |
|------|---------------|--|
| A*   | 700+          | <ol style="list-style-type: none"><li>1. Extensive achievement in their specialist field, in which they are nationally or internationally renowned. Extensive experience of leading or directing major, complex and business-critical projects, bringing genuine strategic insight, understanding the range of services to be delivered. In depth knowledge of the international sector/specialist field and of current policy and political issues affecting it.</li><li>2. Contributions to the accomplishment of a crucial programme or service or functional area of a broad scope, involving high complexity and impact.</li><li>3. Providing functional leadership and expert advice.</li><li>4. Preparing intricate and complex technical papers to working groups.</li><li>5. Undertaking the drafting of reports or proposals for projects of a large scale or a broad scope.</li><li>6. Large-scale programmatic and operational activities involving large commitments of staff and funds.</li><li>7. Rare specialization</li><li>8. Industry equivalent level: Partner/Managing Director</li></ol> |
| B    | 500-699       | <ol style="list-style-type: none"><li>1. Substantial experience in their specialist field and operating multiple major consultancy assignments achieving specific revenue and income objectives to agreed outcomes.</li><li>2. Within this category the person is expected to have significant, proven, industry recognised experience.</li><li>3. Expected to develop new approaches, techniques, or policies and/or design guidelines, standard operating procedures.</li><li>4. Providing technical support; leading group dynamics; and undertaking report drafting or project-wide proposals.</li><li>5. Industry equivalent level: Principal/Senior Consultant</li></ol>   |
| C    | 350 - 499     | <ol style="list-style-type: none"><li>1. Demonstrable experience and relevant exposure in a range of projects in a specialist field.</li></ol>   |

|   |             |   |
|---|-------------|---|
|   |             | <ol style="list-style-type: none"> <li>2. Evidence of client facing experience and relationship management.</li> <li>3. Support for planning and monitoring budgets and services to wider consultancy projects; and experience of proposal preparation.</li> <li>4. Industry equivalent level: Consultant</li> </ol>                  |
| D | 300-349     | <ol style="list-style-type: none"> <li>1. Specialized degree or training and</li> <li>2. Several years of relevant experience</li> <li>3. Industry equivalent level: Junior Consultant</li> </ol>   |
| E | £100 - £299 | <ol style="list-style-type: none"> <li>1. This level is established for the engagement of support services not available in the Secretariat related to projects or technical tasks of a narrow scope for which limited technical skills or experience are required.</li> <li>2. Industry equivalent level: Project Support</li> </ol> |

\*Rates above Band A must include appropriate justification in respect of the tasks involved, complexity of the assignment, number of workdays involved, duration/period and specific task deliverables and must, internally within the Secretariat, be referred to the DSG, ASG or Senior Director for review and approval ahead of any contract being awarded.