



The Commonwealth

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

IN STRICT COMMERCIAL CONFIDENCE

Request for Quotations (RFQ)

For the Provision of Consultancy Services: Consultant and Advisor - Pan-Commonwealth
Military Justice Reform

February 2024

Secretariat Reference Number: GPD/OCCJR/ATE2119/2024

Return Date: Return Date - 12 Noon GMT on 23-02-2024

Estimated Contract Award: February 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 **Consultant and Advisor - Pan-Commonwealth Military Justice Reform** to the Commonwealth Secretariat. The appointed consultant shall be awarded a contract that will be effective for up to **five (5) months**.

See 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 Part1 - Part 5 'Quote' no later than the return date of: **12 Noon GMT 23 /02/2024** The quote documents are to be returned to the following email address: occjr@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 90%

Price 10%

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	14-02-2024
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	19-02-2024
Quotes submission closing date	12 Noon GMT 23/02/2024
Evaluation process duration (including any clarification meetings)	
Contract Start Date	February 2024

6. Information for Bidders

- Unless indicated otherwise, all prices should be quoted in Pounds Sterling. Only for TAP Consultancy include]: 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 12 Noon GMT on 16/02/2024 and only to: occjr@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

Call for Consultant to provide: Pan-Commonwealth Military Justice Reform Project

Job Title: Consultant and Advisor - Pan-Commonwealth Military Justice Reform

Project Location: Remote and UK

Period: February 2024 to 30 June 2024

Total Fees: £25,000. Fixed Fee Including VAT and all taxes.

Travel-related expenses: Not exceeding £5000.

Background

The majority of Commonwealth member countries' legal systems are founded on English common law. In the few instances where this is not the case, the common law system is applied in conjunction or interlocked with other legal systems such as civil law and/or customary law. Military law can be termed the body of rules and regulations which govern the maintenance of justice, order, and discipline of a country's armed forces and is similarly rooted in common law in most Commonwealth member countries.

Countries primarily rely upon courts of general jurisdiction to ensure an orderly society by punishing conduct that is proscribed by the criminal law. The military is an exception to this rule; it may police the behaviour of its members with special courts and a separate body of rules. His Honour Jeff Blackett, former Judge Advocate General of the United Kingdom, provided reasons for maintaining a system of military justice separate and distinct from a civilian system: to maintain discipline (an essential element of command), to support operational effectiveness and morale, to reflect the unique nature of armed forces where soldiers are required to use lethal force to defend their countries, and to extend the laws of the country to personnel serving overseas and outside the jurisdiction of civilian courts. Military courts, like all other courts, play a key role in protecting public order and welfare. Thus, despite the military having a separate body of rules, military justice systems should be an integral part of the general judicial system, and that system must ensure the proper administration of justice.

The Commonwealth Military Justice Reform Project

The strategic objective of the Commonwealth Secretariat project is to support the transformation of military justice systems across the Commonwealth to ensure that they reflect international norms and standards, including international humanitarian law and international human rights law, guaranteeing the proper administration of

justice through an independent and impartial judiciary, due process of law, and equal access to justice. The Commonwealth Secretariat proposed to law ministers that military justice systems should reflect both substantive and procedural democratic legal norms, including, but not limited to: (a) a judiciary that is free from interference and pressure from the other branches of government; (b) prosecutors who may exercise their discretion in accordance with established legal norms and absent improper political or military interference; (c) transparency of process; (d) subordination of the armed forces to lawful civilian government; and (e) the importance of maintaining the discipline, efficiency, and morale of the armed forces.

In November 2022, Commonwealth Law Ministers received a paper on the proposed military justice reform project and mandated the Secretariat's Office of Civil and Criminal Justice Reform (OCCJR) to pursue the project, as set out in the paper.

“Law Ministers also received a paper on ‘Military Justice Transformation Project’ in the Commonwealth. Ministers thanked the Secretariat for the work on this project including the proposal to produce the Commonwealth Military Justice Principles and directed the Secretariat to report on the activities of the Commonwealth Military Justice Transformation Project at their next meeting.”

The Secretariat commenced the project by constituting a Committee of Experts to provide advice and input on this work.

Through the Committee of Experts, the Commonwealth Secretariat was invited to present on their work at the 2nd International Military Justice Forum (IMJF) in Stellenbosch, South Africa. In the margins of the IMJF, the Secretariat hosted a workshop with the Committee of Experts and other eminent experts in the field and together they finalised the first draft of the Military Justice Principles, now called the Stellenbosch Draft. The Stellenbosch Draft is the first step in a consultative process, and the Secretariat is in the process of seeking comments from Commonwealth member countries to ensure that the Principles are member-supported and member-owned.

Furthermore, in 2021 the Secretariat's OCCJR received a request for assistance from The Bahamas to assist the Royal Bahamas Defence Force (RBDF) in the ‘enhancement and strengthening of its Military Justice System.’ Following a successful exchange of ideas on military law reform in Nassau, The Bahamas, in May 2022, OCCJR received a formal request from the RBDF to provide technical assistance to draft model military justice legislation for summary and court martial systems. In 2023, OCCJR received a similar request for technical assistance from Barbados. OCCJR recruited a consultant and he is in the process of drafting model laws for the Caribbean region, with input from the named member states.

OCCJR is invited often to present their military justice transformation work at events, such as the Commonwealth Lawyers Conference and the Commonwealth Magistrates and Judges Association conference.

Objectives

The role of the Consultant is to manage the Commonwealth Military Justice Transformation project. Specifically, the consultant is required to steward the Commonwealth Military Justice Principles by creating a Military Justice Working Group to review and comment on the Stellenbosch Draft, convening meetings with the Working Group, and stewarding updates and finalisation of the Principles for presentation to Law Ministers and such other Ministries as determined. Furthermore, the consultant will be required to support the ongoing Model Law process, managing the consultant and feedback from member countries that requested technical assistance. This includes managing other parties, such as the US Defense Institute of International Legal Studies (DIIILS), that interacts frequently with member states. Lastly, the consultant will be required to manage current ongoing activities as set out in the Military Justice Transformation Project paper attached hereto.

Deliverables, Timelines & Remuneration

The deliverables are as set out below.

The consultant will be expected to work closely with and provide regular updates and feedback to the Commonwealth Secretariat on the progress.

The consultant will be paid a total of £ 25,000. The duration of the project will be from February 2024 to 30 June 2024.

Deliverable	Detail	Due Date*	Remuneration
Concept note	Concept note for work to be delivered during the contract period.	01/03/2024	
Military Justice Working Group and Military Justice Principles	<ul style="list-style-type: none">• Manage nominations to the Working Group, ensuring sufficient representation (including number of member states and regional representation). POL Heads will be kept apprised of all meetings and correspondence with High Commissions in this regard.• Set up meetings with Working Group.• Manage facilitation of meetings with Working Group.• Steward updates to the Principles, keeping all parties, including Committee of Experts, informed.	Ongoing <i>Note that this process is highly dependent on member state engagement, and therefore the consultant cannot guarantee a delivery date.</i>	

	<ul style="list-style-type: none"> • Steward finalisation of Principles with support of the Working Group and Committee of Experts. • Liaise with relevant High Commissions on Working Group. • Provide support to chair of meetings. • Deliver Commonwealth Military Justice Principles to Rule of Law team, ensuring, in the consultant's professional opinion, sufficient support of member countries to enable endorsement by Law Ministers. Travel for in-person meetings, as determined necessary and agreed upon by the Commonwealth. 		
Ongoing work, including RBDF model laws contract management	<ul style="list-style-type: none"> • Manage model law contract with consultant • Continue to oversee drafting process • Liaise with Committee of Experts on draft • Involve Working Group, as deemed necessary • Keep member states informed • Generally, ensure an integrated Caribbean approach to the model laws. • Progress current (as of date of contract) ongoing work. • Present work at such forums as determined necessary and agreed upon by the Commonwealth. 	<ul style="list-style-type: none"> • Model laws: Support process to enable delivery of model laws as per drafter's contract, ensuring quality and suitability for purpose. • Other work: ongoing and/or on such dates as agreed with the Commonwealth. 	
Report on work done	<ul style="list-style-type: none"> • Provide detailed report at the end of contract period on all aforementioned work 		100% on 30/06/2024
Total			£25,000 (100%)

***Note that where deliverables are dependent on Member Countries or other parties' input and engagement. However, the consultant is required to do their best to ensure that Member Countries and/or other parties have what they need to provide the necessary input and/or products.**

The table above may be amended by agreement (in writing or by electronically) between the consultant and the Commonwealth Secretariat. The parties agree that any substantial changes in scope of a deliverable may also result in an amendment to the fees.

Reporting

The Consultant will be reporting to Rosemary Ademoroti, Interim Adviser to the Assistant Secretary General of the Commonwealth.

Person Specification

Education

- Degree in law from a Commonwealth jurisdiction;
- A Master's degree in international development, law, public policy or any other relevant social sciences discipline is required;
- A member of a professional body with continuing eligibility to practice law;
- Extensive knowledge of military justice issues.

Experience

- Minimum 10-years in research or consulting experience in the fields of international development, commercial law, public policy, or a related technical field.
- Demonstrable experience in military justice.
- Extensive and in-depth knowledge of international diplomatic and international legislative processes.
- Proven ability to work under pressure and meet deadlines.
- Excellent analytical, communication and writing skills in English language.

13 Evaluation criteria

The Technical Questionnaire Quotes will be assessed based on the evaluation criteria set forth in this document (see skills and experience required and the weightings apportioned to quality/price above in this Terms of reference/RFQ).

Part 1 Bidder's details is for information only.

Part 2 - Suitability Assessment Questions -will be assessed on a Pass/Fail basis

14 Payments

Payments will be made in line with the schedule of deliverables outlined above and upon successful completion of the milestones, upon receipt of the Secretariat's written approval of all agreed deliverables and upon submission of a compliant invoice and any other supporting documents as may be required by the Secretariat from time to time. All invoices to be sent to contract manager m.adesunkanmi@commonwealth.int

Quote Submission Documents (ref GPD/OCCJR/ATE2119/2024)

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/Sole Trader Registration Number</i>	
<i>Company Address</i>		<i>Date of incorporation</i>	
<i>Post Code</i>			

<i>Contact Name</i>		<i>Job Title</i>	
<i>Telephone</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>Duration of working relationship,</i>	
<i>Company Address</i>		<i>Reason for use</i>	
<i>Post Code</i>			

In line with the Secretariat's Procurement Code of Ethics¹, 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.

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

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

Annual Turnover check:

In line with the Secretariat's Procurement Code of Ethics², 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 contact³**. 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.

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

³ 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.

Please Mark 'X' In the Relevant Box		Yes	No
(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)	<p>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?</p> <p><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></p> <p><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></p>	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/ 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)	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)? <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>	Yes/No
(b)	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?	Yes/No/ 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)	Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.	Yes/No/NA (individual consultant)
(b)	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? <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>	Yes/No/NA (individual consultant)
(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/ NA (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 SoR/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>	<i>Yes/No/NA</i>	<i>£10m</i>	
<i>e.g. Employer's liability</i>	<i>Yes/No/NA</i>	<i>£5m</i>	
<i>e.g. Professional Indemnity</i>	<i>Yes/No/NA</i>	<i>£1m</i>	
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 ⁴	

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.

⁴ 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> <p>1. Secretariat's standard terms and conditions for below £30,000 total contract value can be found at: https://thecommonwealth.org/terms-and-conditions</p> <p>2. Secretariat's Code of Ethics and Safeguarding Policy at: https://thecommonwealth.org/corporate-policies and</p> <p>3. Secretariat's Corporate policies applicable to Consultant/suppliers and as published from time to time on the following web page: https://thecommonwealth.org/corporate-policies</p> <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
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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 or Goods and Services) 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:

Using a 0 - 5 scoring system:	
0	Unacceptable Response - No information provided or response does not address the requirement.
1	Poor response - 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.
2	Fair response - 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
3	Good Response - 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.
4	Excellent Response - 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.
5	Exceptional Response - 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 **90%** of the total score. The individual question weightings are set out in the weighting column.
- The following formula will be applied for each question:
 - $\text{Points Scored} \div \text{Points Available} \times \% \text{ weighting}$
 - 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	Understanding the requirement: Extensive knowledge of international diplomatic and military justice mechanisms in the Commonwealth	25%

Insert your answer here		
2	Methodology: Expertise in designing and delivering national and international level materials and training on military justice	20%
Insert your answer here		
3	Experience: Proven ability to undertake consultation and analysis to design implementable military justice principles and strategies across Countries in the Commonwealth	20%
Insert your answer here		
4	Practical skills: Evidence of a strong track record of success supporting military justice mechanisms and producing related reports, policy documents and outputs for governments and/or intergovernmental stakeholders	25%
Insert your answer here		

Part 4 - Pricing

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.

Consultant/suppliers are 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.

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

If expenses are applicable for this assignment, insert the following table:

Expenses:			
Per diem (to be in line with Secretariat's policies on travel and per diem rates)			
Travel (to be in line with Secretariat's travel policies)			
Other (please list)			
Total in GBP			

For Consultancy: The following scoring mechanism may be used to score the Pricing Section in the Evaluation Matrix to reflect the Fee band (Annex 1) in addition to the Fixed cost score of the project

	Using 1-3 Scoring system for Fee Band Requirement
1	Does not meet the fee band requirement
2	Partially meets the fee band requirement
3	Fully meets the the fee band requirement

Payments will be made upon successful completion of the milestones described in the terms of reference, 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/suppliers only - this must be itemised in the total quote received/agreed by the Secretariat and the consultant/supplier must submit a UK VAT registration certificate to the Secretariat when invoicing. All invoices will be sent to contract manager

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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"> 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. 2. Contributions to the accomplishment of a crucial programme or service or functional area of a broad scope, involving high complexity and impact. 3. Providing functional leadership and expert advice. 4. Preparing intricate and complex technical papers to working groups. 5. Undertaking the drafting of reports or proposals for projects of a large scale or a broad scope. 6. Large-scale programmatic and operational activities involving large commitments of staff and funds. 7. Rare specialization 8. Industry equivalent level: Partner/Managing Director
B	500-699	<ol style="list-style-type: none"> 1. Substantial experience in their specialist field and operating multiple major consultancy assignments achieving specific revenue and income objectives to agreed outcomes. 2. Within this category the person is expected to have significant, proven, industry recognised experience. 3. Expected to develop new approaches, techniques, or policies and/or design guidelines, standard operating procedures. 4. Providing technical support; leading group dynamics; and undertaking report drafting or project-wide proposals. 5. Industry equivalent level: Principal/Senior Consultant
C	350 - 499	<ol style="list-style-type: none"> 1. Demonstrable experience and relevant exposure in a range of projects in a specialist field. 2. Evidence of client facing experience and relationship management.

		<ul style="list-style-type: none"> 3. Support for planning and monitoring budgets and services to wider consultancy projects; and experience of proposal preparation. 4. Industry equivalent level: Consultant
D	300-349	<ul style="list-style-type: none"> 1. Specialized degree or training and 2. Several years of relevant experience 3. Industry equivalent level: Junior Consultant
E	£100 - £299	<ul style="list-style-type: none"> 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. 2. Industry equivalent level: Project Support