

Request for Tender (RfT)

The Irish Human Rights and Equality Commission (the Commission) invites applications for a contract to prepare and finalise the Commission's submission to the UN Committee on Economic, Social and Cultural Rights on a contract for services basis. The successful applicant will be engaged on a 6 month contract (from February-July 2015).

Introduction

The Irish Human Rights and Equality Commission Act 2014 ("2014 Act") was commenced on 1st November 2014 formally establishing the Commission. The Commission has a statutory remit to protect and promote human rights and equality in the State, to promote a culture of respect for human rights, equality and intercultural understanding, and to promote understanding and awareness of the importance of human rights and equality. Broadly, the Commission is tasked with reviewing the adequacy and effectiveness of law, policy and practice relating to the protection of human rights and equality, and with making recommendations to Government on measures to strengthen, protect and uphold human rights and equality.

Specifically, the Commission is empowered to consult with international bodies that have a knowledge or expertise in the field of human rights or equality as it sees fit (section 10(2)(h)). In operating this legislative function, the Commission has been active in consulting with and making submissions to a range of United Nations Treaty Monitoring Bodies during the context of Ireland's periodic examinations under the various UN human rights treaties that Ireland has ratified.

The Irish Government has submitted its Third Periodic Report to the UN Committee on Economic, Social and Cultural Rights, and will be subject to a full examination by that Committee in June 2014. In October 2014, IHREC made a submission to the UN Committee on Economic, Social and Cultural Rights in advance of the List of Issues stage which is available at www.ihrec.ie. To continue its engagement in this process, and to further inform the Committee during its examination of Ireland's Third Periodic Report, the Commission is currently in the process of preparing a full

submission to the Committee in its capacity as Ireland's "A" status national human rights institution.

The Commission is seeking a suitably qualified applicant to prepare and finalise this report. This work will be project-managed by the Senior Research and Policy Officer. The contractor will be required to be based in the offices of the Commission in Dublin for the six month duration of the contract.

1. Purpose and Functions of the Commission

The purpose and functions of the IHREC are set out in Irish Human Rights and Equality Commission Act 2014. Section 10(1) of the 2014 Act provides the functions of the Commission shall be:

- To protect and promote human rights and equality;
- To encourage the development of a culture of respect for human rights, equality and intercultural understanding in the State;
- To promote understanding and awareness of the importance of human rights and equality in the State;
- To encourage good practice in intercultural relations, and;
- To work towards the elimination of human rights abuses, discrimination and prohibited conduct.

2. Stakeholders

The Commission's stakeholders are numerous and diverse, including, the general public, the groups to which the nine grounds covered by equality legislation apply, the civil service, statutory bodies and institutions, academic and legal professionals, non-governmental organisations, community and voluntary organisations, service providers, employer and employee organisations.

3. Tender Process and Time-Frame

The closing date for receipt of tenders is **Monday January 19th 2015** at 5pm to be sent to David Carolan at info@ihrec.ie marked "**Request for Tender ICESCR**". Postal applications can be submitted to David Carolan, Irish Human Rights and Equality Commission, 4th Floor, Jervis House, Jervis Street, Dublin 1. Please submit your application with all supporting documentation as outlined below.

4. Format of Tender

If you are interested in undertaking this work and if you meet the essential criteria, please send the following documentation to the contact address:

- 1) A cover letter outlining your application highlighting your qualifications, relevant experience, similar work undertaken.
- 2) A copy of your curriculum vitae which clearly details your educational background, professional experience, professional activities and engagements, voluntary activities and other interests.
- 3) Names of two referees that can be contacted directly - the inclusion of names of previous or current clients will be taken as permission to contact them unless expressly indicated otherwise.
- 4) A sample of your written work that demonstrates your capacity to undertake this project.

5. Skills and Expertise

Essential Criteria – applicants must meet the following criteria:

- A postgraduate degree with a specialisation in human rights law, equality law, or public international law;
- A strong knowledge of international and regional human rights law and equality law, in particular the international treaty monitoring mechanisms;
- A strong knowledge of Irish Constitutional law relating to human rights and equality;
- Excellent research and writing skills;
- Excellent organisational and interpersonal skills, including the ability to communicate with a range of external stakeholders;
- Ability to manage one's own work effectively, to use one's own initiative and to be self-motivated;
- Sound judgement and integrity;
- At least 2 years of satisfactory post-graduate work experience working in a legal and/or policy context in, for example, a national human right institution, a relevant statutory agency, a non-governmental organisation, an international/regional organisation, a relevant Government Department etc.
- Strong knowledge of the work of the Irish Human Rights and Equality Commission and of the role of national human rights and equality institutions;
- Fluency in English;
- Permission to be legally resident in Ireland.

6. Project Specification

The work to be undertaken will include:

1. Preparing, drafting and finalising IHREC's submission to the UN Committee on Economic, Social and Cultural Rights in accordance with the project outline and requirements relating to the submission agreed by the Commission;
2. Meeting with and reporting regularly to the Senior Research and Policy Officer, to ensure the effective implementation of the project within specific time deadlines and to implement any revisions to the draft report as instructed;
3. Meeting with the relevant Members of the Commission to discuss the report, to receive feedback and to implement any revisions as appropriate;
4. Liaising with and engaging in consultations with relevant external stakeholders as approved by the Senior Research and Policy Officer;
5. Assisting in the preparation for the Commission's attendance at the UN Committee's Session in June 2015;
6. Contributing to tasks relevant to the ICESCR process and other relevant tasks as required.

7. Information supplied binding

Information supplied by tenderers will be treated as contractually binding. However, Commission reserves the right to seek clarification of any such information.

8. Confidentiality of information

The Commission undertakes to use its best endeavours to hold confidential any information provided by tenderers in response to this RFT, subject to obligations under law, including the Freedom of Information Act, 2014. Please note that, in response to a request under the Freedom of Information Act, information not identified as sensitive (with supporting reasons) could be released. **Therefore, in responding to this RFT, you should identify the specific information which you do not wish to be disclosed, stating the reasons for its sensitivity.** The Commission will consult with you about this sensitive information before making a decision on any Freedom of Information request received. The final decision on disclosures rests with the Office of the Information Commissioner.

9. Preparation Costs

The Commission will not be liable in respect of any costs incurred by suppliers in the preparation of tenders or any associated work effort.

10. Proof of Delivery

Tenderers are requested to make their own arrangements to obtain proof of delivery. Tenders which are delivered late will not be considered.

11. Evaluation of Tenders

Tenderers to whom any of the circumstances listed in paragraph 1 and 2 of Article 45 of EU Council Directive 2004/18/EC (co-ordinating procedures for the award of public works contracts, public supply contracts and public service contracts) apply will be excluded from this

competition. The said circumstances are outlined in Appendix II below. The suitability of tenderers not so excluded will then be checked by reference to the supplier's financial and economic standing and technical capacity in accordance with the said Directive.

Tenderers should include in their tender document a completed Appendix III - Declaration of Personal Circumstances of Tenderer which sets out where they stand in relation to the Directive.

Tenders not so excluded will be initially evaluated by reference to the following qualification criteria:

- (a) completeness of tender documentation (including completed Appendix I and Appendix III)
- (b) stated ability of tenderer to meet the requirements set out in this RFT.

Only those tenders who meet both of the above qualifying criteria will be eligible for inclusion in the award process.

12. Award Criteria

The contract will be awarded to the tender that the Irish Human Rights and Equality Commission considers to have most closely met the RFT requirements for the contract assessed on the basis of:

- Merit and Quality of the Overall Proposal
 - Relevant qualifications;
 - Demonstrated and relevant work experience;
 - Demonstrated research, writing and organisational skills;
 - Knowledge of the work of the Irish Human Rights and Equality Commission.

13. Presentations

Tenderers may be required to make a presentation. An invitation to make a presentation is not an indication that a contract has been awarded.

14. Contract Rate

The hourly rate is set at €30 per hour. The Contractor will be paid an hourly rate and it is anticipated that the Project will be executed on the basis of services provided for 8 hours per day on a 5 day week basis over the course of 6 months. Professional Services withholding tax (PSWT) will be deducted from all payments.

15. Applicable laws

The Commission asks all respondents to ensure and confirm that they are compliant with all applicable laws including employment and taxation law (as required above) and that they have

regard to statutory terms relating to minimum pay and to legally binding industrial or sectoral agreements and that the laws of Ireland apply in other matters such as official secrets, data protection and health and safety.

16. Additional general conditions

Tenderers should include in their tender document a completed Appendix II - Declaration of Personal Circumstances of Tenderer which provides a declaration of non – alignment with entities or interests that could compromise objectivity.

December 17th 2014

Appendix I

Extract from Article 45, Paragraph 1 & 2 of EU Council Directive 2004/18/EC of 30th April 2004 – (co-ordinating procedures for the award of public works contracts, public supply contracts and public service contracts).

Article 45

1. Any candidate or tenderer who has been the subject of a conviction by final judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract:
 - a) participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA(20);
 - b) corruption, as defined in Article 3 of the Council Act of 26 May 1997(21) and Article 3(1) of Council Joint Action 98/742/JHA(22) respectively;
 - c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities(23);
 - d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering (24).
2. Any economic operator may be excluded from participation in a contract where that economic operator:
 - a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
 - b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
 - c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
 - d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
 - e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
 - f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
 - g) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information.

Appendix II: Declaration as to Personal Circumstances of Tenderer

Re: Request for Tenders for IHREC ICESCR Research Contract.

Name of Tenderer: _____
Address: _____

I/We declare that none of the circumstances listed in paragraph 1 and 2 of Article 45 of EU Council Directive 2004/18/EC (co-ordinating procedures for the award of public works contracts, public supply contracts and public service contracts) apply.

I/We do not have any alignment with entities or interests that could compromise objectivity. I understand and acknowledge that the provision of inaccurate or misleading information in this declaration may lead to my business/firm/company/partnership being excluded from participation in this or future tenders, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938. This declaration is made for the benefit of the Contracting Authority.

Signature of Declarant: _____

Name of Declarant: _____
(in print or block capitals)

Date: _____