Request for Tender for Research Services

An evidence review of Behavioural Economics.
Request for Tender for Research Services

Applications for tenders must be returned to research@justice.ie by 5pm Irish time on the 12th of March 2021.

Section 1. Background information and invitation to tender

1.1 The Department of Justice
The Department of Justice ("the Department") is a department of the Government of Ireland. The Department's mission is to work to make Ireland a safe, fair and inclusive place to live and work. It has a wide range of responsibilities including, state security, the protection of life and property, the prevention and detection of crime, providing services for the buying and selling of property, managing inward migration to the State, providing a Courts Service, updating our criminal and civil laws, developing the Insolvency Service and various other regulatory services.

1.2 Background to the Tender
The Department invites tenders for research in the area of Behavioural Economics, how it could be applied in the Irish justice sector, how other jurisdictions have legislated for it and what lessons have been learnt. Examination of this area has become a research priority for the Department.

The Irish Government Economic and Evaluation Service (IGEES) unit in the Department has previously undertaken some work in the area of Behavioural Economics. This work was mainly on an ad hoc basis and the Department now feels that there is a real need to expand on this work. Behavioural Economics is a field that the Department would like to develop further to help introduce best practices into its day to day operations and policy decisions where possible.

1.3 Research aims
The overall aim of this research would be to drive a greater understanding of Behavioural Economics and its techniques within the Department and embedding these findings into the workings of the Department through devising an action plan for their practical application.

It is proposed that this project be broken into two phases;

Stage 1:
Stage 1 of the project will be a desk based evidence review to, identify, collate and review information already available in the field of Behavioural Economics with a specific focus on the criminal and civil justice areas. This will include a scoping exercise to help identify and explore sources that will be utilised to inform the analysis. Relevant sources will include academic literature and grey literature such as reports from government departments, OECD, UN etc. The commissioned researcher/consultant will identify and review all relevant international literature along with literature from an Irish context. It is important to note that this will include literature on general Behavioural Economics techniques and where Behavioural Economics interventions can be used in the justice sector.

Stage 1 can be broken down broadly into the following areas;

- Identify, collate and review information already available in the field of Behavioural Economics with a specific focus on criminal and civil justice both from an international and Irish context.
- What interventions have been carried out in an Irish context using Behavioural Economics techniques?
- How can these relevant interventions be applied to the Irish justice sector?

This will provide the Department with a knowledge base for the development of ongoing policy and service delivery improvements.

Stage 2:
Stage 2 will take the findings from stage 1 to translate these into recommendations for how they can be embedded into the current workings of the Department.
Consultation and workshops will be conducted with relevant policy and service delivery teams within the Department. The commissioned researcher/consultant will be required to work with these teams to identify opportunities for integrating Behavioural Economics into their day-to-day work processes. The best ideas are likely to come from people who have day-to-day experience in these areas, however, having an external facilitator, with knowledge of Behavioural Economics and its techniques to help work through this will be extremely beneficial.

For the success of this stage of the project, it is imperative that a set of tailored recommendations be developed. This will ensure that any future work carried out in these areas will examine the use of Behavioural Economics techniques and incorporate them where applicable.

1.4 Research outputs

The outputs for this projects are:

- Evidence review of Behavioural Economics with a specific focus on the criminal and civil justice sectors which includes the immigration pillar within the department.
- Consultation with relevant stakeholders in the Department, including workshops with the service delivery and policy units.
- Clear recommendations for how Behavioural Economics can be used and utilised in the Department.

The tenderer will also be required to provide the following to the Department:

- Consultation and workshops would be conducted with relevant policy and service delivery teams within the Department. Number to be agreed upon with successful tenderer.
- A final report on the findings of both stages.
- A presentation on the final report.

The tenderer will also be required to meet at least three times with the IGEES unit in the Department, to include:

- A meeting within one month of the tender award to discuss the proposed approach and clarify expectations and outputs.
- An interim meeting after three months to discuss progress.
- A final meeting at which the findings of the report are presented.

The tenderer should describe how they will adapt the research to take account of any COVID-19 restrictions that may be in place during the research.

1.5 Timeframe

The Department is eager that the tenderer will be ready to start as soon as possible and asks that tenderers specify how soon they would be in a position to commence the work. Duration of the tender will be between 6 and 8 months after the awarding of the tender with the final report due on the 30th of November 2021.
Section 2. Instructions to Tenderers

2.1 Format of tenders
Tenderers should complete and submit the application form. Tenders submitted in formats other than the application form will not be considered.

2.2 Compliant tenders
To better ensure compliance with the tendering process, tenderers should read this document in full including Section 5 ‘Terms and conditions’. If a tenderer fails to comply in any respect with the requirements of this paragraph, the Department reserves the right to reject the tender as non-compliant or, without prejudice to this right and subject to its obligations at law, to take any other action it considers appropriate including but not limited to:

- Seeking written clarification from the tenderer;
- Seeking further information from the tenderer; or
- Waiving a requirement, which in the Department’s view, is non-material or procedural.

Tenderers are required:
1. To submit all documentation which this Request for Tender (RFT) requires to be submitted with their tender;
2. To conform to and comply with all instructions and requirements set out in this RFT;
3. To submit the statement required under Appendix 1;
4. Not to alter or edit this RFT in any way.

2.3 Submission of tenders and closing date for application
Completed application forms must be sent by email to research@justice.ie with subject line “An evidence review of Behavioural Economics”.

Completed application forms must be received no later than 5pm Irish time on the 12th of March 2021 (the ‘tender deadline’). Application forms received after the tender deadline will NOT be considered.

Section 3. Queries and clarifications

All queries related to any aspect of this RFT must be directed to research@justice.ie. The Department reserves the right to issue or seek written clarifications. The Department reserves the right at any time before the tender deadline to update, cancel or amend the information contained in this document and/or to extend the tender deadline. Participating tenderers will be informed of any such clarification, amendment or extension by email.
Section 4. Evaluation of tenders and award of contract

4.1 Criteria for award of contract
The contract will be awarded out of a total of 100 marks on the basis of the most economically advantageous tender as identified in accordance with the following criteria:

- Have a proven and demonstrated track record of undertaking similar research and comparative studies, have knowledge in the area of Behavioural Economics and worked collaboratively with other government Departments/agencies (35)
- Feasibility of the approach suggested (20)
- Ability to deliver key outputs on time (10)
- Cost – broken down to show description of costs, justification for proposed costs and best use of resources (35).

Award of the contract to the highest ranked tenderer (as determined by the above paragraph) will be conditional upon the tenderer submitting the following evidence in respect of the tenderer (including any subcontractor as applicable) to the extent not already provided, within seven days of request by the Department (i) a Declaration in the form attached at Appendix I and (ii) all or any of the supporting documents specified in the section on ‘Format of tender’.

The Department does not bind itself to accept the lowest priced of any tender. This RFT does not constitute an offer or commitment to enter into a contract. No contractual rights in relation to the Department will exist unless and until a formal written contract has been executed by or on behalf of the Department.

The tenderer will be required, if necessary, to outline and agree the approach which it proposes to take to the research with the members of the Department's Research Advisory Group / Research & Data Analytics unit.

4.2 Payment conditions
i. All prices quoted must be all-inclusive of all expenses anticipated inclusive of VAT. The VAT rate(s) where applicable should be indicated separately.
ii. Tenderers must confirm that all prices quoted in the tender will remain valid for three months following the tender deadline.
iii. Payment for the delivery and implementation work will be on foot of appropriate invoices. Invoicing arrangements will be agreed with the successful contractor, following the award of contract.
iv. The provisions of the Prompt Payment of Accounts Act 1997, as amended or revised, and the European Communities (Late Payment in Commercial Transactions) Regulations, 2002 shall apply to all payments. Incorrect invoices will be returned for correction with consequential effects on the due date of payment.

4.3 Taxation requirements
It will be a condition of any contract pursuant to this RFT that the successful tenderer shall, for the term of such contract, comply with all applicable EU and domestic tax laws. Tenders are referred to www.revenue.ie for further information. Prior to the award of any contract arising out of this RFT, the successful tenderer shall be required to supply its Tax Clearance Access Number and Tax Reference Number to facilitate online verification of their tax status by the Department. By supplying these numbers, the successful tenderer acknowledges and agrees that the Department has the permission of the successful tenderer to verify its tax cleared position online.

4.4 Subcontractors
Tenderers should note that where a tenderer is relying on the capacity of other persons or entities (for example subcontractors) for the purposes of fulfilling any of the award criteria set out below, it must ensure that each such person or entity, when requested by the Department, will submit proof, to the satisfaction of the Department, that it will place the necessary expertise at the disposal of the tenderer.
If a tenderer does not, upon request by the Department, provide evidence which is considered by the Department as sufficient to demonstrate the fulfilment by any subcontractor on whose capacity the tenderer relies of the award criteria (or any one of them) in accordance with this RFT, it shall be excluded from further participation in this tender process unless it replaces the subcontractor with one which meets all relevant requirements of this RFT. Any such replacement cannot affect the price submitted.

Section 5. Terms and conditions

5.1 Liability and warranty for tender information
While every effort has been made to provide comprehensive and accurate information in this request for tender, the Department does not accept any liability or provide any express or implied warranty in respect of any such information. Tenderers must form their own conclusions about the solution needed to meet the requirements set out in this RFT and may wish to consult their legal advisers as appropriate.

5.2 Data protection
With effect from 25 May 2018, a new Europe wide data protection regime has come into place under the General Data Protection Regulation (GDPR). The GDPR significantly increases the obligations and responsibilities for organisations and businesses on how they collect, use and protect personal data. All data will be processed in accordance with GDPR and relevant data protection law. Applicants are required to comply with the requirements of data protection legislation and the General Data Protection Regulation (GDPR).

5.3 Tendering costs
All costs and expenses incurred by tenderers relating to their participation in this RFT shall be borne by the tenderers exclusively.

5.4 Confidentiality
All documentation, data, statistics and information furnished by the Department to tenderers during the course of this RFT:

i. are furnished for the sole purpose of replying to this RFT only;

ii. may not be used, communicated, reproduced or published for any other purpose without the prior written permission of the Department;

iii. shall be treated as confidential by the tenderer and by any third parties (including subcontractors) engaged or consulted by the tenderer; and

iv. must be returned immediately to the Department upon cancellation or completion of this RFT if so requested by the Department.

5.5 Publicity
No publicity regarding this RFT or any contract pursuant to this RFT is permitted unless and until the Department has given its prior consent to the relevant communication.

5.6 Ownership
Ownership of any reports or material produced relating to any contract awarded as a result of this RFT rests with the Department.

5.7 Copyright and publication
Copyright of any reports or material produced shall rest with and be assigned to the Department. The Department shall have the right to publish, or not as the case may be, and to disseminate the report in both its original and in a modified form, without further reference to the tenderer. The tenderer will not be entitled to further payment if this occurs. The tenderer and the individual researchers will be entitled to be credited with the work that they have done on this project in any publication.
5.8 Registrable interest
Any registrable interest involving any tenderer or subcontractor and members of the Department, members of the Government, members of the Oireachtas, or employees and officers of the Department and their relatives must be fully disclosed in the tender or, in the event of this information only coming to the notice of the tenderer or subcontractor after the submission of a tender, must be communicated to the Department immediately upon such information becoming known to the tenderer or subcontractor.

The terms ‘registrable interest’ and ‘relative’ shall be interpreted as per section 2 of the Ethics in Public Office Acts 1995 and 2001, copies of which are available at www.irishstatutebook.ie. The Department will, at its absolute discretion, decide on the appropriate course of action, which may in appropriate circumstances include eliminating a tenderer from this RFT or terminating any contract entered into by a tenderer.

5.9 Anti-competitive conduct
Tenderers’ attention is drawn to the Competition Act 2002 (as amended, the ‘2002 Act’). The 2002 Act makes it a criminal offence for tenderers to collude on prices or terms in a public procurement competition.

5.10 Freedom of information
Tenderers should be aware that, under the Freedom of Information Act 2014, information provided by them during this RFT may be liable to be disclosed.
Tenderers are asked to consider if any of the information supplied by them in their tender should not be disclosed because of its confidentiality or commercial sensitivity. If tenderers consider that certain information is not to be disclosed because of its confidentiality or commercial sensitivity, tenderers must, when providing such information, clearly identify the specific sections of their tender containing such information and specify the reasons for its confidentiality and commercial sensitivity.

5.11 Conflicts of interest
Any conflict of interest or potential conflict of interest on the part of a tenderer, subcontractor or individual employee or agent of a tenderer or subcontractor must be fully disclosed to the Department as soon as the conflict or potential conflict is or becomes apparent. In the event of any actual or potential conflict of interest, the Department may invite tenderers to propose means by which the conflict of interest might be removed.
The Department will, at its absolute discretion, decide on the appropriate course of action, which may in appropriate circumstances include eliminating a tenderer from this tender process or terminating any contract entered into by a tenderer.

5.12 Withdrawal from the RFT process
Tenderers are required to notify the Department immediately by email to research@justice.ie if they decide to withdraw from the RFT process.

5.13 Insurance
The successful tenderer shall be required to hold for the term of the contract the appropriate level of insurance cover in order to carry out work associated with this project.