



An Roinn Dlí agus Cirt  
Department of Justice

## **Request for Tender for Research Services**

*A Review of the Processing of Sexual Offences in  
Ireland: Stakeholder Experiences*



## Request for Tender for Research Services

Applications for tenders must be returned to [research@justice.ie](mailto:research@justice.ie) by **17:00 on 10<sup>th</sup> June 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, maintaining and promoting fairness, 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 to review the processing of sexual offences cases with the aim of identifying potential opportunities for time-savings and other streamlining in this area. Establishing a knowledge and evidence base in this area to support domestic policy development is a research priority for the Department.

In 2020, the Department published the O’Malley Report entitled: *‘Review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences’*. This review was prompted by widely shared concerns about the experience of vulnerable witnesses in criminal proceedings for sexual offences. The report contained 52 actions with four overarching recommendations:

1. Promoting better awareness of victims’ rights legislation;
2. Promoting education about the meaning and importance of consent;
3. Improving inter-agency co-operation and exchange of information, especially in relation to services for victims; and
4. Ensuring consistency in service delivery.

In order to take forward these recommendations, the Department’s subsequently published an associated implementation plan entitled: *‘Supporting a Victim’s Journey: a plan to help victims and vulnerable witnesses in sexual violence cases’*. Action 8.3 of this plan refers to the need to undertake further empirical research on the processing of sexual offences cases from the time at which a complaint is made until the case come on for trial. **The purpose of this research is to explore the experiences of those involved in the processing of sexual offences (incl. NGOs) in Ireland and to understand their views with regard to issues which contribute to delays in sexual offences cases being processed and the potential effectiveness of measures adopted to address those problems.**

#### 1.3 Research aims

The aims of this research are to explore the experiences of those stakeholders involved in the processing of sexual offences in order to:



- Identify stakeholder views on any issues/problems that lead to delay in the processing and progression of sexual offences through the Irish criminal justice system
- Explore how these issues should be dealt with and how this might be achieved.
- Detail the views of stakeholders as to the potential of interventions, introduced in other jurisdictions, that might be adopted in Ireland to address the delays in the processing of sexual offences. This should include an elaboration on what has happened in Ireland thus far and what needs to be done
- Explore with stakeholders the feasibility - facilitators and inhibitors - of the introduction of specific interventions in Ireland (legislative, practice and otherwise)

### *Key research questions*

This piece of research needs to answer four key areas/questions.

1. What are the main delays/bottlenecks in the progression of reported sexual offences through the criminal justice system in Ireland (from reporting of an offence to trial outcome)?
2. What is the extent of these delays in Ireland and what are the causes of these delays (where causes can be clearly identified)?
3. What are the views of stakeholders on specific interventions introduced in other jurisdictions to reduce these delays and improve the experience for victims? What needs to be done in Irish context? This would include legislative interventions, specific statutory instruments, family and criminal law practices and policies, laws and guidelines, specific interventions.
4. How feasible do stakeholders believe these interventions and international approaches would be to the Irish context and how might they be applied? This should include an elaboration on facilitators and inhibitors to improvements.
5. If introduced in Ireland, how would the effectiveness of these interventions in the Irish context best be measured?

### *Approach*

A core part of the methodology should be the undertaking of a series of interviews with representatives of key stakeholders involved in the processing of sexual offences in Ireland. These include:

- An Garda Síochána
- The Office of the Director of Public Prosecutions
- The Courts Services
- The Bar Council
- The Law Society
- The Legal Aid Board
- Members of the Judiciary
- Legal practitioners
- NGOs, support groups etc.

Where practicable and appropriate the Department of Justice will facilitate contact with relevant stakeholders. This work is to be informed by a parallel piece of work commissioned by the Department of Justice – i.e. *A Review of the Processing of Sexual Violence Offences: A Literature Review*.



We would also welcome within the methodology, proposals as to how other respondents and sources of information could be used to inform answering the above research questions. Where possible and appropriate, assistance will be provided by researchers in the Department of Justice.

The tenderer will be required to outline the approach that is proposed to be taken in undertaking this work in the attached submission form. In doing so, the following key questions must be addressed as part of the response to the research:

- Full details of the methodology to be used, including the strengths and limitations of the proposed approach as well as any ethical concerns
- How respondents are to be identified and recruited
- The process for deciding which agencies and organisations to include and which to exclude
- The interview process, e.g. recording of interviews, analysis of responses and presentation of outcomes
- The process that will be used to assess the quality and methodological rigour of the approach taken
- How the findings within interviews will be synthesised and presented

Any additional methodological approaches should also be accompanied by an appropriately detailed description to allow for an assessment to be made of its strength.

#### **1.4 Research outputs**

The target audience for this research include: Minister for Justice, the Department's Criminal Justice Policy Division, Practitioners in the field, and the research community. The final report should provide evidence-based recommendations for actions and interventions most likely to be successful in dealing with delays in the processing of sexual offences through the criminal justice system. Importantly, these recommendations should be tailored to the specifics of current issue being faced in Ireland. Findings from this research will be used in combination with the parallel literature review (also being funded by the Department) to inform any legislative changes/ policy decisions/actions in this area.

The research outputs should include:

- An interim report highlighting key findings. This can be presented as a slide pack.
- A final report on the findings to be submitted to the Department of Justice for the Minister's attention
- A presentation on the final report to the Department of Justice

#### **1.5 Timeframe**

The Department is eager that the tenderer will be ready to start by the end of June 2021 and asks that tenderers specify how soon they would be in a position to commence the work. Duration of the tender will be no more than four months after the awarding of the tender.

The estimated budget for this study is €25,000 (excluding VAT).



## 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](mailto:research@justice.ie) with subject line "Stakeholder Experiences: A Review of processing of sexual offences".

Completed application forms must be received no later than 17:00 on 10<sup>th</sup> June 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](mailto: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:

- Proven and demonstrable track record, project description and demonstrated understanding of the work involved in conducting the research(35)
- Feasibility of the approach suggested to the research (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 as Appendix 1 at "TENDERER'S STATEMENT" and (ii) all or any of the supporting documents specified in the section 2.1 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 and 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](http://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 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](http://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](mailto: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.



