



Request for Quotation

Developing Disability Discrimination/Equality Legislation – Comparative Analysis

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Project ID

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Guidance for Suppliers

The States of Guernsey, through the Committee *for* Employment and Social Security (“the Committee”), is seeking proposals from potential suppliers capable of providing expert advice and guidance to facilitate the selection of a jurisdiction on which to base Guernsey’s future disability discrimination/equality legislation.

This form is created and made available electronically using MS Word for convenience and to allow you adequate space for your responses.

In order to simplify this process, you do not need to provide supporting documentation such as accounts, certificates, etc at this stage. However, you may be asked to provide these documents at a later date at which point the States reserves the right to exclude you from participating further should these documents not support statements made previously. You may also be asked to clarify your response or provide more detail.

Proposals may either be returned by email to Ed Ashton, Head of Operations (ed.ashton@gov.gg), clearly marked “Disability legislation selection quote”, or submitted using the States of Guernsey E-Tender Portal (www.channelislandtenders.com) according to the instructions given online. Late submissions will be discarded.

Submission deadline: 2 January 2018 (12 noon)
We will contact you again by: 10 January 2018

If you have queries relating to the content of the proposal please contact:

Ellen Pragnell¹, Senior Policy Officer – Disability Discrimination Legislation
Email: ellen.pragnell@gov.gg
Tel: (01481) 732513

Suppliers registered on the E-Tender Portal should use the Questions and Answer facility on the portal to ensure that all queries are directed to the most relevant person.

If you have technical queries or problems using the E-Tender portal please contact:

Lee Le Page, Procurement Systems Officer
Email: Procurement@gov.gg
Tel: (01481) 717243

¹ Please note that the named contact person will not be available between Christmas and the New Year.

Background

Who are the States of Guernsey?

Guernsey, in the Channel Islands, is a British Crown Dependency.

Guernsey is not, and never has been, represented in the UK parliament, which therefore does not legislate on behalf of Guernsey without first obtaining the consent of Guernsey's administration.

The UK Government is responsible for the Bailiwick's formal international representation. Through a Framework Agreement signed in December 2008 between the UK and Guernsey, it was agreed that the UK would not act internationally on account of Guernsey without prior consultation and recognised that Guernsey has an international identity that is different from that of the UK.

The islands' legislature, 'The States of Deliberation', makes Guernsey's own domestic legislation. The States of Deliberation is part of the 'States of Guernsey' and also has overarching executive authority. The members of this parliamentary assembly (or "deputies") are elected individually by universal franchise. There are no political parties in Guernsey, each member is elected on his/her own manifesto.

The island has a population of around 62,500. Further information about the island is available in the annually published Facts and Figures booklet available here:

<https://gov.gg/ff>

Project objective

Whilst the [Human Rights \(Bailiwick of Guernsey\) Law, 2000](#) is in force in Guernsey, there is currently no disability equality or discrimination legislation. The States of Guernsey is looking to develop and implement disability discrimination/equality legislation (most likely under the [Prevention of Discrimination \(Enabling Provisions\) \(Bailiwick of Guernsey\) Law, 2004](#)) as soon as possible. The development of this legislation is also intended to underpin the States of Guernsey seeking the extension of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to the island and is being progressed in parallel with the consideration of establishing an Equality and Rights Organisation for Guernsey.

The introduction of legislation for other protected characteristics is likely to follow disability discrimination/equality legislation. The possibility of implementing equality legislation which encompasses several characteristics has not been ruled out. Any work on disability

discrimination/equality legislation needs to be done with an awareness of the implications this could have if other protected characteristics are added to the work.

Stage one objective

The objective for the first stage of the work is to select an appropriate jurisdiction on which to model Guernsey's disability discrimination/equality legislation. The Committee has identified a shortlist of six common-law jurisdictions as potential candidates (i.e. United Kingdom, Ireland, Canada, New Zealand, Australia and Hong Kong) and a lay-review of the relevant legislation from these jurisdictions has commenced. Expert input is required to assist the Committee to select a jurisdiction on which to model Guernsey's disability discrimination/equality legislation.

Stage two objective

Once a jurisdiction has been selected, it is envisaged that a second stage to the project would be initiated which would involve developing proposals in respect of how the 'model' legislation should be tailored. This would be to take account of Guernsey's legislative and operational context but also, potentially, to address points of concern that have been raised about the implementation of the law in the jurisdiction of origin where outcome has not aligned with policy intent.

Further expert advice will be sought for this stage. It is possible that the supplier for stage one may be the most suitable supplier for stage two, however, the supplier for stage two will be selected through a separate competitive process.

Once the Committee has developed its draft policy proposals, it will need to consult widely and amend those proposals as considered necessary. The Committee will then lay a report before the States of Guernsey, recommending the preparation of the necessary legislation to implement the policy proposals set out in the report. This report will act as legal drafting guidance notes for the States' legal drafting team.

Project timescale

The Committee hopes to select a supplier for stage one of the work (i.e. selection of a jurisdiction on which to model our legislation) before the end of January 2018. It is hoped that stage one can be completed by the end of March 2018 although we recognize that some flexibility may be required to accommodate a supplier's existing commitments.

Governance structure

Policy decisions will be made by the Committee who has mandated political responsibility for equality and inclusion.

The project resourcing and oversight is managed by the Disability and Inclusion Strategy Project Board.

A Project Team, which includes representatives of disabled islanders, the Guernsey business community and the States of Guernsey's legal drafting team, has been established to assist and advise the Committee in the development of policy proposals.

Resources

Two staff members are currently assigned to work on the project part time (approximately 40 hours per week). These staff are not experts in the field but are experienced policy officers who can assist with advice on the local policy context and government processes, project management, the relationship with the Committee, undertake necessary administration, draft key documents, undertake research and analysis (though without specialist expertise), etc.

Discussions with the States of Guernsey's legal drafting team will also be possible by arrangement.

Whilst it may be possible for the majority of work to be undertaken via internet or phone based correspondence, attendance at meetings in Guernsey in person will be required for key workshops and meetings. Expenses for these trips will be covered by agreement.

Specification for Stage One

We are seeking a subject matter expert(s) in order to:

1. Work with staff to facilitate a workshop with the Committee at which to identify key evaluation criteria to support the selection of legislation suitable for Guernsey.
2. Lead a comparative analysis of a shortlist of jurisdictions, providing a structured way to note the costs and benefits of using these as a model for Guernsey's legislation. The shortlist will be the list of common law jurisdictions pre-agreed by the Committee (i.e. United Kingdom, Republic of Ireland, Canada, New Zealand, Australia and Hong Kong) however, based on the results of Activity 1, the adviser may recommend immediately ruling out jurisdictions identified on the basis of poor fit

with the Committee's evaluation criteria, and/or adding jurisdictions for review on the basis of good potential fit with those criteria.

3. Present a recommendation to the Committee of a desired jurisdiction, alongside one or more alternative options, explaining what the benefits of each might be.
4. Facilitate the Committee coming to a decision on which jurisdiction to model Guernsey's legislation on.

It should be noted that it is intended that this advice should support policy makers to make sound decisions rather than to have those decisions made for them. As such, advice must be given in a straightforward way which is easy for a non-subject specialist to understand, and, where there are points of debate, alternative views must be fairly represented and considered.

Applicants must be conversant with the UNCRPD and be able to demonstrate a sound understanding of the complexities and effectiveness of disability discrimination and equality legislation across several jurisdictions. Awareness of discrimination and equality law with regards to other protected characteristics would also be beneficial.

Quotation Response – Pricing & Evaluation

Submission

Your proposal is to consist of:

- a) Narrative explaining to your proposed approach to the task (Stage One), the qualifications, capability and relevant previous experience of key personnel and your ability to meet the desired timescale. The narrative should explain why you believe your bid to be of a sufficient quality to be selected, noting in particular the evaluation criteria below.
- b) A fixed price for providing the service set out in the specification section of this document, together with an indication of how that has been calculated.
- c) Day rates that would be chargeable for any additional work.
- d) Details of your availability in January 2018 to attend a selection meeting in Guernsey.
- e) An indication of whether you would be interested in bidding for stage two of the project (i.e. developing proposals in respect of how the 'model' legislation should be tailored taking account of Guernsey's legislative and operational context but also, potentially, to address points of concern that have been raised about the

implementation of the law in the jurisdiction of origin where outcome has not aligned with policy intent).

Proposals may either be returned by email to Ed Ashton, Head of Operations (ed.ashton@gov.gg), clearly marked “Disability legislation selection quote”, or submitted using the States of Guernsey E-Tender Portal (www.channelislandtenders.com) according to the instructions given online by no later than 12 noon on Tuesday 2 January 2018.

Evaluation

A two stage selection process will be followed.

Stage 1 - Up to three suppliers will be shortlisted on the basis of the following weighting table, by 10 January 2018:

Element	Weighting
Costs	30 %
Quality	70 % allocated as follows:
- Quality of proposal including proposed approach to the task and relevant qualifications and previous experience of key personnel	(50%)
- Ability to meet timescale	(20%)

Stage 2 - The personnel who would undertake the project on behalf of the shortlisted suppliers will be invited to attend a meeting in Guernsey to discuss their proposal in more detail with representatives of the Committee and key stakeholders in January 2018. Expenses for this trip will be covered by agreement. Suppliers will be notified if they have been successful as soon as possible thereafter.

Terms and Conditions

- a) The fixed price shall be inclusive of all incidental expenses; no other expenses will be paid by the States other than travel and subsistence.
- b) Travel and subsistence expenses will be paid on actuals but capped at £200 per consulting day. Such expenses must be reasonable and the Consultant shall keep records and provide the States with reasonable evidence of such expenses.
- c) The States of Guernsey Standard Terms and Conditions for Consultancy Services shall apply.