



European Union

Government of the Republic of the Philippines

**Governance in Justice Programme II (GOJUST II) Philippines
ACA/2020/ 418-821**

TERMS OF REFERENCE/Request for Proposal (RFP)

NON-KEY EXPERT (NKE) MISSION No. 23

**TITLE: Organizational Review for the First and Second Level Courts and the Office of
the Court Administrator**

Technical Assistance Team
GOJUST II Programme Office
One Global Place, Bonifacio Global City, Taguig, Metro Manila

Endorsement of finalised ToR/RFP:

For internal use only:

Endorsed by:

Means of endorsement:

Date:

PART ONE: TECHNICAL ASPECTS

1. BACKGROUND

The Government of the Republic of the Philippines with the support of the European Union is implementing the Justice Sector Reform Programme: Governance in Justice II (GOJUST II). GOJUST II is funded by the European Union to the value of EUR 19,000,000 and implemented by British Council and United Nations Office for Project Services (UNOPS). GOJUST II builds on and continues the work of the predecessor programme, GOJUST that was implemented from April 2016 to September 2020. GOJUST II is implemented in joint co-financing with the Spanish Agency for International Development Cooperation (EUR 1,000,000). The overall objective of GOJUST is: *to contribute to inclusive and sustainable socio-economic development through improved access to justice for all in the Philippines. Specifically, it aims to develop more responsive and accountable justice services.* It includes two components focusing on justice and human rights, respectively. The programme is being implemented from December 2020 to June 2025.

GOJUST II seeks to achieve four major result areas, as follows:

- Result 1 Justice sector coordination mechanisms are improved
- Result 2 Strengthened institutional efficiency and effectiveness in the delivery of justice services
- Result 3 Increased access to the justice system for vulnerable groups, including women
- Result 4 Justice policy and practice is informed by evidence and responds to justice needs

Justice and Human Rights policies are at the heart of the Philippine Development Plan 2017-2022, which for the first time includes a dedicated chapter on justice, chapter 6, titled “Pursuing Swift and Fair Administration of Justice”. The chapter enshrines the principle of coordination as a mechanism for bringing about long term and sustainable justice sector reform. The focus is on the enhancement of “civil, criminal, commercial and administrative justice” and the improvement of sector efficiency and accountability while also directing the Commission on Human Rights (CHR) “to intensify its efforts to facilitate access to justice by improving, monitoring and evaluation, empowering the people living in poor and marginalised situations to seek response and remedies for injustice, improving legal protection, awareness and aid, enhancing civil society and parliamentary oversight, addressing human rights violations in the justice sector and, strengthening linkages between formal and informal justice providers.”

The justice component will continue and expand some previous GOJUST activities such as improved coordination between and within the justice sector agencies and case management automation interventions to strengthen capacities to decongest overburdened courts, prosecution offices, and reducing pre-trial detention. GOJUST II will also focus on new result areas such as increased access to justice for vulnerable groups and evidence-based policy research and advocacy to inform policy making for improved justice outcomes.

The programme is managed by a Programme Steering Committee (PSC) composed of the Programme Director who is also the Head of the Programme Management Office (PMO) of the Supreme Court (SC) and the focal points at Undersecretary level from the Department of Interior and Local Government and the Department of Justice and other designated representatives from the justice sector and stakeholders. During the inception period, the structure of the PSC was amended and approved as indicated above.

In line with the Direct Management component of the Financing Agreement, a Pillar-Assessed Contribution Agreement (ACA/2020/ 418-821) for the provision of *Technical Assistance for the Justice Sector Reform Programme: Governance in Justice II (GOJUST II)* was awarded to the **British Council** on 7 December 2020 for a period of implementation of 54 months. The contract requires the provision of a Technical Assistance Team consisting of four (4) key experts that will be responsible for the four (4) result areas. In addition, the contract also includes the provision of 3,200 working days of non-key experts that will support the work of the key experts in the delivery of results under the programme.

Background of the Mission

With the appointment of Justice Alexander Gesmundo as the 27th Chief Justice of the Supreme Court of the Philippines, a new direction has been set for the whole judiciary. In the next five years, Chief Justice Gesmundo is seizing the opportunity to prepare the courts for a technology driven future. His centerpiece reform program, the Court Digital Transformation, has prioritized the creation of a foundational set of technologies for this journey. Two important components of this infrastructure are an Enterprise ICT Governance Framework and an ICT Strategic Plan that will be put in place to ensure sustainability of different ICT initiatives in the future:

1. The ICT Governance Framework aims to consolidate and align the key governance objectives of the judiciary, as well as the development of the underlying rules, policies, protocols, and guidelines including performance indicators and/or outcome-based statements that will ensure the Judiciary's compliance to its ICT goals and objectives. It will also provide the Judiciary with detailed direction and guidance during critical decision points, including optimizing risks and maximizing available recourses.
2. The ICT Strategic Plan is envisioned to contain a technology roadmap of the Judiciary for the next five (5) years, detailing the updated enterprise information systems technology architecture that will address the ICT requirements of the Judiciary. This plan will include provisions of reliable and secured ICT networks and internet connectivity in all court stations nationwide.

This digital transformation initiative will be incomplete if the technological shift is not matched or complemented by a parallel transformation of its human resources, fiscal systems, including rules and processes. Thus, an in-depth and holistic study is needed to review, assess, and strengthen the organizational structure and operations of its frontliners, the first and second level courts, and the institution overseeing these courts, the Office of the Court Administrator (OCA), including upgrading and retooling of requisite skillsets and modernization of work ways. This is with the end in view of strengthening the ability to cope with the changing and emerging needs and conditions of the Judiciary as it embarks on its journey towards becoming a digitally empowered organization as well as with the developing needs and demands of Philippine society.

Presidential Decree No. 828 created the Office of the Court Administrator for purposes of "assist(ing) the Supreme Court in the exercise of its power of administrative supervision over all courts" in the country. The same law gave the Supreme Court the power to "determine and define the powers, functions and responsibilities" of the OCA, and further authorized the

Chief Justice to “create offices, services, divisions, units in the OCA as he may deem necessary...”¹

With more than 2,400 courts, the OCA faces a myriad tasks, issues, and challenges as it strives to perform its mandate. It is led by the Court Administrator, and is assisted at the policy/senior management level by 3 Deputy Court Administrators (DCA) and 2 Assistant Court Administrators (ACA). The DCAs and ACAs are assigned to oversee and attend to the concerns of their assigned judicial regions. The OCA has five (5) offices performing line functions, in relation to all first and second level courts: Legal Office, Office of Administrative Services, Court Management Office, Financial Management Office, and Office on Halls of Justice.

There have been efforts in the past that were undertaken by the Supreme Court towards improving the performance of and services provided by the OCA for its clientele, which are the judges and court employees and all trial courts as a whole. These undertakings ranged from piloting a regional office vested with delegated powers and functions in one judicial region; regionalizing the procurement and bidding functions of the BAC to pilot regions; to downloading the procurement of MOOE to the courts on a pilot basis; and having a down-sized regional office performing selected administrative functions for the courts. These initiatives had mixed results and varying degrees of acceptance in the pilot areas. Recently, the DCAs have been physically deployed to their areas of coverage to better serve the first and second level courts. The DCA appointed to supervise the Visayas judicial regions holds office in Cebu City, while the DCA for Mindanao courts holds office in Davao City.

This Mission aims to provide the Supreme Court an evidence-based assessment study that seeks to promote the advancement, modernization, and optimization of court operations, thus achieving cost savings, operational efficiencies, and enhanced case processing. Efficiencies within the organization will greatly impact the well-being of judicial personnel which will result in efficiencies in the delivery of public services provided by the courts. This will redound to the benefit of all justice-seekers, particularly those who languish in jail for a long time awaiting the conclusion of their trial.

2. DESCRIPTION OF THE ASSIGNMENT

2.1. Global objective

The over-all objective of this mission is to review, assess, evaluate, and recommend policies to strengthen the human resources, organizational structure, operations, and data management of first and second level courts.

2.2. Specific objective(s)

Specifically, the non-key experts are expected to achieve the following objectives:

- Modernize the organizational strategic structure
- Streamline court systems and operations (excluding adjudicative processes)
- Strengthen human resource performance management and audit

¹ Sections 6 and 7, P.D. No. 828

2.3. Requested services, including suggested methodology

The scope of work of the consultants shall include the support for the following activities, among others:

- a. Preparation of a detailed approach and methodology for the execution of the project as a whole and for each component, including developing a detailed research plan and methodology indicating the relevant research tools to be used and providing more detailed description of the outputs to be delivered, a project workplan and project organization.
- b. A kick-off meeting and discussion with the GOJUST Technical Assistance Team (TAT) on the scope of the assignment;
- c. A kick-off meeting with relevant SC offices, particularly the Office of the Chief Justice, SC Program Management Office, Office of the Court Administrator, the offices under the OCA, the TWG on the Organizational Review of the First and Second Level Courts, select executive judges from the first and second level courts, among others;
- d. A rapid review of past efforts to modernize the Office of the Court Administrator, including recent innovations enacted particularly during the pandemic;
- e. Collation of all existing source documents, including all process maps, and such other relevant organizational assessment reports developed in the past;
- f. An integrative and analytical assessment report with recommendations for policy changes, among others;
- g. The presentation of the exhaustive assessment report to the TAT and to the Supreme Court.

2.4. Required outputs

The output of this engagement includes the following:

- a. An Inception Report that will include the approach and methodology for the assessment and design of recommendations for the study as a whole and for each component, a detailed workplan, and proposed project organizational arrangements for submission to the TAT no later than 30 days after the commencement of the assignment.
- b. A Mid Term Report on the Progress of the assessment and design of recommendations per objective being undertaken by the Mission.
- c. A Mission Report, structured as follows:
 - Executive Summary
 - Introduction and Background
 - Main findings related to the over-all and specific objectives of this assignment
 - Conclusion
 - Relevant annexes including the following:
 - The final approach and methodology actually used in the study. An assessment report which will integrate the results of the assessment covering all the project component areas which will contain the results of the assessments and the detailed content specifications indicated in the specific outputs section above.
 - An organization plan and change management strategy which will integrate all the recommendations covering all the project component areas and the detailed content specifications indicated in the specific output section above.
 - An Operations Manual for the lower courts vis-à-vis the Office of the Court Administration which will serve as the Reorganization Project Document.

- Detailed Policy Recommendations for submission and consideration by the SC en banc, such as multiple versions of potential type of organizational structure.

d. In Annex to the Mission report, the following will be presented:

- A presentation ready, summary slide deck of the objectives, methods, key conclusions, and recommendations.
- A presentation and discussion of the slide deck with the GOJUST team.
- A written report, containing a detailed account of purpose, methods, conclusions and recommendations.
- Terms of Reference for the relevant activities supported

3. EXPERTS ROLE

3.1. Number of requested experts and number of days required per expert

The following types of expertise are required:

Position	Designation	Type of Expertise	Duration (working days)
1	Team Leader	Management	75
2	Senior Organizational Development Expert	Organizational Development	70
3	Senior Quality Management Expert	Quality Management Systems (Six Sigma, Kaizen, etc.)	65
4	Senior Human Resources Expert	Human Resources	70
5	Senior Process Mapping Expert	Process Mapping	70
6	Senior Change Management Expert	Change Management	50
		Total Number of NKE Days	400

The consultant team will consist of six senior experts to be filled by a Team Leader, a Senior Organizational Development Expert, a Senior Quality Management Expert, a Senior Human Resources Expert, a Senior Process Mapping Expert, and a Senior Change Management Expert. The Team Leader will be responsible for overall planning, coordination and management of the mission as well as the overall analysis, conclusions and recommendations as drafted and presented in the final mission report.

The British Council-hired consultant team as specified in the foregoing will be supported by a research team to be procured and managed by the United Nations Office for Program Services (UNOPS) in a separate contract of service. The research team will provide support to the British Council-hired consultant team in data gathering, research, administrative and liaison work, scheduling, procurement of venues, among others, as determined by the needs of the British Council Team.

Further, UNOPS will provide the financial support and resources necessary to conduct workshops, focus group discussions (FGD), round table discussions (RTDs), Key Informant Interviews (KIIs), among others, as identified in the workplan of the British Council Team.

3.2 Outputs and Deliverables

For guidance of suppliers, the assignment is expected to have the following outputs and deliverables:

- 1. Organization Assessment and Recommendations.** This will contain the results of the assessment of the current conditions of the first and second level courts and the OCA and their vertical functional and operational relationship. The assessment should contain a gap analysis of the desired conditions and performance and the current state including current performance and the factors influencing performance such as but not limited to functions, decision making structure and reporting lines, levels of hierarchy and vertical and horizontal functional and operational relationships, and staffing. From the assessment an organizational design framework should be formulated which will contain the following, among others: the recommended vertical compartmentalization of functions between the courts and OCA with respect to non-judicial functions, distribution of work to identified organization units, definition of functions and outputs of each organization unit, and performance indicators and targets to measure the success of the organization under the new setup. The consultant is expected to formulate organization design models for each court level which will contain minimum standards for organization units, functions, vertical and horizontal functional and operational relationship. Further, a recommended staffing pattern/staffing models should be prepared depicting the mix, hierarchy and number of positions for each organization unit. The staffing pattern should indicate the position title, career path, salary grade, number of positions, qualification standards and rules for the creation of additional position items. It should also contain a proposed career levelling scheme which will contain proposed career bands, career level and job grade.
- 2. Competency Framework Assessment and Recommendations.** The report will contain the results of the assessment and present recommendations on the competency framework of organization units covered by the study. In particular, the competency framework will assess and make recommendations on what knowledge, skills, and attitudes drive successful performance and identify and propose indicators that will enable assessment and planning. From the assessment a competency framework should be formulated which will describe the competencies required for exemplary performance in each position class, position, team/organization unit, and the whole organization.
- 3. Systems and Process Assessment and Recommendations (excluding adjudicative processes).** The assessment will inventory, map, and assess all business processes in non-adjudicatory functions in the first and second level courts and in OCA and make recommendations on business process improvement. These will be undertaken utilizing six sigma approaches and methodologies as well as other business process analysis and design tools.
- 4. Human Resource Performance Management System and Plan.** This component will prepare and install a performance management system which will ensure alignment of performance goals with the mandates and priorities of the Supreme Court. Its indicators should be outcome-based with major final outputs that contribute to the achievement of the court's mandate, vision, and mission as well as its strategic outcome and output targets and priorities. The performance management plan will also ensure that individual roles and accountabilities are clearly defined. The Plan will include the design of user-friendly forms, an information/data management system that enables monitoring and evaluation, a communication plan, and proposed organizational arrangements for implementing the performance management plan.
- 5. Reorganization Plan with Change Management Strategy.** The reorganization plan integrates the recommendations in the above-stated area into an integrated

reorganization plan. Also the reorganization plan and change management strategy should contain approaches, strategies and specific policies and measures to be adopted in order to address the following issues: establishing migration procedures, management of the transition process from the current setup to the new setup, engendering buy-in and support from personnel throughout the implementation process, identifying change champions/leaders and defining their roles and messages, among others during the change process; addressing resistance, implementing a communication plan, providing measures that mitigate any adverse impacts on personnel, and management of grievances and complaints, and an implementation time-frame, including project organization requirements for implementation, among others.

3.3 Deliverables

Output	Deadline
Inception report with Work Plan	15 March 2022
Initial Assessment Report	22 June 2022
Full draft report with Annexes	8 October 2022
Technical Assistance Team (TAT) Presentation and Presentation to the SC	mid October 2022
Final Report	8 November 2022

3.4. The experts should have the following skills and competences:

- Fluent in spoken and written English;
- Excellent research and analytical competence, and detail oriented
- Has extensive experience in the conduct of assessment and development of plans, strategies, and policies in the assigned study area
- Can work effectively in a team organizational arrangement
- Excellent interpersonal skills;
- Active listening skills and strong writing skills
- Ability to coordinate and communicate with key stakeholders

3.5 Profile required (Education, General and Specific Experience)

NKE1 (Team Leader)

Qualifications and Skills

- Advanced Degree in Business Administration, Management, Engineering, Law or other relevant degrees or equivalent in experience
- Proven management skills as demonstrated by a strong track record in project management of previous successful organization and system improvement and related projects
- Has strong analytical and conceptualization and design skills in the area assigned as demonstrated by a strong relevant track record

General Experience

- Minimum of 20 years of relevant professional management experience, in the private or public sector, including in particular, experience in the planning and improvement of organizations and their systems as well as in the management of implementation.

- Experience in leading a team of experts and in the introduction of key policy reforms in any private corporation and/or governmental agencies, within the constraints of budgets and human resources, and the legal strictures of a bureaucracy preferred
- Experience of having worked in a foreign-funded project preferred

Specific Experience

- Proven extensive management experience
- Proven extensive experience in organization change, particularly organization structure and business process assessments and improvements, human resources management systems assessments and improvements, and change management, among others.
- Proficiency in the use of assessment and design tools such as six sigma, SWOT, force field analysis and other relevant tools.
- Proven ability to lead a team of technical experts.

NKE2 (Organizational Development Expert)

Qualifications and Skills

- Advanced University Degree (Psychology, Public Administration, Business Administration, Management, etc.) and a Diplome in People Management preferred, or equivalent experience
- Proven research and analytical skills, as demonstrated by a strong relevant track record
- Strong conceptualization and design skills in the assigned study component as demonstrated by a strong relevant track record

General Experience

- Minimum of 10 years of relevant professional OD, management, and human resources experience in either or both public sector and/or private firms
- Experience in the introduction of key policy reforms in any private corporation or governmental agencies, within the constraints of budgets and human resources, and the legal strictures of a bureaucracy preferred
- Experience of having worked in a foreign-funded project preferred

Specific Experience

- Proven experience in human resources, management, and organizational development
- Proven extensive experience in organization, staffing and systems assessment and improvement, including the preparation of associated transition management strategies and processes.

NKE3 (Quality Management Expert)

Qualifications and Skills

- Advanced University degree in management and other relevant degrees or equivalent in experience
- Proven experience in the use of quality management systems such as but not limited to Six Sigma, Kaizen skills, and the like as demonstrated by a strong relevant track record.
- Strong conceptualization and design skills in the area assigned as demonstrated by a strong relevant track record

General Experience

- Minimum of 10 years of relevant professional quality management experience in either or both public sector and/or private firms
- Experience in the introduction of key policy reforms in any governmental agencies, within the constraints of budgets and human resources, and the legal strictures of a bureaucracy preferred

Specific Experience

- Proven experience in continuous organizational improvement and lean management strategies, etc.
- Proven extensive specific experience in business process analysis and improvement including the preparation of specific plans and processes for installation and change management

NKE4 (Human Resources Expert)

Qualifications and Skills

- Advanced University Degree and other relevant degrees or equivalent in professional experience
- Proven skills in human resources management as demonstrated by a strong track record of relevant projects
- Strong conceptualization and design skills in the area assigned as demonstrated by a strong relevant track record

General Experience

- Minimum of 10 years of relevant professional human resources and/or management experience in either or both public sector and/or private firms
- Experience in the introduction of key policy reforms in any governmental agency or private corporation, within the constraints of budgets and human resources, and the legal strictures of a bureaucracy preferred
- Experience of having worked in a foreign-funded project preferred

Specific Experience

- Proven experience in human resource management, etc.
- Proven specific experience in the assessment and improvement of HR systems, including in particular, performance management system, competency frameworks, staffing development, career levelling and career pathing, and other relevant specific initiatives
- Proven specific experience in implementation of improvements in HR systems including the formulation of change management strategies and transition processes.

NKE5 (Process Mapping Expert)

Qualifications and Skills

- Advanced University Degree in engineering, business administration, public administration, and other relevant degrees or equivalent in professional experience
- Additional certificates and course from Association of Business Process Management Professional International, Business Process Management Institute, Lean Six Sigma, and other similar institutions preferred
- Proven research and analytical skills and strong conceptualization and design skills in the area assigned as demonstrated by a strong relevant track record

General Experience

- Minimum of 10 years of relevant professional experience doing process mapping, analysis and business process design/improvement
- Proven experience in business process analysis for a large and diverse organization, preferably in a government setting
- Experience in the introduction of key policy reforms in any governmental agencies, particularly the judiciary, within the constraints of budgets and human resources, and the legal strictures of a bureaucracy preferred

Specific Experience

- Proven extensive experience in process mapping, and business process analysis and design etc.
- Proven strong experience and skills in the planning and/or management of the change process and in the development and installation of transition procedures in the area of business process improvement

NKE6 (Change Management Expert)

Qualifications and Skills

- Advanced University Degree in Psychology or other relevant advanced degree or equivalent in professional experience
- Proven behavioural change management skills as established in a strong relevant track record

General Experience

- Minimum of 10 years of relevant professional experience in behavioural change management
- Experience in the introduction of key policy reforms in any private firm or governmental agencies, within the constraints of budgets and human resources, and the legal strictures of a bureaucracy preferred
- Experience of having worked in a foreign-funded project preferred

Specific Experience

- Proven experience in behavioural change management, etc. specially in the judiciary preferred
- Proven extensive experience in the preparation and/or implementation of change management strategies within an organization change context including specific experience in the formulation of change management plans and transition procedures.

4. LOCATION AND DURATION

4.1. Starting period

The estimated start date for this assignment is 8 March 2022.

4.2. Foreseen finishing period or duration

The main mission period is eight months from 8 March 2022 to 8 November 2022. The latest date for completion of the final Mission Report and annexes is to be completed not later than 8 November 2022.

4.3. Location(s) of assignment

All working days for preparatory work, comprehensive desk review and report writing are foreseen to be performed by the expert from his/her home base, i.e at his/her usual place of residence, both at the initial stages of the mission and later on during the whole assignment.

5. REPORTING

5.1. Content

The content of the reports required for this assignment are described in section 2.4 (c) and (d) and in 3.2 above.

5.2. Language

All reports and correspondence must be in English.

5.3. Submission/comments timing

All reports must be submitted by the Team Leader electronically in the format provided at the start of the mission. Comments by the TAT and key stakeholders on the various reports, will be provided to the expert as soon as possible. Draft final reports must be submitted before the debriefing by the consultant to the TAT.

6. ADMINISTRATIVE INFORMATION

The main contact person for this mission shall be the following:

- a) Senior Advisor Carolyn Mercado: carlmerc@ gmail.com , mobile no. 09189055105 (for technical matters); and
- b) Programme Officer Henri Palma: henri.palma@britishcouncil.org.ph (for administrative matters)

The list of persons to be visited, their contact numbers and location shall be agreed upon with the team leader during the first week of the consultant's engagement.

* Please note that all meetings and working can be done online should it be required under any unforeseeable Covid-19 complication.

PART II: CONTRACTUAL AND ADMINISTRATIVE MATTERS

The purpose and scope of this part and supporting documents is to explain in further detail the requirements of the British Council and the procurement process for submitting a tender response. For the purpose of this request for proposals, a 'tender response' will mean a CV and cover letter.

1. OVERVIEW OF THE BRITISH COUNCIL

1.1. The British Council is the UK's international organisation for cultural relations and educational opportunities. We create friendly knowledge and understanding between the people of the UK and other countries. We do this by making a positive contribution to the UK and the countries we work with – changing lives by creating opportunities, building connections and engendering trust.

1.2. We work with over 100 countries across the world in the fields of arts and culture, English language, education and civil society. Each year we reach over 20 million people face-to-face and more than 500 million people online, via broadcasts and publications. Founded in 1934, we are a UK charity governed by Royal Charter and a UK public body

1.3. The British Council employs over 10,500 staff worldwide. It has its headquarters in the UK, with offices in London, Manchester, Belfast, Cardiff and Edinburgh. Further information can be viewed at www.britishcouncil.org.

2. TENDER CONDITIONS AND CONTRACTUAL REQUIREMENTS

This section of the RFP sets out the British Council's contracting requirements, general policy requirements, and the general tender conditions relating to this procurement process ("**Procurement Process**").

2.1. Contracting requirements

2.1.1. The contracting authority is the British Council which includes any subsidiary companies and other organisations that control or are controlled by the British Council from time to time (see: <http://www.britishcouncil.org/organisation/structure/status>).

2.1.2. The appointed supplier will be expected to deliver the goods and/or provide services at the British Council office in 7F The Curve, 32nd Street corner 3rd Avenue, Bonifacio Global City, Taguig City 1635, Philippines unless an alternative venue has been provided.

2.1.3. The British Council's contracting and commercial approach in respect of the required goods and/or services is set out at **Annex I** (Agreement for the purchasing of professional or consultancy services (short form)) ("**Contract**"). By submitting a tender response, you are agreeing to be bound by the terms of this RFP and the Contract without further negotiation or amendment.

2.1.4. The Contract awarded will be for a duration of **a maximum of 400 total working days for the NKE Team from 8 March 2022 to 8 November 2022.**

2.1.5 In the event that you have any concerns or queries in relation to the Contract, you should submit a clarification request in accordance with the provisions of this RFP by the Clarification Deadline (as defined below in the Timescales section of this RFP). Following

such clarification requests, the British Council may issue a clarification change to the Contract that will apply to all potential suppliers submitting a tender response.

2.1.6. The British Council is under no obligations to consider any clarifications / amendments to the Contract proposed following the Clarification Deadline, but before the Response Deadline (as defined below in the Timescales section of this RFP). Any proposed amendments received from a potential supplier as part its tender response shall entitle the British Council to reject that tender response and to disqualify that potential supplier from this Procurement Process.

2.2. General Policy Requirements

2.2.1. By submitting a tender response in connection with this Procurement Process, potential suppliers confirm that they will, and that they shall ensure that any consortium members and/or subcontractors will, comply with all applicable laws, codes of practice, statutory guidance and applicable British Council policies relevant to the goods and/or services being supplied. All relevant British Council policies that suppliers are expected to comply with can be found on the British Council website (<https://www.britishcouncil.org/organisation/transparency/policies>). The list of relevant policies includes (but it is not limited to): Anti-Fraud and Corruption, Child Protection Policy, Equality, Diversity and Inclusion Policy, Fair Trading, Health and Safety Policy, Environmental Policy, Records Management, and Privacy.

2.3. General tender conditions (“Tender Conditions”)

2.3.1. Application of these Tender Conditions – In participating in this Procurement Process and/or by submitting a tender response it will be implied that you accept and will be bound by all the provisions of this RFP and its Annexes. Accordingly, tender responses should be on the basis of and strictly in accordance with the requirements of this RFP.

2.3.2. Third party verifications – Your tender response is submitted on the basis that you consent to the British Council carrying out all necessary actions to verify the information that you have provided; and the analysis of your tender response being undertaken by one or more third parties commissioned by the British Council for such purposes.

2.3.3. Information provided to potential suppliers – Information that is supplied to potential suppliers as part of this Procurement Process is supplied in good faith. The information contained in the RFP and the supporting documents and in any related written or oral communication is believed to be correct at the time of issue, but the British Council will not accept any liability for its accuracy, adequacy or completeness and no warranty is given as such. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the British Council.

2.3.4. Potential suppliers to make their own enquires – You are responsible for analysing and reviewing all information provided to you as part of this Procurement Process and for forming your own opinions and seeking advice as you consider appropriate. You should notify the British Council promptly of any perceived ambiguity, inconsistency or omission in this RFP and/or any in of its associated documents and/or in any information provided to you as part of this Procurement Process.

2.3.5. Amendments to the RFP – At any time prior to the Response Deadline, the British Council may amend the RFP. Any such amendment shall be issued to all potential suppliers, and if appropriate to ensure potential suppliers have reasonable time in which to take such amendment into account, the Response Deadline shall, at the discretion of the British Council, be extended.

2.3.6. Compliance of tender response submission – Any goods and/or services offered should be on the basis of and strictly in accordance with the RFP (including, without limitation, any specification of the British Council’s requirements, these Tender Conditions and the Contract) and all other documents and any clarifications or updates issued by the British Council as part of this Procurement Process.

2.3.7. Format of tender response submission – Tender responses must comprise the following documents:

- A cover letter addressing why you would be a suitable candidate for the assignment (1 page).
- A CV highlighting qualifications/experiences as required in **Clause 9** of this RFP.

2.3.8. Modifications to tender response documents once submitted – You may modify your tender response prior to the Response Deadline by giving written notice to the British Council. Any modification should be clear and submitted as a complete new tender response in accordance with clause 2.3.7 and these Tender Conditions.

2.3.9. Rejection of tender responses or other documents – A tender response or any other document requested by the British Council may be rejected which:

- contains gaps, omissions, misrepresentations, errors, uncompleted sections, or changes to the format of the tender documentation provided;
- contains handwritten amendments which have not been initialled by the authorised signatory;
- does not reflect and confirm full and unconditional compliance with all of the documents issued by the British Council forming part of the RFP;
- contains any caveats or any other statements or assumptions qualifying the tender response that are not capable of evaluation in accordance with the evaluation model or requiring changes to any documents issued by the British Council in any way;
- is not submitted in a manner consistent with the provisions set out in this RFP;
- is received after the Response Deadline.

2.3.10. Disqualification – If you breach these Tender Conditions, if there are any errors, omissions or material adverse changes relating to any information supplied by you at any stage in this Procurement Process, if any other circumstances set out in this RFP, and/or in any supporting documents, entitling the British Council to reject a tender response apply and/or if you or your appointed advisers attempt:

- to inappropriately influence this Procurement Process;
- to fix or set the price for goods or services;
- to enter into an arrangement with any other party that such party shall refrain from submitting a tender response;
- to enter into any arrangement with any other party (other than another party that forms part of your consortium bid or is your proposed sub-contractor) as to the prices submitted; or
- to collude in any other way
- to engage in direct or indirect bribery or canvassing by you or your appointed advisers in relation to this Procurement Process; or
- to obtain information from any of the employees, agents or advisors of the British Council concerning this Procurement Process (other than as set out in these Tender Conditions) or from another potential supplier or another tender response,

the British Council shall be entitled to reject your tender response in full and to disqualify you from this Procurement Process. Subject to the “Liability” Tender Condition below, by participating in this Procurement Process you accept that the British Council shall have no liability to a disqualified potential supplier in these circumstances.

2.3.11. Tender costs – You are responsible for obtaining all information necessary for preparation of your tender response and for all costs and expenses incurred in preparation of the tender response. Subject to the “Liability” Tender Condition below, you accept by your participation in this procurement, including without limitation the submission of a tender response, that you will not be entitled to claim from the British Council any costs, expenses or liabilities that you may incur in tendering for this procurement irrespective of whether or not your tender response is successful.

2.3.12. Rights to cancel or vary this Procurement Process - By issuing this RFP, entering into clarification communications with potential suppliers or by having any other form of communication with potential suppliers, the British Council is not bound in any way to enter into any contractual or other arrangement with you or any other potential supplier. It is intended that the remainder of this Procurement Process will take place in accordance with the provisions of this RFP but the British Council reserves the right to terminate, amend or vary (to include, without limitation, in relation to any timescales or deadlines) this Procurement Process by notice to all potential supplier in writing. Subject to the “Liability” Tender Condition below, the British will have no liability for any losses, costs or expenses caused to you as a result of such termination, amendment or variation.

2.3.13. Consortium Members and sub-contractors – It is your responsibility to ensure that any staff, consortium members, sub-contractors and advisers abide by these Tender Conditions and the requirement of this RFP.

2.3.14. Liability – Nothing in these Tender Conditions is intended to exclude or limit the liability of the British Council in relation to fraud or in other circumstances where the British Council’s liability may not be limited under any applicable law.

3. CONFIDENTIALITY AND INFORMATION GOVERNANCE

3.1. All information supplied to you by the British Council, including this RFP and all other documents relating to this Procurement Process, either in writing or orally, must be treated in confidence and not disclosed to any third party (save to your professional advisers, consortium members and/or sub-contractors strictly for the purposes only of helping you to participate in this Procurement Process and/or prepare your tender response) unless the information is already in the public domain or is required to be disclosed under any applicable laws.

3.2. You shall not disclose, copy or reproduce any of the information supplied to you as part of this Procurement Process other than for the purposes of preparing and submitting a tender response. There must be no publicity by you regarding the Procurement Process or the future award of any contract unless the British Council has given express written consent to the relevant communication.

3.3. This RFP and its accompanying documents shall remain the property of the British Council and must be returned on demand.

3.4. The British Council reserves the right to disclose all documents relating to this Procurement Process, including without limitation your tender response, to any employee, third party agent, adviser or other third party involved in the procurement in support of, and/or in collaboration with, the British Council. The British Council further reserves the right to publish the Contract once awarded and/or disclose information in connection with supplier performance under the Contract in accordance with any public sector transparency policies (as referred to below). By participating in this Procurement Process, you agree to such disclosure and/or publication by the British Council in accordance with such rights reserved by it under this paragraph.

3.5. The Freedom of Information Act 2000 (“FOIA”), the Environmental Information Regulations 2004 (“EIR”), and public sector transparency policies apply to the British Council (together the “**Disclosure Obligations**”).

3.6. You should be aware of the British Council’s obligations and responsibilities under the Disclosure Obligations to disclose information held by the British Council. Information provided by you in connection with this Procurement Process, or with any contract that may be awarded as a result of this exercise, may therefore have to be disclosed by the British Council under the Disclosure Obligations, unless the British Council decides that one of the statutory exemptions under the FOIA or the EIR applies.

3.7. If you wish to designate information supplied as part of your tender response or otherwise in connection with this tender exercise as confidential, you must provide clear and specific detail as to:

- the precise elements which are considered confidential and/or commercially sensitive;
- why you consider an exemption under the FOIA or EIR would apply; and
- the estimated length of time during which the exemption will apply.

3.8. The use of blanket protective markings of whole documents such as “commercial in confidence” will not be sufficient. By participating in this Procurement Process you agree that the British Council should not and will not be bound by any such markings.

3.9. In addition, marking any material as “confidential” or “commercially sensitive” or equivalent should not be taken to mean that the British Council accepts any duty of confidentiality by virtue of such marking. You accept that the decision as to which information will be disclosed is reserved to the British Council, notwithstanding any consultation with you or any designation of information as confidential or commercially sensitive or equivalent you may have made. You agree, by participating further in this Procurement Process and/or submitting your tender response, that all information is provided to the British Council on the basis that it may be disclosed under the Disclosure Obligations if the British Council considers that it is required to do so and/or may be used by the British Council in accordance with the provisions provision of this RFP.

3.10. Tender responses are also submitted on the condition that the appointed supplier will only process personal data (as may be defined under any relevant data protection laws) that it gains access to in performance of this Contract in accordance with the British Council’s instructions and will not use such personal data for any other purpose. The contracted supplier will undertake to process any personal data on the British Council’s behalf in accordance with the relevant provisions of any relevant data protection laws and to ensure all consents required under such laws are obtained.

4. TENDER VALIDITY

Your tender response must remain open for acceptance by the British Council for a period 15 days from the Response Deadline. A tender response not valid for this period may be rejected by the British Council.

5. PAYMENT AND INVOICING

The British Council will pay correctly addressed and undisputed invoices within 30 days in accordance with the requirements of the Contract. Suppliers to the British Council must ensure comparable payment provisions apply to the payment of their sub-contractors and the

sub-contractors of their sub-contractors. General requirements for an invoice for the British Council include:

- A description of the good/services supplied is included.
- The British Council Purchase Order number is included.
- It is sent electronically via email in PDF format to Jocelyn Bautista jocelyn.bautista1@britishcouncil.org.ph, or by post to:
British Council, 7F The Curve, 32nd Street corner 3rd Avenue, Bonifacio Global City, Taguig City 1635, Philippines

6. MANDATORY REQUIREMENTS / CONSTRAINTS

As part of your tender response, you must confirm that you meet the mandatory requirements / constraints, if any, as set out in the British Council's specification forming part of this RFP. A failure to comply with one or more mandatory requirements or constraints shall entitle the British Council to reject a tender response in full.

7. KEY BACKGROUND DOCUMENTS AND FURTHER INFORMATION

You may visit the website of Governance in Justice: A Justice Sector Reform Programme GOJUST <https://www.gojust.org>

8. TIMESCALES

8.1 Subject to any changes notified to potential suppliers by the British Council in accordance with the Tender Conditions, the following timescales shall apply to this Procurement Process:

Activity	Date / time
RFP Issued to bidding suppliers	31 January 2022
Deadline for clarification	4 February 2022
Deadline for submission of tender responses by potential suppliers (Response Deadline)	11 February 2022
Deadline for submission of work cost proposal by shortlisted suppliers	18 February 2022
Final Decision	23 February 2022
Contract concluded with winning supplier	25 February 2022
Contract start date (tentatively)	8 March 2022
Work delivery and reporting	Approximately 400 working days from 8 March to 8 November 2022

9. INSTRUCTIONS FOR RESPONDING

9.1. The documents that must be submitted to form your tender response are listed at Clause 2.3.7 to this RFP. All documents required as part of your tender response should be submitted to <https://in-tendhost.co.uk/britishcouncil> and search **Non-Key Expert Mission No. 23 – Organisational Review for the First and Second Level Courts and the Office of the Court Administrator** or In-tend reference number **BC/02322** by the Response Deadline, as set out in the Timescales section of this RFP.

9.2. The following requirements should be complied with when submitting your response to this RFP:

- Please ensure that you send your submission in good time to prevent issues with technology – late tender responses may be rejected by the British Council.
- Do not submit any additional supporting documentation with your RFP response except where specifically requested to do so as part of this RFP. PDF, JPG, PPT, Word and Excel formats can be used for any additional supporting documentation (other formats should not be used without the prior written approval of the British Council).
- All attachments/supporting documentation should be provided separately to your main tender response and clearly labelled to make it clear as to which part of your tender response it relates.
- If you submit a generic policy / document you must indicate the page and paragraph reference that is relevant to a particular part of your tender response.
- Unless otherwise stated as part of this RFP or its Annexes, all tender responses should be in the format of the relevant British Council requirement with your response to that requirement inserted underneath.
- Where supporting evidence is requested as 'or equivalent' you must demonstrate such equivalence as part of your tender response.
- Any deliberate alteration of a British Council requirement as part of your tender response will invalidate your tender response to that requirement and for evaluation purposes you shall be deemed not to have responded to that particular requirement.
- Responses should be concise, unambiguous, and should directly address the requirement stated.
- Your tender responses to the tender requirements and pricing will be incorporated into the Contract, as appropriate.

10. CLARIFICATION REQUESTS

10.1. All clarification requests should be submitted to **<https://in-tendhost.co.uk/britishcouncil>** and search **In-tend reference number BC/02322** by the Clarification Deadline, as set out in the Timescales section of this RFP. The British Council is under no obligation to respond to clarification requests received after the Clarification Deadline.

10.2. Any clarification requests should clearly reference the appropriate paragraph in the RFP documentation and, to the extent possible, should be aggregated rather than sent individually.

10.3. The British Council reserves the right to issue any clarification request made by you, and the response, to all potential suppliers unless you expressly require it to be kept confidential at the time the request is made. If the British Council considers the contents of the request not to be confidential, it will inform you and you will have the opportunity to withdraw the clarification query prior to the British Council responding to all potential suppliers.

10.4. The British Council may at any time request further information from potential suppliers to verify or clarify any aspects of their tender response or other information they may have provided. Should you not provide supplementary information or clarifications to the British Council by any deadline notified to you, your tender response may be rejected in full and you may be disqualified from this Procurement Process.

11. EVALUATION CRITERIA

11.1. You will have your tender response evaluated as set out below:

Stage 1: Tender responses will be checked to ensure that they have been completed correctly and all necessary information has been provided. Tenders responses correctly completed with all relevant information being provided will proceed to Stage 2. Any tender responses not correctly completed in accordance with the requirements of this RFP and/or containing omissions may be rejected at this point. Where a tender response is rejected at this point it will automatically be disqualified and will not be further evaluated.



Stage 2: The completed Qualification Questionnaire (*if used*) will then be reviewed to confirm that the potential supplier meets all of the qualification criteria set out in the questionnaire. Potential suppliers that meet the qualification criteria will proceed to Stage 3. Potential suppliers that do not meet the qualification criteria set out in the Qualification Questionnaire (*if used*) may be excluded from the Procurement Process at this point. Where a potential supplier is excluded at this point, its tender response will be rejected in full and not evaluated further and the supplier will automatically be disqualified from this Procurement Process.



Stage 3: If a bidder succeeds in passing Stages 1 and 2 of the evaluation, then it will have its detailed tender response to the British Council's requirements evaluated in accordance with the evaluation methodology set out below. Information provided as part of Qualification Questionnaire (*if used*) responses may also be verified as part of this stage.

11.2. Award Criteria – Responses from potential suppliers will be assessed to determine the most suitable tender submission using the following criteria and weightings. Competitive costing criteria will only be used after the selection of a supplier according to technical criteria. The selected supplier will be asked to submit a separate financial proposal detailing daily fee rates.

We may contact prospective candidates for an interview between 14 – 17 February 2022.

Criteria	Weighting	Max points
Qualification and Skills	30%	10 x 0.3
General Professional Experience	30%	10 x 0.3
Specific Professional Experience	30%	10 x 0.3
Competitive costing	10%	10 x 0.1
Total	100%	10 x 1

11.3. Scoring Model – Tender responses will be subject to an initial review at the start of Stage 3 of the evaluation process. Any tender responses not meeting mandatory requirements or constraints (if any) will be rejected in full at this point and will not be assessed or scored further. Tender responses not so rejected will be scored by an evaluation panel appointed by the British Council for all technical criteria i.e. all criteria other than commercial costs, using the following scoring model:

Points	Interpretation
10	Excellent – Overall the response demonstrates that the bidder meets all areas of the requirement and provides all of the areas evidence requested in the level of detail requested. This, therefore, is a detailed excellent response that meets all aspects of the requirement leaving no ambiguity as to whether the bidder can meet the requirement.

7	Good – Overall the response demonstrates that the bidder meets all areas of the requirement and provides all of the areas of evidence requested, but contains some trivial omissions in relation to the level of detail requested in terms of either the response or the evidence. This, therefore, is a good response that meets all aspects of the requirement with only a trivial level ambiguity due the bidders failure to provide all information at the level of detail requested.
5	Adequate – Overall the response demonstrates that the bidder meets all areas of the requirement, but not all of the areas of evidence requested have been provided. This, therefore, is an adequate response, but with some limited ambiguity as to whether the bidder can meet the requirement due to the bidder’s failure to provide all of the evidence requested.
3	Poor – The response does not demonstrate that the bidder meets the requirement in one or more areas. This, therefore, is a poor response with significant ambiguity as to whether the bidder can meet the requirement due to the failure by the bidder to show that it meets one or more areas of the requirement.
0	Unacceptable – The response is non-compliant with the requirements of the RFP and/or no response has been provided.

11.4. Commercial Evaluation – Your “Overall Price” (as calculated in accordance with requirements of clause 2.3.7) for the goods and/or services will be evaluated by the evaluation panel for the purposes of the commercial evaluation. Prices must not be subject to any pricing assumptions, qualifications or indexation not provided for explicitly by the British Council as part of the pricing approach. In the event that any prices are expressed as being subject to any pricing assumptions, qualifications or indexation not provided for by the British Council as part of the pricing approach, the British Council may reject the full tender response at this point. The British Council may also reject any tender response where the Overall Price for the goods and/or services is considered by the British Council to be abnormally low following the relevant processes set out under the EU procurement rules. A maximum offer score of 10 will be awarded to the tender response offering the lowest “Overall Price”. Other tender responses will be awarded a mark by application of the following formula: (Lowest Overall Price/Overall Price being evaluated) x 10 (rounded to two decimal places) = commercial score.

11.5. Moderation and application of weightings – The evaluation panel appointed for this procurement will meet to agree and moderate scores for each award criteria. Final scores in terms of a percentage of the overall tender score will be obtained by applying the relevant weighting factors set out as part of the award criteria table above. The percentage scores for each award criteria will be amalgamated to give a percentage score out of 100.

11.6. The winning tender response – The winning tender response shall be the tender response scoring the highest percentage score out of 100 when applying the above evaluation methodology, which is also supported by any required verification evidence (to include, without limitation, any updated information or references relating to any Qualification Question responses) obtained by the Authority relating to any self-certification or other requirements referred to in the Qualification Questionnaire (*if used*). If any verification evidence requested from a supplier, or a relevant third party as may be referred to by the supplier in the Qualification Questionnaire (*if used*) as a party prepared to provide such information, is not provided in accordance with any timescales specified by the British Council and/or any evidence reviewed by the British Council (whose decision shall be final) does not demonstrate compliance with any such requirement, the British Council may reject that tender response in full and disqualify the potential winning supplier from the Procurement Process at that point.

List of Annexes forming part of this RFP (issued as separate documents):
Annex I - Agreement for the Purchasing of Professional or Consultancy Services (short form)