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**COMMONWEALTH SECRETARIAT**

**MARLBOROUGH HOUSE, PALL MALL, LONDON SW1Y 5HX**

***IN STRICT COMMERCIAL CONFIDENCE***

**Invitation to Tender**

**Innovative Partnership**

**For the Services and Solutions for a secure, identity verified, communications infrastructure for the Commonwealth Network of Contact Persons (CNCP)**

**June 2019**

|  |  |
| --- | --- |
| **Reference Number:** | 470-2019 |
| **Return Date:** | 12:00 GMT, noon on Monday 17 June 2019 |
| **Contact Email:** | Procurement@commonwealth.int |

## Contents

1. Introduction 3

2. Purpose 3

3. Instructions to bidders 3

4. Evaluation weightings 4

5. Tender timeline 4

6. Information for bidders 4

7. Specification of requirements 5

Tender submission documents

Part 1 – Bidder details 8

Part 2 - Suitability assessment questions 10

Part 3 – Technical questionnaire 15

Part 4 - Clarification of tenders 18

Appendices

Appendix 1 - Standard terms and conditions 19

Appendix 2 - Code of ethics 19

## Introduction

The Commonwealth Secretariat (The Secretariat) is an international organisation established by Agreed Memorandum, which is given privileges and immunities under the domestic law of the United Kingdom by the Commonwealth Secretariat Act 1966 (as amended by the International Organisations Act 2005). Under this legislation, the Secretariat is not subject to UK jurisdiction and enforcement.

This status has an impact on some of our standard terms and conditions. In particular, we draw your attention to our dispute resolution clause, which refers disputes to the exclusive jurisdiction of the Commonwealth Secretariat Arbitration Tribunal (CSAT). The 8 members of the Tribunal are selected by the Board of Governors and come from Commonwealth member countries. Information about CSAT, including its governing statute and procedure are available on its website at <http://thecommonwealth.org/tribunal>.

The Secretariat implements decisions agreed by Heads of Government and Ministers through advocacy, consensus–building, information sharing, analysis, technical assistance, capacity-building, and advice on policy development.

## Purpose

The purpose of this tender is to find and appoint a suitable supplier for the provision of Services and Solutions for a secure, identity verified, communications infrastructure for the Commonwealth Network of Contact Persons (CNCP).

See Specification for details on the services required.

## Instructions to bidders

This is a two stage tender process with a written submission to this Invitation to Tender (ITT) followed by selected bidder presentations. The three top scoring bidders following the first stage will be asked to attend a presentation of their tender at the interview stage.

Bidders must submit all documents as set out in Part1 – Part 5 no later than the return date.

The tender documents are to be returned by email only (NOTE files attached must not be more than 25MB per email) to the Commonwealth Secretariat to the following email address.

Email: Procurement@commonwealth.int

All queries must be in writing via the email address above.

Following all stages of the tender process, the bid received that is deemed the most economically advantageous tender (MEAT) shall be awarded the contract based on the evaluation weightings below.

## Evaluation weightings

**Quality 100%**

## Tender timeline

Please note the following timeline is just an estimate and may be subject to change at short notice.

|  |  |
| --- | --- |
| **Activity**  | **Date** |
| ITT published online | 7/06/2019 |
| Deadline for clarification questions to be submitted to the Secretariat by bidders | 12/06/2019 |
| Deadline for Secretariat to provide answers to questions received by bidders | 14/06/2019 |
| Deadline for return of completed ITT to the Commonwealth by bidders | Noon on 17/06/2019 |
| Evaluation process | 18/06/2019 – 28/06/2019 ITTINTERVIEWS (dates TBA) |
| Notification of procurement outcome by | Mid July 2019  |

## Information for bidders

* There is no funding available at this stage and the advertisement is for a partnership arrangement with delivery at no cost.
* The bidder must ensure that they have all the information required for the preparation of the tender submission and that they are satisfied about the correct interpretation of terminology used in this documentation. The bidder must also ensure that they are fully conversant with the nature and extent of the obligations should the tender be accepted.
* Tenders are to be valid for a minimum of 120 days from the closing date for the submission of the tenders.
* The Commonwealth Secretariat reserves the right to cancel the tender at any time during the process.
* Bidders shall bear all costs in completing a tender submission and all other associated costs with delivery, if successful.
* Bidders shall not disclose details of the ITT to third parties without prior agreement from an authorised officer of the Commonwealth Scretariat.
* The Secretariat will carry out an evaluation of the tender bids using the weighted criteria method as described. The Secretariat will select a preferred bidder which will be taken forward to further negotiations. The Secretariat reserves the right to appoint a reserve preferred bidder which the Secretariat would take forward to negotiations if any negotiations with the preferred bidder are unsuccessful.

By taking part in this tender all bidders commit to the following:

* Bidders certify that they have not canvassed or solicited any officer or employee of the Secretariat in connection with this tender submission and that no person employed or acting on behalf of the bidder has done any such act.
* Bidders will not canvas or solicit any officer or employee of the Secretariat in connection with this tender submission.
* Bidders confirm that they shall automatically be subject to termination on grounds of misrepresentation and failure of duty to disclose.

## Specification of requirements

**Background**

The Commonwealth is a voluntary association of 53 countries with a combined population of 2.4 billion.

Article VII of the Commonwealth Charter recognises the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government. The Rule of Law Section and the Office of Civil and Criminal Justice Reform (OCCJR), located within the Governance and Peace Directorate of the Commonwealth Secretariat are responsible for the delivery of the rule of law and access to justice elements of Outcome 2 of the Secretariat’s Strategic Plan 2017/18 – 2020/21: to assist member countries to deliver “more effective, efficient and equitable public goverance.”

In 2018, Commonwealth Heads of Government adopted the Commonwealth Cyber Declaration. The Declaration committed Heads to a cyberspace that supports economic and social development and rights online; to build the foundations of an effective national cybersecurity response; and to promote stability in cyberspace through international cooperation. Specifically, the Declaration committed Commonwealth member countries to use national contat points and other practical measures to enable cross-border access to digital evidence through mutually agreed channels to improve international cooperation to tackle cybercrime.

The Commonwealth Network of Contact Persons (CNCP) in criminal justice matters, and its governing framework, was endorsed by Law Ministers and Attorneys General at their meeting in Accra, October 2005. The Network was launched in London in February 2007. The purpose of the CNCP is to facilitate informal co-operation in criminal cases across the Commonwealth. Following the adoption of the Commonwealth Cyber Declaration, the CNCP is being strengthened through the appoint of electronic evidence focal points, in addition to the introduction of other practical measures to enable cross-border access to digital evidence.

**Specification for a Digital Infrastructure to Support the CNCP**

With a view to enhancing the effectiveness of the Network, the Commonwealth Secretariat seeks a supplier to provide further research and development of a digital infrastructure to support internal communication between CNCP members. The supplier will work in partnership with the Secretariat.

In addition to providing services to the CNCP, the proposed digital infrastructure is ultimately envisaged to act as a test ‘use-case’ for blockchain/decentralized technology in the management and administration of a pan-Commonwealth network.

The proposed digital infrastructure is required to have the following functionality:

1. Creation and issue of a secure identity for a verified and known user, with remote onboarding to the platform and secure storage of the unique identity;
2. Authentication and authorization of users, including through 2- and 3- factor authentication, user directory function and ongoing monitoring of the level of authentication;
3. Exchange of data files, real-time bilateral and group messaging, and voice capability, with strong encryption for all data at rest and end-to-end in transit;
4. High levels of security, and use of distributed technology in order to ensure no central point of failure for identity management or data and message hosting;
5. Use of user-experience App design developed for the Commonwealth Secretariat within prior phase work;
6. Available on iOS, Android and Windows Desktop with update, recovery and message audit function; and
7. (Second phase development) Use of a blockchain/distributed ledger technology for identity verification and/or message audit trail.

In addition, the digital infrastructure is required:

* To be robust, user-friendly, relevant, and underpinned by solid analysis and user research;
* To have an operating model that must be sustainable and scalable (including extendable to other criminal justice networks such as those operated by the United Nations and European Union) using knowledge to generate ideas and participation to build ownership;
* To support law enforcement and criminal justice cooperation use cases across the Commonwealth involving requests for cross-border electronic evidence;
* To have a strategy that will be future-proof and able to withstand developing priorities of the Commonwealth as well as global socio-political changes and developments

Initial research and design work has already been conducted by the Commonwealth Secretariat. It is expected that the services to be provided under this call for proposals will focus on (i) Development; (ii) Implementation; and (iii)Piloting, for each of two phases of development.

First phase development is expected to be completed with two months of entry into an agreement with the Commonwealth Secretariat and to include specification items I. to VI. above. Piloting of the first phase development will take place within the context of cross-border criminal investigation exercises involving the CNCP and electronic evidence focal points to be conducted in 2019. Second phase development of specification item VII. is expected to be completed within a further six to twelve months.

The Secretariat seeks a model of innovative partnership whereby delivery of the digital infrastructure up to pilot stage for the specification above is delivered at zero or minimal cost to the Secretariat, with negotiation as to licensing, maintenance and support terms at a later stage of full roll-out. This may involve a subsequent agreement with the Secretariat or directly with counterparts in Commonwealth member countries.

The Secretariat envisages entering into a memorandum of understanding that covers exclusivity, confidentiality and intellectual property arrangements for delivery to the pilot stage. During this stage, the supplier will partner with the Secretariat to develop and deliver the pilot to criminal justice counterparts in Commonwealth member countries. The supplier will also have the opportunity to engage in policy-level discussions with member countries and other international organizations concerning assured messaging within the international criminal justice context.

Intellectual property rights vesting in the digital infrastructure developed and provided by the supplier shall remain the property of the supplier. The supplier is expected to grant to the Secretariat and users of the digital infrastructure, a licence to use the infrastructure for the duration of the development, implementation and pilot stages as agreed in the expected memorandum of understanding.

## Tender submission documents (ref no. 470-2019)

Note - Bidders must complete and return **all** tender submission documents below.

Part 1 – Bidder details

Part 2 – Suitability assessment questions (with ethics form attached)

Part 3 – Technical questionnaire

Part 4 – Availability for clarification of bids

## **Part 1 – Bidder details**

Please provide details relating to your registered offices, legal status and date of incorporation.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Company name |  |  | Company registration number |   |
| Company address  |  |  | Date of incorporation |  |
| Postcode |  |  |  |  |
| Contact name |  |  | Job title |  |
| Telephone |  |  | Email |  |
|  |
| In the event of utilising a third party, on your behalf for any part of the services, please provide the full details of the secondary supplier. |
|
| Company name |  |  | Duration of working relationship, |  |
| Company address  |  |  | Reason for use |  |
| Postcode |  |  |  |
|  |
| Please provide the following **financial information**

|  |
| --- |
| **Turnover** |
| Provide details of your organisation’s turnover for the last 3 trading years.Please complete for the period of trading if less than 3 years. | Total turnover: 20XX/20XX20XX/20XX 20XX/20XX  | £££ |

|  |
| --- |
| **Information to be extracted from the bidder’s audited accounts** |
| Please provide the following information for the last 2 years for which audited accounts are available: |
| the value of your current assets for the latest year  | 20XX | £ |
| the value of your current assets for the previous year | 20XX | £ |
| the value of stock/work in progress for the latest year  | 20XX | £ |
| the value of stock/work in progress for the previous year | 20XX | £ |
| the value of fixed/tangible assets for the latest year  | 20XX | £ |
| the value of fixed/tangible assets for the previous year | 20XX | £ |
| the value of current liabilities for the latest year  | 20XX | £ |
| the value of current liabilities for the previous year | 20XX | £ |
| the value of long-term liabilities for the latest year  | 20XX | £ |
| the value of long-term liabilities for the previous year | 20XX | £ |

Please note, the successful bidder will be checked for their Equifax Credit Score. Should the bidder fail the credit score, the Secretariat will be entitled to commence negotiations with the second preferred bidder subject to that bidder having passed the Equifax Credit Score and so forth.Please provide the contact details of two client references.  |
|  |
|  | Reference 1 | Reference 2 |
| Company name  |  |  |
| Company address  |  |  |
| Postcode |  |  |
| Telephone |  |  |
| Email |  |  |

## Part 2 - Suitability assessment questions

**Grounds for exclusion**

You will be excluded from the tender process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations.

1. Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or Partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?

|  |  |  |
| --- | --- | --- |
| Please mark ‘X’ in the relevant box | Yes | No |
| 1. Conspiracy as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Corruption as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Bribery as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. The offence of cheating the Revenue as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. The offence of conspiracy to defraud as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Fraud as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Theft as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Fraudulent trading as defined by the legislative or judicial bodies in your jurisdiction.
 |   |  |
| 1. Fraudulent evasion as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Destroying, defacing or concealing of documents or procuring the execution of a valuable security as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. The possession of articles for use in frauds as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Any offence considered to be Counter Terrorism as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Money laundering as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Any sexual offences as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |
| 1. Drug trafficking as defined by the legislative or judicial bodies in your jurisdiction.
 |  |  |

1. Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.

|  |  |  |
| --- | --- | --- |
| Please mark ‘X’ in the relevant box | Yes | No |
| 1. your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;
 |  |  |
| 1. your organisation is guilty of grave professional misconduct, which renders its integrity questionable;
 |  |  |
| 1. your organisation has entered into agreements with other economic operators aimed at distorting competition;
 |  |  |
| 1. the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition;
 |  |  |
| 1. your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.
 |  |  |

1. Employment and Human Rights

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. Please delete ‘Yes’ / ‘No’ as applicable.

|  |  |  |
| --- | --- | --- |
| (a) | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | Yes/No |
| (b) | In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination? If you have answered “yes” to one or both of the questions, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring. You may be excluded if you are unable to demonstrate to The Commonwealth’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. | Yes/No |
| (c) | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes/No/NA |

1. Environmental legislation

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. Please delete ‘Yes’ / ‘No’ as applicable.

|  |  |  |
| --- | --- | --- |
| (a) | Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)? If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served. The Secretariat will not select bidders that have been prosecuted or served notice under environmental legislation in the last 3 years, unless The Commonwealth is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | Yes/No  |
| (b) | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | Yes/No/NA  |

1. Health and Safety legislation
For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. Please delete ‘Yes’ / ‘No’ as applicable.

|  |  |  |
| --- | --- | --- |
| (a) | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. | Yes/No |
| (b) | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years? If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result. The Secretariat will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to The Commonwealth’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | Yes/No  |
| (c) | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes/No/NA |

1. Terms and conditions

Please delete ‘Yes’ / ‘No’ as applicable.

|  |  |  |
| --- | --- | --- |
| (a) | Please confirm that your organisation agrees to the Commonwealth Secretariat’s standard terms and conditions (Appendix 1).If not, please state reasons and complete the Legal Comments Table below: | Yes/No  |

1. Legal comments table

By submitting a response, the bidder is agreeing to be bound by the terms of this ITT and the Contract save as in relation to those areas of the Contract specifically highlighted below. As such, if the terms of the Commonwealth Secretariat Standard Terms and Conditions renders proposals in the bidder’s response unworkable, the bidder must submit full details of the unworkable/unacceptable provisions within the Standard Terms and Conditions by completing the Legal Comments Table below.

|  |  |  |
| --- | --- | --- |
| **Clause/Paragraph /Schedule** | **Summary of Issue** | **Suggested Revisions** |
|  |  |  |
|  |  |  |
|  |  |  |
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|  |  |  |
|  |  |  |
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|  |  |  |

1. Code of ethics

Please delete ‘Yes’ / ‘No’ as applicable.

|  |  |  |
| --- | --- | --- |
| (a) | Please confirm that your organisation agrees to and has signed, dated and attached the Code of Ethics (Appendix 2)  | Yes/No  |

## Part 3 – Technical questionnaire - 100% of total score

**Technical questions**

The following scoring mechansim will be used to score each question in this section:

|  |  |
| --- | --- |
| **Score** | **Description** |
| 0 | Does not meet the specification or has not responded to the question |
| 1 | Low Fit – Meets most of the specification, but is missing in areas |
| 2 | Fit – Meets the specification as required |
| 3 | Good Fit – Meets all of the specification well and exceeds expectations in some areas |
| 4 | Excellent Fit – Exceeds expectations in most or all areas |

The questions below are worth 100% of the total score. The individual question weightings are set out in the weighting column.

The following formula will be applied for each question:

* Points Scored ÷ Points Available × % Weighting
* The scores for each of the questions will be added to give a total Technical/Quality Score

Unanswered questions or sections that are left blank shall be awarded a 0.

Please answer **all** questions in the spaces provided with regards the bidding company. Please do not attach documents or appendices.

|  |  |  |
| --- | --- | --- |
| **Question No.**  | **Question** | **Weighting** |
| B1 | Experience in development of information communications technology, in particular secure messaging, identity management, and cybersecurity. | 30% |
| Insert your answer here |
| B2 | Experience in use and application of blockchain and distributed computing technologies. | 10% |
| Insert your answer here |
| B3 | Track record of developing innovative and strategic solutions, and a commitment to building stakeholder buy-in. | 30% |
| Insert your answer here |
| B4 | Experience of working with national governments and international organisations. | 15% |
| Insert your answer here |
| B5 | Strong Commonwealth connections | 15**%** |
| Insert answer here |
| B6 | Willingness to provide services to the Secretariat through a form of partnership with delivery to pilot phase at zero or minimal cost to the Secretariat. | TICK (Yes/No) |
| Insert answer here |

## Part 4 - Clarifications of tenders

Following the evaluation of the suitability questions and technical questionnaire, the top three scoring bidders will be invited to take part in clarification interview sessions with the evaluation panel. We will seek to determine your understanding of the project and your suitability to successfully deliver it referring to the information you supplied in the Technical Questionnaire.

|  |  |
| --- | --- |
| Please confirm your availability/willingness to take part in a presentation/interview session of your bid at your own expense on the estimated dates specified in the tender timeline. A meeting, if required, would be conducted at the Secretariat’s offices at Marlborough House, Pall Mall, London and should take no longer than a maximum of 90 minutes. Dates are yet to be determined but will require short notice attendance via Skype or in person at bidder’s own cost. | Yes/No  |

## Appendices

Appendix 1 - General Terms and Conditions



[Download](http://thecommonwealth.org/sites/default/files/inline/CommonwealthSecretariatTermsandConditionsContract.pdf%22%20%5Ct%20%22_blank)

Appendix 2 - Code of Ethics

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[Download](http://www.thecommonwealth.org/sites/default/files/inline/CodeEthicsApril2016.pdf)