

**GOVERNMENT OF BARBADOS**



**MINISTRY OF LABOUR AND SOCIAL SECURITY**

**INSTRUCTIONS TO CONSULTANTS**

**THE CONSULTANCY TO INFORM  
THE INSTITUTIONAL STRENGTHENING OF  
THE NATIONAL EMPLOYMENT BUREAU**

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# INSTRUCTIONS TO CONSULTANTS

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## 1. Introduction

- 1.1 The Ministry of Labour and Social Security (MLS) is seeking to strengthen the National Employment Bureau (NEB) by improving the quality, effectiveness and efficiency of employment services to the general public and to position the Bureau as a leading career counseling centre for the labour force. It is therefore seeking to recruit an entity or person, including a Joint Venture, Consortium or Association (JVCA), that may provide the requested services to the Ministry under contract as a consultant.
- 1.2 Bidding consultants are therefore invited to submit a technical proposal and a price proposal for consulting services required. These proposals will serve as the basis for the selection of the winning consultants and the subsequent contract negotiations.
- 1.3 The Request for Proposal (RFP) seeks to define the requirements for the appointment of the Consultants to perform the desired assignment. This RFP is not a recommendation, offer or invitation to enter into a contract, agreement or any other arrangement with respect to the services. A bidder will, by responding to the RFP, be deemed to have accepted all the terms as stated in the RFP document.
- 1.4 Consultants should consider Barbados' economic, social and political environment and should have some awareness of the functions of the NEB when preparing their proposals. To obtain first hand information on the assignment and local conditions, Consultants are encouraged to visit the NEB through the Chief Labour Officer before submitting a proposal. Adequate time for this request should be allowed to ensure that appropriate arrangements for the visit could be made.
- 1.5 The MLS will make available any relevant project data and reports at no cost to the successful Consultants.
- 1.6 Consultants shall bear all costs associated with the preparation and submission of their proposals and contract negotiations.
- 1.7 The MLS is not bound to accept any proposal and reserves the right to annul the selection process at any time prior to the awarding of the contract, without thereby incurring any liability to the bidding consultants.

## 2. Bidders' Eligibility Criteria

- 2.1 All corporate bidders must possess a Certificate of Incorporation as evidence of the fact that the Company is an existing registered Company as at the date of RFP. The Certificate must be in the name of the person submitting the Proposal and must be submitted in the envelope with the technical proposal.

- 2.2 Bidders are advised that the Certificate of Incorporation referred to at the paragraph 2.1 means a Certificate of Incorporation issued under the 1985 Companies Act of Barbados, or where applicable, a Certificate of Continuance and /or a Certificate of Amalgamation, or a Certificate or Amendment. Certificates must be dated after December 31, 1984.
- 2.3 Any firm incorporated outside of Barbados which is awarded the contract will be required to be registered in Barbados as an External Company under the Companies Act of Barbados.
- 2.4 Where the tenderer is a joint venture of two or more firms/individuals a Memorandum of Understanding (MOU) signed by all the parties must be submitted. The MOU must set out the proposed administrative arrangements for the management and execution of the contract and indicate who will act as leader of the joint venture. All partners in the joint venture shall be jointly and severally liable to the Government of Barbados for the performance of the contract.
- 2.5 The Certificates of Incorporation and the MOU must be submitted with the Technical Proposal.
- 2.6 The Bidders must also satisfy the personnel requirements as set out in the Terms of Reference.

### **3. Conflicts of Interest**

- 3.1 The Ministry expects that Consultants will always provide professional, objective and impartial advice and will hold the Ministry's interests above all others, thereby avoiding conflicts with other assignments or their own corporate interests. Consultants should also act without any consideration for future work.
- 3.2 Without limitation on the generality of the foregoing, Consultants, and any of their affiliates, shall be considered to have a conflict of interest if these Consultants have been or are currently engaged by the MLS to provide any goods, works and services related to the consultancy services and shall be automatically disqualified from consideration.
- 3.3 A Consultant (including its Personnel and Sub-Consultants) or any of its affiliates shall not be hired for this assignment that by its nature, may be in conflict with another assignment of the Consultant to be executed for the same or for another Client. Similarly, a Consultant involved in the preparation of the Terms of Reference for this assignment shall not be considered.

- 3.4 A conflict of interest shall also exist if a Consultant (including its Personnel and Sub-Consultants) has a business or family relationship with a member of the MLS's staff who is directly or indirectly involved in any part of the following:
- The preparation of the Terms of Reference of the assignment
  - The selection process for such assignment and/or
  - The supervision of the Contract.

Any such conflicting relationships will automatically disqualify a Consultant from consideration unless this relationship has been resolved in a manner acceptable to the MLS throughout the selection process and the execution of the Contract.

- 3.5 Consultants are obligated to disclose any situation of actual or potential conflict that would have an impact on their capacity to serve the best interests of the MLS, or that may be reasonably perceived as having this effect. Failure to disclose said situations may lead to the disqualification of the Consultant or the termination of its Contract.
- 3.6 No current employees of the MLS shall work as Consultants for any project under its Ministry, departments or agencies. The recruitment of former government employees is acceptable providing no conflict of interest exists. When the Consultant nominates any Government employee as Personnel in their Technical Proposal, such Personnel must have written certification from the Government of Barbados that they are on leave without pay from their post and are allowed to work full time outside of their official post. Such certification shall be provided to the MLS by the bidding Consultant as part of the technical proposal.

## 4. Ethical Considerations

- 4.1 All firms, entities or individuals participating in this project as applicants, bidders, consulting firms or individual consultants must adhere to the highest ethical standards. Fraud and corruption are strictly prohibited and these acts could include, but are not limited to, the following:
- The bidder/contractor or his agent has offered or given to any person any gift or consideration of any kind as an inducement or reward for doing or omitting to do any act in relation to the obtaining and execution of the contract;
  - The bidder/contractor or his agent has shown favour or disfavor to any person in relation to the contract;
  - The bidder/contractor or his agent has committed any offence under Cap. 144, the Prevention of Corruption Act.
  - The bidder/contractor has engaged in any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.

- 4.2 The Bidder shall sign a declaration that he has not and will not be involved in any corrupt or fraudulent practices.
- 4.3 The MLS will reject a proposal for award if it is determined that the consultant recommended for the award of contract has engaged in corrupt or fraudulent practices in competing for the contract in question.
- 4.4 Even after the contract is awarded, this contract may be cancelled if any evidence of the aforementioned practices in 4.1 has been presented.

## 5. Preparation of Proposals

### 5.1 General Guidelines

- 5.1.1 Consultants may only submit one proposal. If a Consultant submits or participates in more than one proposal, such proposals shall be disqualified. However, this does not limit the participation of the same Associate-Consultant, including individual experts, to more than one proposal.
- 5.1.2 The original proposal shall contain no interlineations, erasures or overwriting, except as necessary to correct errors made by the Consultants themselves. The person who signed the proposal must initial such corrections.
- 5.1.3 An authorized representative of the Consultants shall initial all pages of the original Technical and Price Proposals. The authorization shall be in the form of a written power of attorney accompanying the Proposal or in any other form demonstrating that the representative has been duly authorized to sign. The signed Technical and Price Proposals shall be marked "ORIGINAL".
- 5.1.4 All Proposals shall be marked "ORIGINAL" or "COPY" as appropriate. All required copies are to be made from the original. If there are discrepancies between the original and the copies of the Technical Proposal, the original governs.
- 5.1.5 Consultants' Proposals must remain valid for ninety (90) days after the submission date. During this period, Consultants shall maintain the availability of professional staff nominated in the Proposal. The MLS will make its best effort to complete negotiations within this period. Should the need arise, however, the MLS may request Consultants to extend the validity period of their proposals. Consultants who agree to such extension shall confirm that they maintain the availability of the professional staff nominated in the Proposal, or in their confirmation of extension of validity of the Proposal, Consultants could submit new staff in replacement, who would be considered in the final evaluation for contract award. Consultants who do not agree have the right to refuse to extend the validity of their Proposals.
- 5.1.6 The Proposal as well as all related correspondence must be written in the English Language.

- 5.1.7 In preparing their Proposal, Consultants are expected to examine in detail the documents comprising the RFP. Material deficiencies in providing the information requested may result in rejection of a Proposal.
- 5.1.8 The tender documents must include a signed technical proposal and a signed price proposal.

## 5.2 Errors, Omissions and Clarification of RFP Documents

- 5.2.1 Tenderers should notify the MLS of any errors, omissions or discrepancies found in the RFP document but not later than ten (10) business days prior to the due date for the lodgement of Response to RFP.
- 5.2.2 Consultants may also request a clarification of any of the RFP documents up to fourteen (14) days before the proposal submission date.
- 5.2.3 Any feedback on the RFP documents or requests for clarification must be sent in writing or by standard electronic means to the following MLS official:

<b>Post</b>	Permanent Secretary, MLS
<b>Telephone Number</b>	246-310-1400
<b>Fax Number</b>	246-425-0266
<b>E-mail Address</b>	ps@labour.gov.bb

- 5.2.4 The MLS will respond in writing, or by standard electronic means and will send written copies of the response (including an explanation of the query but without identifying the source of inquiry) to all Consultants.

### 5.3 Amendments to RFP Documents

- 5.3.1 At any time before the deadline for the submission of Proposals, amendments to the RFP may be issued by the MLS for any reason, whether at its own initiative or in response to a clarification requested by a bidder. Such amendments would be issued as an addendum in writing or by standard electronic means. The addendum shall be sent to all Consultants and will be binding on them.
- 5.3.2 All bidders must acknowledge receipt of all amendments.
- 5.3.4 To give Consultants reasonable time in which to take an amendment into account in their Proposals, the MLS may, if the amendment is substantial, extend the deadline for the submission of Proposals to its discretion.

### 5.4 Technical Proposal: Format and Content

5.4.1 Consultants are required to submit a Full Technical Proposal (FTP) within the format specified in the **Guidelines for Technical Proposal**. Submission of the wrong type of Technical Proposal will result in the Proposal being deemed non-responsive.

5.4.2 The FTP should include:

- A brief description of the Consultants' organization and an outline of recent experience of the Consultants on assignments of a similar nature. For each past assignment referenced, the outline should indicate the names of Associate-Consultants/ Professional staff who participated, duration of the assignment, contract amount, and Consultant's involvement. Information should be provided only for those assignments for which the Consultant was legally contracted by the Client as a Corporation or as one of the major firms within a Joint Venture, Consortium or Association (JVCA). Assignments completed by individual Professional staff working privately or through other consulting firms cannot be claimed as the experience of the Consultant, or that of the Consultant's associates, but can be claimed by the Professional staff themselves in their CVs. Consultants should be prepared to substantiate the claimed experience if so requested by the MLS.
- Any comments and suggestions on the Terms of Reference including workable suggestions that could improve the quality/ effectiveness of the assignment.
- A comprehensive description of the approach, methodology and work plan for performing the assignment covering the following subjects: technical approach and methodology, work plan, and organization and staffing schedule. Guidance on the content of this section of the Technical Proposals is provided within the template defined in the **Guidelines for Technical Proposal**. The work plan should be consistent with a work schedule which will show in the form of a bar chart the timing proposed for each activity.
- The list of the proposed Professional staff team by area of expertise, the position that would be assigned to each staff team member, and their tasks.
- Estimates of the staff input (staff-days/months of foreign and local professionals) needed to carry out the assignment. The staff-days/months input

should be indicated separately for home office and field activities, and for foreign and local Professional staff.

- CVs of the Professional staff signed by the staff themselves or by the authorized representative of the Professional Staff
- A detailed description of the proposed methodology and staffing for training, if training is specified as a component of the assignment

5.4.3 The Technical Proposal shall not include any price information. A Technical Proposal containing price information may be declared non-responsive.

## 5.5 Price Proposal: Format and Content

5.5.1 Consultants are required to submit a comprehensive Price Proposal (PP) within the format specified in the **Guidelines for Price Proposal**. Submission of the wrong type of PP will result in the Proposal being deemed non-responsive.

5.5.2 It shall list all costs associated with the assignment, including remuneration for staff (foreign and local, in the field and at the Consultants' home office) and any other expenses. If appropriate, these costs should be broken down by activity and, if relevant, into foreign and local expenditures. All activities and items described in the Technical Proposal must be priced separately; activities and items described in the Technical Proposal but not priced, shall be assumed to be included in the prices of other activities or items.

## 6 Submission, Receipt, and Opening of Proposals

6.1 Consultants must submit an original Technical and Price Proposal and one copy, which must be accompanied by a submission letter.

6.2 The original and all copies of the Technical Proposal shall be placed in a sealed envelope clearly marked "**TECHNICAL PROPOSAL**" Similarly, the original Price Proposal shall be placed in a sealed envelope clearly marked "**PRICE PROPOSAL**" and with a warning "**DO NOT OPEN WITH THE TECHNICAL PROPOSAL.**" The envelopes containing the Technical and Price Proposals shall be placed into an outer envelope and sealed. This outer envelope shall be clearly labeled "**REQUEST FOR PROPOSALS FOR THE CONSULTANCY TO INFORM THE STRENGTHENING OF THE NATIONAL EMPLOYMENT BUREAU**" and must be addressed to:

The Chairman  
The Tenders Committee  
c/o Central Purchasing Department  
Holborn Circle,  
Fontabelle,  
St. Michael,  
BARBADOS

The envelope must also be marked “**DO NOT OPEN, EXCEPT IN PRESENCE OF THE TENDERS COMMITTEE, BEFORE 4:30 P.M. ON WEDNESDAY, MAY 02, 2012**”. The MLS shall not be responsible for misplacing, losing or premature opening if the outer envelope is not sealed and/or marked as stipulated. This circumstance may be case for Proposal rejection. If the Price Proposal is not submitted in a separate sealed envelope duly marked as indicated above, this will constitute grounds for declaring the Proposal non-responsive.

- 6.3 The proposals must be placed in the Tenders Box located at the Central Purchasing Department not later than 4.30 p.m. (Barbados time), **on WEDNESDAY, MAY 02, 2012**. Proposals reaching after the closing time and date will not be considered and shall be returned unopened.
- 6.4 Any submissions by fax or email will be considered invalid.
- 6.5 The Tenders Committee shall open the Technical Proposals only after the deadline for their submission. The envelopes with the Price Proposal shall remain sealed and securely stored.

## 7. Evaluation of Proposals

- 7.1 The winning proposal will be determined using Quality and Cost-Based Selection (QCBS) criteria which is a two stage bidding process.
- 7.2 From the time the Proposals are opened to the time the Contract is awarded, the Consultants should not contact the MLS on any matter related to its Technical and/or Price Proposal. Any effort by Consultants to influence the examination, evaluation, ranking of Proposals, and recommendation for award of Contract may result in the rejection of the Consultants' Proposal.
- 7.3 Evaluators of Technical Proposals shall not access to the Price Proposals until the technical evaluation is concluded. The evaluation committee shall first evaluate the Technical Proposals on the basis of the Consultant's understanding of services to be performed as articulated in the Terms of Reference, the proposed approach & methodology and the qualifications & experience of the Consultant. A point system has been established and will be used as the evaluation criteria and each responsive Proposal will be given a technical score (S<sub>t</sub>). The points are as follows:

<b>Criteria:</b>	<b>Points</b>
<b>Understanding of Services To Be Performed</b>	
Knowledge about the role of Employment Services	5
Knowledge about the National Employment Bureau	5
Interpretation and understanding of the Terms of Reference	10
<b>Approach &amp; Methodology</b>	
Detailed description of proposed methodology	15
Feasible and comprehensive work plan consistent with methodology proposed	15
<b>Qualifications &amp; Experience</b>	
Qualifications	15
General Experience	15
Specific Experience	20
<b>TOTAL</b>	<b>100</b>

- 7.4 Taking into account that the consultancy required the services of three (3) key experts as outlined in the Terms of Reference, the scores assigned to the qualification and experience of the consultants are further disaggregated by the type of expert. The breakdown is as follows:

<b>Type of Expert</b>	<b>Qualifications</b>	<b>General Experience</b>	<b>Specific Experience</b>
<b>Organizational Development Specialist (Team Leader)</b>	<b>5</b>	<b>5</b>	<b>10</b>
<b>ICT Business Analyst</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>Public Relations and Marketing Specialist</b>	<b>5</b>	<b>5</b>	<b>5</b>

- 7.5 A Proposal shall be rejected at this stage if it does not respond to important aspects of the RFP, and particularly the Terms of Reference or if it fails to achieve the minimum technical score of 70.
- 7.6 In case none of the participating bidders qualify on the technical criteria and reach the cut-off score of 70, then the evaluating committee has the discretion to relax this cut-off score to a lower value which, in any case, shall not fall below 50. In the case where at least two (2) participants are not assigned a technical score of 50 or above but below 70, then the MLS reserve the right to go through a retendering process.
- 7.7 After the technical evaluation is completed, the evaluation committee shall submit its report including the shortlist of consultants who satisfied the technical requirements to the Tenders Committee through the Permanent Secretary, MLS.
- 7.8 For those proposals that did meet the minimum requirements, the Tenders committee will then consider the Price Proposal. These proposals will be carefully inspected to confirm that they have remained sealed and unopened. These Price Proposals shall be then opened, and the total prices read aloud and recorded.

- 7.9 If there are no objections to the recommended shortlist by the Tenders Committee, the MLS shall inform the Bidders of their respective technical scores assigned to their Technical Proposals. The MLS shall also notify those Consultants whose Proposals did not meet the minimum qualifying mark or were considered non responsive to the RFP and TOR. The MLS will also inform these disqualified bidders that their Price Proposals will be returned unopened after completing the selection process and contract negotiations begin.
- 7.10 During the price evaluation stage, the lowest evaluated Price Proposal ( $P_{min}$ ) will be given the maximum price score ( $S_p$ ) of 100 points. The price of the other proposals, referred to as Proposal n ( $P_n$ ) will then be made inversely proportional to the minimum to establish the price scores ( $S_p$ ). Therefore this score is calculated as follows:

$$S_p = 100 \times \frac{P_{min}}{P_n}$$

- 7.11 Proposals will be ranked according to their combined technical ( $S_t$ ) and price ( $S_p$ ) scores using the weights ( $T$  = the weight given to the Technical Proposal;  $P$  = the weight given to the Price Proposal;  $T + P = 1$ ). The combined score ( $S_{Comb}$ ) is calculated as follows:

$$(S_t \times T) + (S_p \times P)$$

For this assignment, the weights are as follows:

$$T=0.8$$

$$P=0.2$$

- 7.12 The Evaluating Committee will send its report on the review of PPs to the Tenders Committee through the Permanent Secretary, MLS. This report would outline all the price and combined scores assigned to tenders and identifying the consultant which achieved the highest combined score.
- 7.13 The Tenders Committee will then submit its final recommendation to the Permanent Secretary, MLS.
- 7.14 If there is no objections and the tender is accepted, the MLS will send the winning bidder a written notice of its acceptance which would clearly indicate that the Consultant will be required to enter into a formal contract with the Government, as prepared by the Solicitor General or another legal officer appointed by the Solicitor General. The Consultant would then be invited for contract negotiations.

## 8. Negotiations

- 8.1 The invited Consultant, as a pre-requisite for attendance at the negotiations, will confirm availability of all Professional staff. Failure in satisfying such requirements may result in the MLS proceeding to negotiate with the next-ranked Consultant. Representatives conducting negotiations on behalf of the Consultant must have written authority to negotiate and conclude a Contract.
- 8.2 Negotiations will include a discussion of the Technical Proposal, the proposed technical approach and methodology, work plan, and organization and staffing, and any suggestions made by the Consultant to improve the Terms of Reference. The MLS and the Consultants will finalize the Terms of Reference, staffing schedule, work schedule, logistics, and reporting. These documents will then be incorporated in the Contract. Special attention will be paid to clearly defining the inputs and facilities required from the MLS to ensure satisfactory implementation of the assignment. The MLS shall prepare minutes of negotiations which will be signed by the MLS and the Consultant.
- 8.3 Price negotiations would also be conducted and the Consultant should check with local tax authorities to determine the firm's tax liability in entering the contract. In QCBS evaluated projects, price negotiations would not involve remuneration rates for staff or other proposed unit rates. Negotiations would primarily focus on reimbursable expenses.
- 8.4 There must be a surety for the due performance of the contract by one of the following methods listed below.
- By way of a deposit with the treasury of a sum of money or approved securities to the value of not less than 10% of the contract price; or
  - By way of a guarantee issued by a Bank or accredited Insurance Company whose liability shall not be less than 10% of the contract price. The cost of obtaining such a surety shall be the responsibility of the Contractor who need not specifically make arrangements for such surety unless and until his tender has been accepted.
- 8.5 Negotiations will conclude with the signing of a Memorandum of Understanding between the MLS and the Consultant. If negotiations fail, the MLS will invite the Consultant whose Proposal received the second highest score to negotiate a Contract.

## 9. Award of Contract

- 9.1 After completing negotiations the MLS shall award the Contract to the selected Consultant and promptly notify all Consultants who have submitted proposals.
- 9.2 The Consultant is expected to commence the assignment one month after the signing of the contract and complete the assignment within the seven (7) month duration of the project.

## 10. Substitution of Project Team Members

- 10.1 During the assignment, the substitution of key staff identified for the assignment will not be allowed unless such substitution becomes unavoidable to overcome undue delay or that such changes are critical to meet the obligation of the contract. In such circumstances, the Consultant can do so only after the MLS concurs with the substitutes who must possess equivalent level of qualifications and expertise. If the MLS is not satisfied with the substitution, the MLS reserves the right to terminate the contract and recover any penalties agreed in the contract. However, the MLS reserves the right to insist that the Consultant replace any team member with another (with qualifications and expertise as required by the MLS) during the course of assignment.

## 11. Confidentiality

- 11.1 Information relating to evaluation of proposals and recommendations concerning awards shall not be disclosed to the Consultants who submitted the Proposals or to other persons not officially concerned with the process, until the publication of the award of Contract. The undue use by any Consultant of confidential information related to the process may result in the rejection of its Proposal.
- 11.2 All materials generated during the project cycle including but not limited to documentation concerning project plans, reports, survey instruments, training materials, financial reports etc., are the property of the Government of Barbados and should be treated as “Confidential” by the Consultant(s) selected to conduct the study. The same materials are not to be disclosed to any third party without the Ministry’s written permission even after the expiration of the contract or completion of the project.