



GOVERNMENT OF BERMUDA

Ministry of Transport and Regulatory Affairs, on behalf of His Excellency, the Governor

Department of ICT Policy & Innovation

REQUEST FOR PROPOSALS (RFP):

FOR

THE PROVISION OF RECRUITMENT SERVICES

TO SEEK A PRIVACY COMMISSIONER

RFP-PCO2-09-2017

PROJECT ADDRESS:

MINISTRY OF TRANSPORT AND REGULATORY AFFAIRS

DEPARTMENT OF ICT POLICY & INNOVATION

30 PARLIAMENT STREET, 3RD FLOOR, HAMILTON HM12

Date: October 2, 2017



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These are the conditions that will govern this procurement process.

INTRODUCTION

1.1 Invitation to Bidders

This Request for Proposals (“RFP”) is an invitation by the Ministry of Transport and Regulatory Affairs (MTRA), on behalf of His Excellency, the Governor, to prospective bidders to provide services for the recruitment of the Privacy Commissioner, that provide the best overall value and quality in their delivery, as outlined in the List of Requirements (Appendix A).

Ministry Contact:

For the purposes of this procurement process, the “Ministry Contact” shall be Maryem Biadillah Starling, Senior Analyst, Department of ICT Policy & Innovation (“Department”). Ms. Biadillah Starling may be contacted by email at ictpolicy@gov.bm to her attention.

1.2 Background

Bermuda recently passed the Personal Information Protection Act (PIPA) 2016 which provides comprehensive informational privacy rights protection for Bermuda residents, in line with international best practice in the area of data protection and privacy legislation.

The PIPA requires the appointment of a Privacy Commissioner who will be responsible for monitoring how this Act is administered to ensure that its purposes are achieved. Bermuda has already introduced Freedom of Information (FOI) legislation under the title: Public Access to Information Act 2010 and has an Information Commissioner. The addition of Privacy legislation provides another milestone in the development of Bermuda’s informational rights framework and recognizes the importance of protecting the informational privacy rights of individuals and the need for organisations to use personal information for legitimate purposes.

Bermuda is a well-respected and sophisticated international business centre, operating within a small physical and community environment. It is against this backdrop that Bermuda’s first Privacy Commissioner for Bermuda must function. Therefore, finding the right candidate to set the appropriate tone as an independent regulator for this high profile office from the start is critical in order to meet the challenges ahead.

1.3 Timetable of Events

The following table outlines the RFP process and the associated dates:

- i. The schedule provided is for information only. The Government does not guarantee that the dates referred to therein will be respected as they may depend on variable factors beyond the control of the Government. Therefore, the timing and sequence of events may vary and will ultimately be determined by the Government.
- ii. Should the Government, at its discretion, decide to extend the submission deadline, it shall promptly communicate its intentions by issuing an extension to all bidders before the submission deadline, by issuing an addendum.



Sequence of Events/Actions	Dates and Times
Issuing of the bidding documents (published and posted on the Government portal)	October 2, 2017
Deadline for Clarifications and Questions from bidders. Requests must be made in writing and transmitted by e-mailing ictpolicy@gov.bm to the attention of Maryem Biadillah Starling, with the subject line Enquiry- RFP-PCO2-09-2017 .	3:00 pm ADT October 9, 2017
Posting of the responses to bidder’s Q & A, and/ or Government Addenda	5:00 pm ADT October 12, 2017
Submission Deadline (Closing) Proposal submissions must be made in writing and transmitted by e-mailing ictpolicy@gov.bm to the attention of Maryem Biadillah Starling, with the subject line RFP-PCO2-09-2017 Late submissions will not be accepted.	3:00 pm ADT October 16, 2017
Proposal Opening	October 17, 2017
Step 1 Review and Evaluation Shortlisting bidders	October 25, 2017
Step 2 Oral Presentations for Proof of Concept (if required) Oral Presentation(s) bidder(s) finalist(s) (if required)	TBD
Step 3 Completion of the Selection and Evaluation Process	November 6, 2017
Award of Contract(s)	TBD

INSTRUCTIONS TO BIDDERS

1.4 Public Access to Information

Any information collected or used by or on behalf of the Government of Bermuda under this solicitation document is subject to the Public Access to Information Act 2010 (“Act”). The information belongs to a class of information that might be made available to the general public unless it is contained in a record that is exempt from disclosure under the Act. Any questions regarding the collection, use, or disclosure of the information should be directed to the public authority that issued this solicitation document.

1.5 Sustainable Procurement

The Government is committed to sustainable solutions that allow both environmentally and socially responsible practices to be incorporated into our procurement practices and that impact the products and services we procure. This is achieved through pre-determined evaluation criteria that take into consideration the social enterprise of providing opportunities for Bermudian-owned small businesses, apprenticeship and training opportunities, and a variety of environmental considerations. We ask that you take this under consideration when bidding on Government contracts.

1.6 Submission Deadline (Closing Date)

- .1 All proposals must be received no later than October 16th, 2017, 3:00 pm, Atlantic Daylight Time (ADT). Late submissions will not be accepted.
- .2 All submissions become the property of the Government of Bermuda and will not be returned. All conditions contained in the solicitation documents are considered accepted by the bidder in any information submitted.
- .3 Late proposals will not be accepted. The deadline is absolute and proposals received after the due date and time shall be rejected. Bidders must ensure that their proposal will be delivered to the correct destination by the due date and time.



.4 Proposals received after the stated deadline will be considered as 'NO BID' and 'VOID'. The time stamp for proposals submitted electronically will be that of the Information Digital Technologies (IDT) Government department. It is the Bidder's responsibility to allow enough time for electronic transmission and delivery, especially in the case of large files. The maximum file size is 10 Mb.

.5 Proposals must be submitted by way of an electronic mail (email), the subject line clearly marked: **RFP-PCO2-09-2017**, to ictpolicy@gov.bm.

1.7 Eligible Bidders

This opportunity is open to bidders who meet the additional terms and conditions described herein.

.1 A professional team capable of performing the services for all activities related to this Bid.

.2 A bid submitted by a joint venture of two or more firms as partners shall comply with the following requirements:

.2.1 The Bid and any contract pursuant hereto shall be signed so as to be legally binding on all partners;

.2.2 The joint venture shall identify the partner or person(s) who shall be authorised to incur legally binding obligations on behalf of the joint venture. Such authorisation shall be evidenced by a fully executed Power of Attorney, joint venture agreement, resolution of the joint venture or such other documentation as the Government may determine to be acceptable, in its sole discretion;

.2.3 All partners of the joint venture shall agree to be held jointly and severally liable for the execution of the Contract in accordance with the Contract terms; and

.2.4 A copy of the agreement entered into by the joint venture partners shall be submitted with the Bid.

1.8 Certificate of Confirmation of Non-Collusion

The Certificate of Confirmation of Non Collusion is a mandatory requirement for all bidders. Any forms of Proposal or agreement submitted which do not include a signed copy of this Certificate will be wholly rejected and will not be included in the evaluation process. If it is later found that the undertakings made above have been breached at any stage of the process, the Bidder will be expelled from the process immediately. In the event that this is discovered after a contract award, legal action may be taken against the Bidder and/or any party involved in the matter. False submissions may also exclude the Bidder and any other person or company involved in collusion from involvement in future contracts with the Government of Bermuda (See Appendix B).

1.9 Cost of Preparation of Proposal

The Bidder shall bear all costs associated with the preparation and submission of this Proposal and the Government will in no case be responsible or liable for these costs regardless of the outcome of the bidding process.

SOLICITATION DOCUMENTS

1.10. Content of Solicitation documents

.1 **Examination of RFP documents** - The Bidder is expected to examine all corresponding instructions, conditions, forms, terms, etc. in the document and annexes. Failure to comply with these documents will be at the Bidder's risk and may affect the evaluation of the Proposal.

.2 **The Solicitation documents** are those stated below and should be read in conjunction with any Addenda thereto issued in accordance with Clause 1.12, for the purpose of bidding:

- Letter of Invitation
- RFP

1.11 Clarification /Questions Regarding the Solicitation Documents

.1 Prospective bidders requiring any clarification of the solicitation documents may do so in writing by e-mail at ictpolicy@gov.bm, by October 9th, 2017 by 3:00 pm ADT, with the subject line clearly marked: "**Enquiry- RFP-PCO2-09-2017**", and to the attention of Maryem Biadillah



Starling. Bidders should not rely on communication with any other person(s) with regard to this process and should use the appointed Department Contact only.

.2 It is the responsibility of the Bidder to request any clarification or additional information arising from analysis of the RFP and:

- to report any errors, omissions, or ambiguities; and
- to direct questions or seek additional information in writing.

.3 The Government will respond to any request for clarification which they receive. Written copies of the Government's response, (including a description of the inquiry, but without identifying its source), will be posted on www.gov.bm/procurement-notice no later than October 12th, 2017, 5:00 pm, ADT.

1.12 Amendment of Solicitation Documents

.1 At any time prior to the deadline for submission of Proposals, the Government may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Bidder, modify the solicitation documents by the issuance of an Addendum.

.2 The Addendum will be sent in writing by email to all prospective bidders who have been sent by email the solicitation documents from the Government and will be binding upon them. Prospective bidders shall promptly acknowledge receipt thereof by email to the attention of Maryem Biadillah Starling at ictpolicy@gov.bm.

.3 In order to afford prospective bidders reasonable time in which to take an Addendum into account in preparing their proposals, the Government may, in its sole discretion, extend the deadline for the submission of proposals in accordance with Clause 1.19.

.4 It is the bidder's responsibility to ensure its complete understanding of all instructions specified by the Department. In the event that clarification is required vendors should submit written enquiries as described in clause 1.11.

PREPARATION OF PROPOSAL

1.13 Language of the Proposal

The Proposal prepared by the Bidder and all correspondence and documents relating to the Proposal shall be written in the English language.

1.14 Documents Comprising the Bidder's Proposal

The purpose of the RFP is to demonstrate the qualifications, competence, and capacity of the firms wishing to provide recruitment services to seek a Privacy Commissioner, in conformity with the requirements of the RFP. Each proposal should address all the points outlined in the RFP. Each proposal submitted must include the following in order to be accepted by the government. The information outlined below is the minimum submission requirement. Bidders may supply additional information if desired. The proposal shall be consecutively numbered and, at a minimum, shall consist of:

.1 **List of Requirements:** The information requested in Appendix A of the RFP document.

.2 **Pricing:** Each Proposal must include a completed **Financial Proposal** that is signed by authorized signatories. Pricing should be a fixed maximum fee required to perform all scope of work activities including all costs that the Government will incur over the term of the Contract with the fees, services and any other expense as may be required or necessary to successfully provide the needed services.

.3 **References:** Each Proposal must include three references for senior recruitment in the data protection and privacy and regulatory area. Each reference shall include the name of the organization and the name, title and telephone number of a contact person within the organization. The reference information is to be provided on the reference sheet, as per Appendix D.

.4 **Similar Engagements:** The bidder should list separately any engagements within the last three years related to senior recruitment in the data protection and privacy and regulatory area. Please include information on any senior regulatory or data protection/recruitments



which may have taken place internationally, within the last five (5) years. The firm should indicate the client, scope of work, date and engagement staff, as per Appendix D.

.5 **Potential Problems:** If relevant, the proposal should identify and describe any anticipated potential problems, the firm's approach to resolving these problems, and any special assistance that will be requested from the MTRA.

.6 **Proposal Exceptions:** Exceptions that a Bidder may have to any of the requirements found in this solicitation document must be fully explained and outlined in the Bidder's submitted response in a separate section under the heading "Proposal Exceptions".

.7 **Assumptions:** The Bidder shall list any assumptions made in formulating their Proposal in a separate section under the heading "Assumptions".

.8 **Additional Information:** Additional information not specifically required as a part of our requirements may be provided in a separate section under the heading "Additional Information".

.9 **Agreement:** By submitting a Proposal, the Bidder agrees to the List of Requirements presented except as noted in Bidder's Proposal Exceptions. The Contract between the Government and the successful Bidder will, subject to negotiation, include and fully incorporate the successful Bidder's Proposal.

1.15 Proposal Prices

1. **Currencies** - The fixed rates shall be quoted in Bermuda dollars. Other currencies are available for payments and the exchange rate will be set to correspond with the date and time of submission closing.

2. **Fixed Lump Sum Price.** The bidder shall provide a Fixed Lump Sum Price financial proposal that should contain all pricing information relative to performing the engagement as described in this RFP. The total all-inclusive maximum price is to contain all costs.

3. The bidder should include a detailed schedule of values supporting the proposed **Fixed Lump Sum Price (1.15.2)**, which should include out of pocket expenses, professional fees, etc.

4. Items against which no price is entered by the Bidder will not be paid for by the Government when executed and shall be deemed covered by the **Fixed Lump sum price**.

5. The Bidder price shall include all labour, materials, equipment, tools, and expenses necessary to perform the List of Requirements. The price shall include and indicate separately the cost of any taxes.

6. The Proposal shall include an estimated schedule for progress payments, if any.

7. All duties, taxes and other levies payable by the Bidder under the Contract, or for any other cause, as of the closing date for submission of the Request For Proposals, shall be included in the rates and prices listed in the Financial Proposal required under 1.14.2.

8. If this solicitation is amended, all terms and conditions that are not amended remain unchanged.

9. Unless stated otherwise in the solicitation documents, the Contract shall be for the specific works as detailed in the RFP.

1.16 Period of Validity of Proposals

.1 All prices offered shall remain firm for ninety (90) calendar days from the deadline for Proposals which is specified in clause 1.6, unless the deadline is modified by an amendment to this solicitation. A Proposal valid for a shorter period may be rejected.

.2 In exceptional circumstances, prior to expiry of the original period of validity, the Government may request that the Proposal validity period be extended. The request and the responses thereto shall be made in writing by email. A Bidder may refuse the request and withdraw his



Proposal. A Bidder agreeing to the request will not be required, nor permitted to modify his Proposal.

1.17 Confidentiality Agreement

The successful firm and key individuals may be required to sign a project confidentiality agreement limiting information that may be discussed outside the team.

SUBMISSION OF PROPOSAL

1.18 Format and Signing of Proposal

- .1 The Proposal shall be typed or written in indelible ink and signed by the Bidder or a person or persons who are duly authorized to bind the Bidder to the proposal.
- .2 The Proposal shall contain no interlineations, erasures, or overwriting except as necessary to correct errors made by the Bidder, in which case the person or persons signing the Proposal shall initial such corrections.
- .3 Only one Proposal may be submitted by each bidder. No bidder may participate in the Proposal of another for the same Contract in any relation whatsoever.
- .4 The Government email system will allow documents up to 10 Megabytes (MB). The maximum acceptable file size should not be over 10 MB.
- .5 All Proposals must be signed and submitted in pdf format.
- .6 The subject line of the email submission must be clearly marked: **RFP-PCO2-09-2017**.

1.19 Extension of Deadline for Submission of Proposals

- .1 The Government may, at its discretion, extend the deadline for submission of proposals by issuing an amendment in which case all rights and obligations of the Government and the Bidders previously subject to the original deadline shall thereafter be subject to the new deadline as extended.
- .2 Any proposal received by the Government after that deadline for submission of proposals will not be opened nor considered further for evaluation, irrespective of the circumstances.

1.20 Modifications and Withdrawal of Proposals

- .1 The Bidder may modify or withdraw his Proposal after submission provided that the modification or notice of withdrawal is received in writing by the Government prior to the deadline for submission.
- .2 The Bidder's modification of a Proposal must be submitted by email, the subject of which is clearly marked: "**MODIFICATION OF PROPOSAL-RFP-PCO-09-2017**" to the attention Maryem Biadillah Starling at ictpolicy@gov.bm.
- .3 The Bidder's withdrawal of a Proposal must be submitted by email, the subject of which is clearly marked: "**WITHDRAWAL OF PROPOSAL- RFP-PCO-09-2017**" to the attention of Maryem Biadillah Starling at ictpolicy@gov.bm.
- .4 No Proposal may be withdrawn in the interval between the deadline for submission of proposals and the expiration of the period of proposal validity.

OPENING AND EVALUATION

1.21 Opening

- .1 The Proposal opening **will not be** held in public.
- .2 Proposals for which an acceptable notice of withdrawal has been submitted pursuant to Clause 1.20 shall not be opened nor considered further for evaluation, irrespective of the circumstances.



.3 The Department will prepare minutes of the Proposal opening for the project file and for audit purposes.

1.22 Process to be Confidential

.1 Information relating to the examination, clarification, evaluation and comparison of proposals and recommendations concerning any award of contract shall not be disclosed to bidders or other persons not officially concerned with such process until a decision is made.

.2 Any efforts by a bidder to influence the Government in the process of examination, clarification, evaluation and comparison of proposals, and in decisions concerning any award of Contract, shall result in the rejection of the Proposal.

.3 All submissions shall be regarded as containing proprietary information and shall remain confidential from the public. However, details regarding the final contract award (name of recipient and price) may be publicly announced.

1.23 Evaluation

.1 Proposals submitted to MTRA will be evaluated in a four-phase process by the Evaluation and Selection Committee.

.2 The final selection of a bidder will be determined following the review of all Proposals and the formal oral presentations, if included in the process. The Proposal price alone will not be the sole determining factor in the selection of the Bidder for this work. The Government will consider the Proposal prices for all Proposal items identified herein, together with the Bidder's qualifications, references, and understanding of the scope of work to form the basis for its decision on who will be selected. The Government reserves the right to reject any or all Proposals and to determine which Proposal is, in the Government's judgment, the most responsive.

Phases of the Proposal Evaluation

Phase 1 – Preliminary examination - Determination of Responsiveness - Pass/ Fail

.1 Prior to the detailed evaluation, the Government will determine whether each Proposal is substantially responsive to the requirement of the RFP.

.2 The Government will examine the Proposals to determine whether they are complete, whether any computational errors have been made, whether the documents have been properly signed, and whether the Proposals are generally in order.

.3 Proposals will be reviewed to determine if all required documentation were included with the Proposal submission as described in the RFP document. Proposals that fail to contain the required documents with their cost proposals will be disqualified from further consideration. A Proposal determined as not substantially responsive will be rejected by the Government.

.4 For the purpose of this Clause and subject to Clause 1.14.6, a substantially responsive Proposal is one which conforms to all the terms, conditions and specifications of the Proposal documents without material deviation or reservation.

.5 A material deviation or reservation is one which affects or could affect, in any substantial way, the scope, quality, or performance of the Services or which limits, in any substantial way, the Government's rights or the Bidder's obligations under the Contract and rectification of which deviation or reservation would affect unfairly the competitive position of other bidders presenting substantially responsive Proposals.

Phase 2 – Technical Proposal Evaluation

.1 The submissions will be evaluated according to the Evaluation/ Weighting Criteria as described in Phase 4 below.

.2 The evaluation panel (Chairperson) may seek written clarification from any or all prospective bidders in order to better understand and evaluate the responses.



Phase 3 - Presentations/ Oral Interviews

- .1 Finalists (responses determined to have scored in the competitive range) may be invited to present oral presentations for the purpose of introducing key members of the evaluation team, and allowing the Government to fully understand the bidder’s ability to meet requirements of the project. Oral presentations will not be scored separately. Instead, the Government may modify scores and resulting rankings based on the oral presentation.
- .2 The primary contact identified in the Proposal must be the lead presenter in the oral presentation.
- .3 Oral presentations may be made in person, by web conferencing or by teleconference. Attendance at any such interview will be at the bidder’s expense.
- .4 This process may not be used as an opportunity to submit missing documentation or to make substantive revisions to the original Proposal.

Phase 4 - Financial Evaluation

- .1 After the technical and oral presentations, the financial offers will be evaluated last.
- .2 Subsequently, client references will be contacted for the finalist and financial checks will be completed.

Evaluation Criteria

Finalist proposals are determined to have scored in the competitive range. Evaluation weighted scoring will be used. Proposals will be evaluated and scored in accordance with the table below.

Criteria	Weight
Experience and capability	60%
Financial	30%
Social, economic, and environmental	10%

.1.1 Experience and Capability (60%)

- Bidder’s approach to performing the contract or meeting the requirements of the RFP
- Responsiveness to solicitation requirements, terms, conditions, readability, neatness, clarity, etc.
- Proposal is logical, reasonable and professional
- Understanding of the project
- Methodology used for the project
- Implementation/orientation/start-up procedures and efforts
- How soon service/work can begin
- Bidder’s experience with similar projects
- Management - evaluates bidder’s approach to managing the effort, including:
 - Management plan for the project
 - Financial strength and stability
 - Relevant experience, technical qualifications, skills and qualified key personnel assigned to the project and resource availability



- Existing or prior customer satisfaction
- Quality assurance plan
- Problem resolution process
- Has satisfactory record of integrity, judgment and performance
- Relevant experience similar in size, scope, and complexity

.2.1 Financial Analysis (30%)

- After the technical evaluation, the financial proposals will be evaluated and scored.

.3.1 Social, Environmental and Economic criteria (10%)

- Percentage of workforce that are Bermudian
- Health and Safety record
- Environmental Policy

.4 Cumulative Score

.1 At the conclusion of Phase 4, the highest ranking bidder will be recommended for the contract award.

1.24 Correction of Computational Errors

Computational errors will be rectified on the following basis:

- .1 Where there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the Bidder does not accept the correction of errors, its Proposal will be rejected.
- .2 Where there is a discrepancy between the amounts in figures and in words, the amounts in words will govern; and
- .3 Where there is a discrepancy between the individual lump sums and the total amounts derived from the sum of the individual lump sum, the individual lump sum as quoted will govern, and the total amount will be corrected.

1.25 Clarification of Proposals

To assist in the examination, evaluation and comparison of Proposals, the Government may at its discretion ask the Bidder for clarification or additional information related to its Proposal. The request for clarification and the response shall be in writing and no change in price or the substance of the Proposal shall be sought, offered or permitted, except as required to confirm the correction of computational errors discovered by the Government during the evaluation of the Proposals in accordance with Clause 1.24. The Government may revisit and re-evaluate the Bidder's Proposal or ranking on the basis of such information.

AWARD OF CONTRACT

1.26 Award Criteria

- .1 The Bidder whose Proposal has been determined to be substantially responsive to the solicitation documents and who, in the opinion of the Government, has offered the best overall submission, taking into consideration the price, the Bidder's schedule, and the contractor's capability and available resources to carry out the contract effectively, may be awarded the contract. This may not be the lowest priced Proposal received.
- .2 The government does not bind itself to accept the lowest or any Proposal and reserves the right to reject any Proposal and to annul the tendering process and reject all Proposals, at any time prior to the award of contract, without thereby incurring any liability to the affected bidder



or bidders, or being under any obligation to inform the affected bidder or bidders of the grounds for the Government's action.

.3 All Proposals may be rejected if substantially higher than the budget.

.4 The government reserves the right to enter into negotiation in writing with one or more bidders. The government reserves the right to enter into best and final offer (BAFO) negotiations with the successful shortlisted bidder(s). The government may enter into discussions and/or negotiations on similar or other terms or offer any modified terms with any shortlisted finalist(s) prior to entering into a binding contract. The Government shall incur no liability to any bidder as a result of these discussions, negotiations or modifications.

1.27 Notification of Award

.1 Prior to the expiration of the period of proposal validity prescribed in clause 1.16 of these instructions, the government will notify the successful bidder by email that his proposal has been accepted. This letter (hereinafter and in the conditions of contract called "Letter of Acceptance") shall name the sum which the government will pay to the contractor in consideration of the execution and completion of the works by the contractor as prescribed by the contract (hereinafter and in the conditions of contract called "the Contract Amount").

.2 The successful Proposal together with the Letter of Acceptance will constitute the formation of a binding contract unless and until a formal agreement is executed.

.3 The Contract may only be accepted by the Contractor signing and returning the acknowledgment copy of the contract. Such acceptance shall effect a contract between the parties under which the rights and obligation of the parties shall be governed solely by the terms and conditions of this contract.

.4 The Government will promptly notify the unsuccessful bidders in writing.

1.28 Signing of the Contract

At the same time that the successful Bidder is notified that his Proposal has been accepted, the Government will arrange for the contract signing. The contract will be prepared by the Government or the Bidder (and vetted by the Government) and the contract will be interpreted in accordance with Bermuda laws.

.1 The contractor may be required to register with the following:

- The Office of the Tax Commissioner as required by the Payroll Tax Act 1995.
- The Department of Social insurance as required by the Contributory Pensions Act 1970.
- Consultants are responsible for their own health insurance.

.2 Registration should be concurrent with the commencement of business activities and the consultant will be provided with instructions to complete the relevant returns. **The Government will advise the contractor of the requirement to register or not.**

1.29 Payment

.1 Time of Payment: unless otherwise indicated in the special terms and conditions of the contract, Government will normally effect payment within 30 days of receipt of a commercial invoice.

.2 It is not the normal policy of Government to approve advance payments, unless specifically stated in the payment terms and pre-approved by senior management.

.3 Currency of Payment: Payment will be made in the currency in which the contract is issued.



1.30 Complaints

If at any time during the Procurement process, a bidder considers that it has been unfairly treated, the bidder must first notify the Department of ICT Policy & Innovation in writing. If the matter is not resolved, the bidder may then contact the Director of the Office of Project Management and Procurement (OPMP) and request in writing for the issue to be dealt with by OPMP management. Please email the Director of the Office of Project Management and Procurement at procurement@gov.bm.

END OF THE INSTRUCTIONS TO BIDDERS



APPENDIX A LIST OF REQUIREMENTS

List of Requirements

Each proposal must contain the following information:

1. Letter of Submission

- .1 Identifies the submitting bidder
- .2 Includes a statement indicating which Bidder, if multiple bidders are proposing jointly, intends to act as primary contact for proposal evaluation questions and the delivery and maintenance of all post-proposal correspondence;
- .3 Includes details of the nature of any sub-contracting or partnering arrangement, the name of the sub-contractor, their history and the nature of the relationship.
- .4 Includes a brief statement of the bidder's understanding of the work to be done and a summary of the proposed definition of services to be delivered.
- .5 Identifies the name, title address, telephone number, fax number, and e-mail address of each person authorized by the Bidder to contractually obligate the Bidder;
- .6 Identifies the name, title address, telephone number, fax number, and e-mail address of the Bidder contact;
- .7 Includes a statement stating that the person signing the transmittal letter is authorized to legally bind the Bidder;
- .8 Is signed by the person(s) authorized to contractually obligate the organization; and
- .9 Acknowledges receipt of amendments to this RFP, if any.

2. Bidder's Proposal Submission:

.1 Executive Summary

An Executive Summary of no more than two pages that outlines the key components of your proposal and solution.

.2 Firm Overview

Background information on your firm (both its history and current status) that you deem relevant or noteworthy. In particular:

- .2.1 Your firm's financial strength and ownership structure.
- .2.2 Some background on your firm's presence, strengths and qualifications in recruiting in the Privacy and Data Protection Industry.
- .2.3 Examples of where your firm has recruited globally.
- .2.4 A list of the services your firm offers.
- .2.5 Information on your Health and Safety record.
- .2.6 A copy of your environmental policy.

.3 Proposed Services

Define the methodology that you will follow to meet the MTRA's recruitment and selection requirements and the resources that your firm is committed to providing to successfully deliver on this initiative.

These include:

- .3.1 Ensuring an understanding of the MTRA's needs and establishing a strategy to proceed.
- .3.2 Developing a recruitment plan including the preparation of the application process, the candidate pack of information, announcements and/or advertisements as required.
- .3.3 Conducting recruitment using a variety of appropriate resources, which may involve the personal recruitment of potential candidates.
- .3.4 Reviewing and screening applications, including verifications of credentials, qualifications and recommendations.
- .3.5 Conducting preliminary interviews and related activities in order to provide a final short list of suitably-qualified candidates which the MTRA would have to approve.
- .3.6 In collaboration with MTRA, developing interview questions and other techniques to evaluate candidates, develop scoring mechanisms and prepare client for interviews.



- .3.7 Providing advice and support related to the selection of the final candidate, encouraging/ensuring finalist candidate acceptance, and negotiating an employment contract, if required.
- .3.8 Maintaining liaison with back-up candidates until finalist acceptance is confirmed.
- .3.9 Providing options for interviewing remotely and for communicating with MTRA.
- .3.10 Providing an overview of your processes including specifics on assessment, sourcing and candidate due diligence.
- .3.11 Providing a projected timeline, outlining the dates and specific milestones/phases, from inception of the assignment to providing a final shortlist, (to be approved by MTRA), with provision for activities related to candidate acceptance.

.4 Project Team

Provide the following information on the professionals dedicated to the assignment:

- .4.1 Provide an organizational chart of your proposed team.
- .4.2 Who will be the MTRA's primary point of contact and how will that individual manage the project team?
- .4.3 List the role and responsibilities of the team members.
- .4.4 Provide biographies of the key project team members and any qualifications and experience they may have.
- .4.5 Provide assurances that team members proposed are available to work on the project during the proposed timeframe. If team members are changed, it would require the express written permission of the MTRA.

.5 Relevant Experience

- .5.1 Provide a description of your firm's experience for similar requirements and the value you brought to those assignments.
- .5.2 Describe the typical makeup of the team members on assignments of similar requirements.
- .5.3 Provide an overview of specific successful searches of your firm's related to senior positions in the Privacy and Data Protection industry, government or regulatory field.
- .5.4 Describe your network/experience as you see it applies to this position.
- .5.5 Describe your average time to close.

.6 Unique Qualifications

- .6.1 What strategy(ies) will you employ to this engagement and what various services may need to be performed?
- .6.2 In what ways do you differentiate your firm from other executive search firms, and what are the advantages to the MTRA?
- .6.3 Describe your company's proposed service level agreement.

.7 Conflicts

- .7.1 Please identify any actual, potential or perceived conflict(s) of interest you may have as it relates to this assignment, such as identifying any clients that you are not able to solicit from.
- .7.2 Please indicate whether the MTRA would have access to 100% of the talent pool.
- .7.3 What is your policy on handling situations where candidates have applied directly to the MTRA or already have expressed an interest?

.8 Terms and Conditions

- .8.1 Note Terms and Conditions of any applicable "replacement guarantee."
- .8.2 Identify confidentiality and privacy policies and provisions.
- .8.3 The MTRA desires that the said proposed services be performed in accordance with accepted industry standards.



APPENDIX B CERTIFICATE OF CONFIRMATION OF NON-COLLUSION

Notes for the tenderer/bidder

The essence of Open Tendering is that the Government of Bermuda shall receive bona fide competitive tenders from all persons tendering. In recognition of this principle, each company that submits a tender will be required, by way of the signature of a duly authorized representative of the company, to confirm that the tender has been submitted without any form of collusion.

All tenderers must complete and sign a Certificate of Confirmation of Non-Collusion. Any tenders submitted which do not include a signed copy of the Certificate will be wholly rejected and will not be included in the evaluation process.

If it is later found that the undertakings made below have been breached at any stage of the procurement process, then the tenderer will be expelled from the process immediately. In the event that this is discovered after a contract award, legal action may be taken against the tenderer and/or any party involved in the matter.

Any tenderer that submits false information in response to a tender, and any other person or company involved in collusion, may be excluded from tendering for future contracts tendered by the Government of Bermuda.

Confirmation of non-collusion

I/We certify that this is a bona fide Tender, intended to be competitive and that I/we have not fixed or adjusted the amount of the Tender or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person.

I/We confirm that we have not received any information, other than that contained within the tender pack, or supplementary information provided to all bidders.

I/We also certify that I/we have not done and undertake that I/we will not do at any time any of the following acts:

- (a) communicating to a person other than the tender administrator the amount or approximate amount of my/our proposed Tender (other than in confidence in order to obtain quotations necessary for the preparation of the Tender for insurance) or
- (b) entering into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any Tender to be submitted; or
- (c) offering or agreeing to pay or give or paying any sum of money, inducement, gift /hospitality or valuable consideration directly or indirectly to any person in relation to this tender.

Signed

(1) _____ Title _____ Date _____

(2) _____ Title _____ Date _____

for and on behalf of _____



APPENDIX C SAMPLE CONTRACT

Please provide a copy of the Bidder's standard form of contract



APPENDIX D BIDDER INFORMATION/QUALIFICATIONS AND REFERENCES

Name of Company _____

THE COMPANY SHALL COMPLETE THE FOLLOWING STATEMENTS:

1. Principal(s) and Director(s) of the Company:

Physical Address:

Email:

Website:

2. Company insurance details:

Please specify customary insurance coverage for engagements of this nature that the company holds: _____

3. For companies in Bermuda, provide Payroll Tax No.: _____

4. For companies in Bermuda, provide Social Insurance No.: _____

5. Company banking details:

Name and address of primary bankers:

THE COMPANY SHALL COMPLETE THE FOLLOWING STATEMENTS:

7. The Company has been engaged in business under the present business name for _____ years.

8. Experience in work of a nature similar to that covered in the Request for Proposal extends over a period of _____ years.

9. The company has satisfactorily completed work in the last three (3) years for the persons, companies or authorities indicated below:

	Year	Client/Location	Position Recruited For	Did the Recruitment Relate to the Privacy or Regulatory Area?
(a)				
(b)				
(c)				



10. The following person may be contacted for information concerning the work listed above (list a reference for each contract named):

	Name	Title	Address and e-Mail	Telephone
(a)				
(b)				
(c)				

11. The following contracts are no longer current but have been satisfactorily completed up to the last five (5) years for the persons, companies or authorities indicated:

	Year	Client/location	Position Recruited For	Did the Recruitment Relate to the Privacy or Regulatory Area?
(a)				
(b)				
(c)				
(d)				
(e)				

12.

TOTAL NUMBER OF STAFF IN THE OFFICE RESPONSIBLE FOR THE ENGAGEMENT	
NUMBER OF BERMUDIANS (For local companies)	
NUMBER OF NON-BERMUDIANS (For local companies)	
PERCENTAGE OF BERMUDIANS (For local companies)	

END OF REQUEST FOR PROPOSAL