



# The Commonwealth

COMMONWEALTH SECRETARIAT  
MARLBOROUGH HOUSE, PALL MALL, LONDON SW1Y 5HX

*IN STRICT COMMERCIAL CONFIDENCE*

## Request for Quotations (RFQ)

For the provision of Consultancy for Socio-economic impact assessment to determine the feasibility of the adoption of the international exhaustion regime for trademarks by the Republic of Mauritius

October 2022

Project Reference Number:	Name/	LCC Q0503-1
Return Date:		11/11/2022
Contract Award:		November 2022
Contact Email:		<a href="mailto:Connectivity@commonwealth.int">Connectivity@commonwealth.int</a>

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## 1. 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.

## 2. Purpose

The purpose of this request for a quote (RFQ) is to find and appoint a suitable consultant for the provision of: Consultancy for Socio-economic impact assessment to determine the feasibility of the adoption of the international exhaustion regime for trademarks by the Republic of Mauritius - services to the Commonwealth Secretariat. The appointed consultant shall be awarded a contract that will be effective for up to three (3) months.

See Specification in Section 7 for details on the service required.

## 3. Instructions to Bidders

This is a one stage RFQ process with a written submission to this RFQ followed by bidder clarifications, if required. Bidders will be scored following the first stage and if required bidders may be asked to attend a clarification of their Quote meeting.

Bidders must submit all documents as set out in Part1 - Part 5 (including appendices) no later than the return date.

The Quote documents are to be returned by email (NOTE files attached must not be more than 35MB per email) to the Commonwealth Secretariat.

Email: [connectivity@commonwealth.int](mailto:connectivity@commonwealth.int)

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

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

## 4. Evaluation Weightings

**Quality 80%**

**Price 20%**

The lowest price bid shall be awarded the full points, all other bids shall be awarded a percentage from the benchmark. E.g. (lowest price/other bid)\*weighting = Score.

## 5. Quote Timeline

Please note, that the following timeline is an estimate and may change at short notice.

Activity	Date
Request for quote (RFQ) issued	October 2022
Clarification questions to be submitted by bidders by	07/11/2022
Secretariat's response to clarification questions will be circulated confidentially to all by	08/11/2022
Quotes submission closing date	11/11/2022 (5pm BST)
Notification of intention to Award	November 2022
Contract Start Date	November 2022

## 6. Information for Bidders

- Unless indicated otherwise, all prices should be quoted in Pounds Sterling. Prices quoted should exclude VAT but must indicate clearly where VAT is applicable and where items might be zero-rated.
- The bidder must ensure that they have all the information required for the preparation of the Quote 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 Quote be accepted.
- Quotes are to be valid for a minimum of **60 days**, from the closing date for the submission of the Quotes.
- The Commonwealth Secretariat reserves the right to cancel the RFQ at any time during the process and not to award a contract as a result of this procurement.
- Bidders shall bear all costs in completing a quotation submission.
- Bidders shall not disclose details of the RFQ to third parties without prior agreement from an authorised officer of the Commonwealth Secretariat.
- Bidders are required to submit transparent pricing with no hidden costs or charges.
- The Secretariat will carry out an evaluation of the quotes using the weighted criteria method as described in this document. Following all stages the Secretariat will select a preferred bidder which will be taken forward to contract award. The Secretariat reserves the right to appoint a reserve preferred bidder which the Secretariat would take forward to contract award if any contract negotiations with the preferred bidder are unsuccessful.

By taking part in this request for quotes 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 Quote 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 Quote submission.
- Bidders confirm that they shall automatically be subject to termination on grounds of misrepresentation and failure of duty to disclose.

## 7. Specification of requirements

### Specification of Requirements

## **Background and Introduction**

### **General Information**

*Intellectual property is a key factor in promoting economic development.*

*The term "exhaustion" refers to the generally accepted principle in intellectual property law that a right owner's exclusive right to control the distribution of a protected item lapses after the first act of sale. Once a product protected by an IP right has been marketed by an IP owner, the IP rights of commercial exploitation over this given product can no longer be exercised by the latter, as they are exhausted. Sometimes this limitation is also called the first sale doctrine, as the rights of commercial exploitation for a given product end with the products' first sale. Unless otherwise specified by law, subsequent acts of resale, rental, lending or other forms of commercial use by third parties can no longer be controlled or opposed by the IP holder. The exhaustion doctrine was created to balance the monopoly power granted to IPR owners with the interests of the public by allowing the latter to use or dispose of lawfully acquired products as they choose, unencumbered.*

*The World Trade Organization (WTO) Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement does not impose on WTO Members one special geographical category of exhaustion. WTO Members are free to adopt national (and regional) or international exhaustion.*

*In 2016/17, during a public consultations exercise on the then draft Industrial Property Bill, there were diverging views on Government's proposal to apply the international exhaustion regime for trademarks as well.*

*The proposal has been the subject of strong opposition, especially by members of the private sector (i.e. who have distribution contracts or production licences with international brands). Amongst others, they were of the view that there are chances that a number of international brands may no longer directly supply the Mauritian market as they fear parallel imports which according to them, benefit importers and not necessarily lead to lower prices for consumers.*

*International exhaustion may have some undesired macroeconomic consequences, in particular for a country like Mauritius which is a net importer, in terms of worsening of the trade balance through surge in imports which could also lead to rising unemployment, exchange rate volatility and decreasing investment. Furthermore, the incumbent enforcement framework is not believed to be entirely adequate to monitor parallel imports which may cause some public safety issues.*

*In light of the divergence of views on the matter, it was agreed to maintain the national exhaustion regime for trademarks in the Industrial Property Act 2019, which was proclaimed in 2022. The new law provides protection for different elements of industrial property, namely, patents, trademarks, industrial designs, utility models, plant varieties, geographical indications and layout-design of integrated circuits. This contributes to shaping Government's vision to create a new economic model, focusing on global competitiveness. The Act also aims at consolidating existing productive sectors as well as creating new growth poles, driven by research and innovation.*

*It is to be noted that the existing law provides for international exhaustion in relation to rights conferred on patents, industrial designs, geographical indications and layout-design of integrated circuits.*

*Thus, issues regarding trademark exhaustion have been at the centre of discussion in Mauritius over the last several years because of its impact on the control of economic distribution. However, the adverse impact of the Covid-19 pandemic and, more recently, the war in Ukraine have led to unprecedented increases in the prices of commodities and accentuated the pressure by importers who do not have distribution contracts with international brands on Government to allow parallel imports (i.e. adopt international exhaustion regime for trademarks).*

*The Government is sensitive to the impact that such a change would have on those private sector stakeholders who are either producing branded products with a trademark licence or have negotiated exclusive rights to import/distribute branded goods. In the face of having to choose between benefits to be accrued to consumers, by allowing parallel imports, and shielding domestic producers of international brands in Mauritius from eventual loss of revenue, the Government thus wishes to commission a study on the socio-economic impact of the international exhaustion of Trademark Rights in order to arrive at an informed decision.*

*It is the hope that the socio-economic impact assessment should also evaluate the potential macro-economic impact on small and medium enterprises, the manufacturing sector and the economy in general in terms of exports, imports, employment, investment and exchange rates. The study should also pay particular attention to the long term effect of trademark exhaustion on fostering market entry.*

## *2. Purpose and objectives of the Assignment*

### *2.1 Global objective*

- To conduct a micro-level assessment of the socio-economic impact if Mauritius chooses to adopt the international exhaustion regime for trademarks, focusing on relevant sectors of the economy involving the sale of branded goods. The study would also cover the legal as well as the economic and commercial aspects of the subject. The aim is to bring certainty and influence the future direction of intellectual property policy in Mauritius, especially in light of the current international conjuncture including inflationary pressure on prices of goods.*
- The intention of the Government of the Republic of Mauritius is to be informed on how a shift to an international exhaustion regime for trademarks would impact on the economy, including the manufacturing sector and wholesale/retail markets.*

### *2.2 Specific objectives*

- Objective 1: Identification of relevant stakeholders  
This consists of identifying stakeholders operating with foreign trademark licences and thereafter, sorting them out by types of activities (including importers of foreign branded goods, local manufacturers of foreign brands, and the type of contract/licence that they have with the trademark owner abroad). The aim is to ensure that the analysis engages in primary data.*
- Objective 2: Collection of empirical information*

*The above consists of collecting empirical information in Mauritius through the conduct of meetings surveys/questionnaires/interviews, as may be appropriate, which are crucial for the successful completion of the assignment.*

*Data should also be collected from external sources for comparative analysis and tests and analysis exercises as may be necessary.*

- Objective 3: Assessment of economic contribution of relevant stakeholders  
It consists of a cost evaluation of the contribution of identified stakeholders to the economy in terms of employment, productivity/contribution to the economy, social responsibility, value addition, investment, innovation, export earnings and other relevant indicators.*
- Objective 4: Examination of implications  
The expert shall make a micro-level assessment of the implications of the exclusive rights enjoyed by identified operators on competition, the quality of the services provided, after sales service, the price of goods and services and on consumer expenditure and the impact that the adoption of international exhaustion will have on these indicators. The study should*

*also cater for the impact of the exhaustion of trademarks vis-a-vis the current policy of encouraging the local production of medicines, drugs, and vaccines.*

- **Objective 5: Cost & Benefit Analysis**

*This consists of undertaking an objective assessment of the costs and benefits for consumers, importers of foreign brands and local manufacturers of foreign brands as well as the wider economy resulting from the transition from the national to the international exhaustion of trademark rights regime.*

**Contract Management arrangements**

*All contracts should include SMART KPIs that enable the Secretariat to both hold the supplier to account and to be able to demonstrate robustness in its contract management.*

**Conflicts of interest**

*The Supplier shall establish and maintain appropriate business standards, procedures and controls including those necessary to avoid any real or apparent impropriety or to prevent any action or conditions which could result in conflict with the Secretariat's best interests.*

*If either Party becomes aware of any actual or possible conflict between the interests of the Secretariat and the Supplier, it shall notify the other Party as soon as reasonably possible and the Parties shall meet to discuss the Conflict and shall: (i) use all reasonable endeavours to find ways to eliminate or minimise the risk of the Conflict; and (ii) take such steps as may be agreed to remove or avoid the cause of the Conflict.*

## **8 List for Deliverables/Payment schedule:**

### **Expected Outputs and Deliverables**

The assignment requires the service of one international senior expert working in conjunction with a national expert. The consultants shall:

Undertake consultations with all stakeholders including both public and private sector to assess the impact of international exhaustion of trademark rights regime on all relevant local entities (consumers, consumer associations, importers, local manufacturers of foreign brands under licence).

Submit a comprehensive report to the Ministry of Foreign Affairs, Regional Integration and International Trade, analysing the possible legal, commercial, social and economic impacts if Mauritius adopts the international exhaustion of the trademark rights regime.

Formulate recommendations to the Government of Mauritius which comprehensively weigh both the pros and cons in terms of national and economic interest, of adopting the international exhaustion of the trademark rights regime. Such recommendations should be based on the conduct of a complete cost benefit analysis and use of any other analytical tool such as PESTLE or SWOT in order to present a holistic overview of the key issues under consideration. The expert shall present all arguments to facilitate policy decision making at Government level regarding the choice of the regime to be adopted for exhaustion of trademark rights.

The recommendations should also reflect measures to be considered by Government to mitigate the impact that a shift in exhaustion regime (if adopted) would have on existing licence holders and local manufacturers of international brands.

The report should also contain suggested measures to be considered to avoid profiteering by

parallel importers, to ensure that the lower prices of international brands imported under international exhaustion (if adopted) are passed on to consumers.

The report should also provide benchmarks and/or case studies on the impact of the adoption of international exhaustion on the economy, in particular in helping to overcome the challenges with regard to local industries, jobs and trade balance.

After completion of the assignment, the expert should present his/her findings to the members of the committee chaired by the Prime Minister on the exhaustion of trademarks.

The expert will be required to organise and conduct a one-day workshop (one week after the debriefing session with the Prime Minister on the exhaustion of trademarks) to present the findings of their study to relevant stakeholders.

On the basis of the comments received, the expert will complete the Final report within 10 days after receipt of the comments on the draft report. The draft final report and the final report will encompass the critical areas identified as outputs under the Consultancy.

#### Requested service 1: Socio-economic analysis

The service consists of carrying out a socio-economic analysis using econometric modelling (as well as any other recognised alternative economic analysis tool that would add value to the process), i.e. an assessment of the potential benefits against the potential drawbacks along with the estimated revenue implication for the relevant sectors of the national economy as well as external international stakeholders who form part of the value chain.

The methodology used by the expert to reach his/her findings should be clearly explained at all instances.

The study must include an in-depth assessment of the impact of adopting the international exhaustion of trademark rights regime on relevant stakeholders (i.e. the legal as well as the economic and commercial aspects of the subject - including e.g. loss/creation of jobs, need for redeployment of human resources, need for upgrading of skills, need to establish relevant policies and/or regulations, possible consumer benefits).

#### Requested service 2: The impact on prices

The analysis should provide comparisons between previous and current prices of relevant branded products being charged to consumers (stipulated time period for cost projections 5 last years to better understand the short, medium and long term effect on the economy of Mauritius) as well as the anticipated price if Mauritius adopts an international exhaustion regime. This exercise should depict price simulations as per different relevant scenarios (e.g. in instances where price will decrease by a certain percentage).

A comparative analysis should also be conducted with regard to the price of similar branded goods on the international market.

#### Requested service 3: Evaluate the impact on existing industries

The study shall assess probable displacement of existing manufacturing industries in Mauritius. It should evaluate how the interests of identified stakeholders may be affected and how these may be addressed if Mauritius adopts the international exhaustion of trademark rights regime. Consequences with regard to investment (in brands) and the possible impact on goods already in circulation on the market, must also be explained. The study should also cater for the impact

of the exhaustion of trademarks vis-a-vis the current policy of encouraging the local production of medicines, drugs, and vaccines.

#### Requested service 4: Recommendations

The expert shall make recommendations to trade negotiators and policy makers on the advisability or otherwise of Mauritius adopting the international exhaustion of the trademark rights regime with supporting rationale. He/She shall take into account one particular measure that the Government of Mauritius has announced in the 2021/22 Budget, which is to develop a pharmaceutical and vaccine manufacturing industry in Mauritius to integrate biotechnology-related R&D.

The expert shall examine the impact of adopting the international exhaustion regime for trademarks on potential investments in the pharmaceutical sector as per the above measure.

The expert shall also make use of both quantitative and qualitative analytical tools and/or econometric models as may be required.

### **9 Contract Management**

The successful consultant will report to the Secretariat's Contract Manager Adviser, Digital Trade Policy. Specific arrangements for contract management will be as follows:

- Regular progress updates via Microsoft Teams calls or Email with the contract Manager and focal point from the Government of Mauritius.

### **10 Monitoring/ Reporting requirements**

Reporting in accordance with the means and frequency set out in the TOR or as agreed by the parties.

### **11 Methodology**

- Desk review of relevant materials available online, including publications and materials by the relevant staff, international stakeholders and partners;
- Where relevant and realistic, interviews with relevant actors; Comments from stakeholders.

In undertaking the study, the international senior expert would require a wide array of information from the private sector, especially from local companies having distribution agreements with foreign brands as well as local enterprises manufacturing branded products under license.

The services of the expert shall be combined with the services of one national expert.

#### **(A) International expert**

The international expert should:

- (i) Identify the data that they would need in order to appropriately conduct the assessment and communicate their requirements to the national expert;
- (ii) Prepare a draft questionnaire for the collection of data;
- (iii) Conduct tests and analysis based on collected data; and

(iv) Complete services as per 2.3 above.

**(B) One national expert**

The national expert should:

- (i) Work closely with the international expert to identify the relevant stakeholders from the public and private sector with whom the local consultant should liaise to collect data required;
- (ii) Schedule appointments with identified companies/stakeholders based in Mauritius;
- (iii) Conduct field trips to identified companies/agencies to fill in the questionnaire for data collection;
- (iv) Transmit the duly filled in questionnaires to the international expert; and
- (v) Schedule virtual meetings with relevant stakeholders as and when required by the international expert.

Data may also be collected by way of questionnaires, interviews and surveys.

Data collection should include the scope of the intellectual property agreements signed by the local companies; their price structure and profit margin; production data; costs involved; the price of relevant branded goods on the world market (for comparative purposes – compared to Mauritius) and the share of branded goods being produced locally for export purposes.

**12 Skills and experience required**

It is recommended that the team of experts includes one international senior expert (home based) and one national expert (based in Mauritius) to assist in data collection.

The duration of the assignment is anticipated to take place over a three (3) month period.

Offers are invited from consultancy firms/ experts working in partnership/consortium having the expertise described under (A)-(D) below.

1. A Master's degree in either Econometrics, Statistics, Intellectual Property and/or Business Management.

**(A) General professional experience**

- Extensive working experience related to econometrics/economic analysis or any relevant related discipline and must have been involved in or undertaken similar assignments; and
- Experience on how markets of branded goods work over a range of industries.
- Experience in working on assignments which involve economic analysis within a developing country context.

**(B) Soft Skills**

Demonstrated ability to present technical findings in succinct reports for a wide public and to make oral public presentations.

**(C) Language skills**

The expert should have excellent communication and written skills in English language. He/She should be able to express themselves in very clear English, be able to interact easily with business operators, conduct interviews and host stakeholder meetings

Ability to speak French will be an advantage.

### **13 Evaluation criteria**

Quotes will be assessed based on the evaluation criteria set forth in this document.

### **14 Payments**

Payments will be made in line with the schedule of deliverables outlined in this document and/or supplier's proposal and upon successful completion of the milestones, upon receipt of the Secretariat's written approval of all agreed deliverables and upon submission of a compliant invoice. All invoices will be sent to contract manager Adviser, Digital Trade Policy, [Connectivity@commonwealth.int](mailto:Connectivity@commonwealth.int)

**Quote Submission Documents (ref LCC Q0503 -1)**

*Note - Bidders must complete and return all Quote submission documents below:*

**Part 1 - Bidder Details**

**Part 2 - Suitability Assessment Questions (with ethics form attached)**

**Part 3 - Technical Questionnaire**

**Part 4 - Pricing**

**Part 1 - Bidder Details**

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

<i>Individual/ Company Name/Trading Name</i>		<i>Company/Sole Trader Registration Number</i>	
<i>Correspondence Address</i>		<i>Date of incorporation</i>	
<i>Post code</i>		<i>Company/Sole Trader Registered Address</i>	

<i>Contact Name</i>		<i>Job Title</i>	
<i>Telephone</i>		<i>Email</i>	

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 consultant:

<i>Company Name</i>		<i>Duration of working relationship,</i>	
<i>Company Registered Address &amp; Registration Number</i>		<i>Reason for use</i>	
<i>Post Code</i>			

Please provide audited annual turnover for the past two years:

Annual	Previous Year	Year 2
Turnover:	£	£

Please note, the successful bidder may also 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 professional reference clients. The referees will not be contacted until the final stage of the Quote process. Please provide references from similar international organisations or public sector bodies if possible.

	<i>Reference 1</i>	<i>Reference 2</i>
<i>Company Name</i>		
<i>Company Address</i>		
<i>Post Code</i>		
<i>Telephone</i>		
<i>Email</i>		

## Part 2 - Suitability Assessment Questions

### Grounds for Exclusion

You will be excluded from the Quote 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?

<b>Please Mark 'X' In the Relevant Box</b>	<b>Yes</b>	<b>No</b>
(a) Conspiracy as defined by the legislative or judicial bodies in your jurisdiction.		
(b) Corruption as defined by the legislative or judicial bodies in your jurisdiction.		
(c) Bribery as defined by the legislative or judicial bodies in your jurisdiction.		
(d) The offence of cheating the Revenue as defined by the legislative or judicial bodies in your jurisdiction.		
(e) The offence of conspiracy to defraud as defined by the legislative or judicial bodies in your jurisdiction.		
(f) Fraud as defined by the legislative or judicial bodies in your jurisdiction.		
(g) Theft as defined by the legislative or judicial bodies in your jurisdiction.		
(h) Fraudulent trading as defined by the legislative or judicial bodies in your jurisdiction.		
(i) Fraudulent evasion as defined by the legislative or judicial bodies in your jurisdiction.		
(j) 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.		

(k)	The possession of articles for use in frauds as defined by the legislative or judicial bodies in your jurisdiction.		
(l)	Any offence considered to be Counter Terrorism as defined by the legislative or judicial bodies in your jurisdiction.		
(m)	Money laundering as defined by the legislative or judicial bodies in your jurisdiction.		
(n)	Any Sexual Offences as defined by the legislative or judicial bodies in your jurisdiction.		
(o)	Drug trafficking as defined by the legislative or judicial bodies in your jurisdiction.		

2. 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
(a)	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;		
(b)	your organisation is guilty of grave professional misconduct, which renders its integrity questionable;		
(c)	your organisation has entered into agreements with other economic operators aimed at distorting competition;		
(d)	the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition;		
(e)	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.		

### 3. 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
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(b)	<p>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?</p> <p><i>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.</i></p> <p><i>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.</i></p>	Yes/No
(c)	<p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?</p>	Yes/No/NA

#### 4. 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)	<p>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)?</p> <p><i>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.</i></p>	Yes/No
(b)	<p>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?</p>	Yes/No/NA

#### 5. 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)	<p>Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.</p>	Yes/No
(b)	<p>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?</p> <p><i>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</i></p>	Yes/No

	<i>to The Commonwealth's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</i>	
(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

#### 6. Insurance requirements [pass/fail]

The appointed consultant/service provider will be required to maintain appropriate levels of insurance in a number of areas and supply copies of relevant policies as appropriate. Please complete the enclosed table.

Area	Level of cover expected	Level of cover currently held	Level of cover to be provided	Further details/limitations in liability cap incl. amounts
Public liability	£10m	£5m		
Employer's liability	£5m	£2m		
Professional Indemnity	£1m	£1m		

Please **note** that the insurance cover detailed above needs to be in place before activities commence in pursuance of the services required and will not be considered as part of the costs under the contract between the Secretariat and the selected consultant.

#### 7. Terms and Conditions

Please delete 'Yes' / 'No' as applicable.

(a)	Please confirm that you (if a Sole Trader)/your organisation agrees to the Commonwealth Secretariat's standard terms and conditions (Appendix 1).  If not, please state reasons:	Yes/No
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#### 8. Legal comments table

By submitting a response, the bidder is agreeing to be bound by the terms of this RFQ 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


9. Code of Ethics [pass/fail]

Please delete 'Yes' / 'No' as applicable.

(a)	Please confirm that you/your organisation agrees to and has signed, dated <u>and attached</u> the Code of Ethics (Appendix 2)	Yes/No
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**Part 3 - Technical Questionnaire**

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

Using a 0 - 5 scoring system:	
<b>0</b>	<b>Unacceptable Response</b> - No information provided or response does not address the requirement.
<b>1</b>	<b>Poor response</b> - The response contains material omissions and / or is supported by limited evidence / examples. Concerns that the organisation does not have the potential to deliver / that they have failed to meet a reasonable standard.
<b>2</b>	<b>Fair response</b> - There is adequate detail / supporting examples giving a reasonable level of confidence in the Tenderer's experience and ability. The Tenderer appears to have the potential to deliver as required / has met a reasonable standard and there are only minor concerns about the Tenderer's experience
<b>3</b>	<b>Good Response</b> - The level of detail / supporting examples gives a high level of confidence in the Tenderer's experience and ability. The Tenderer clearly has the potential to deliver and / or has clearly met an acceptable standard.
<b>4</b>	<b>Excellent Response</b> - A comprehensive well evidenced submission, clearly demonstrating expertise and knowledge incorporating some value-added benefits attributes & other points of innovation. The bid is deemed to offer little risk and fully captures the understanding of the steps involved to deliver aspects of the service which can be related to the question posed, giving a high level of confidence in the Tenderer's experience and ability.
<b>5</b>	<b>Exceptional Response</b> - A comprehensive and exceptionally evidenced submission that substantially exceeds the expectations of the requirement and offers significant additional benefits. Submission clearly demonstrates exceptional expertise and knowledge incorporating value added benefits/ & other points of innovation. The bid is deemed to offer well identified risks and a mitigation of these put forward and fully captures the understanding of the steps involved to deliver all the aspects of the service and is directly relatable to the question posed, giving an exceptionally high level of confidence in the Tenderer's experience and ability.

- The questions below are worth **[80%]** of the total score. The individual question weightings are set out in the weighting column.
- The following formula will be applied for each question:
  - $\text{Points Scored} \div \text{Points Available} \times \% \text{ weighting}$
  - 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. Please do not attach documents or appendices.

Question No.	Question	Weighting
1	University degree (Postgraduate degree or above) in a relevant field as indicated in the Secretariat's Specification of requirements	10%
<a href="#">Insert your answer here</a>		
2	Specialist expertise Extensive working experience related to econometrics/economic analysis or any relevant related discipline and must have been involved in or undertaken similar assignments	25%
<a href="#">Insert your answer here</a>		
3	Experience: Proven experience in producing deliverables on how markets of branded goods work over a range of industries. <ul style="list-style-type: none"> <li>• Experience in working on assignments which involve economic analysis within a developing country context.</li> </ul>	20%
<a href="#">Insert your answer here</a>		
4	Practical skills <ul style="list-style-type: none"> <li>• Demonstrated ability to present technical findings in succinct reports for a wide public and to make oral public presentations.</li> <li>• The expert should have excellent communication and written skills in English language. He/She should be able to express themselves in very clear English, be able to interact easily with business operators, conduct interviews and host stakeholder meetings</li> </ul>	25%
<a href="#">Insert your answer here</a>		

#### Part 4 - Pricing

Transparent pricing must be submitted with no hidden costs. Pricing and cost must be broken down to the different elements of the service and must include all expenses. Please provide pricing exactly as set out below:

Bidders are expected (within their financial proposal) to provide a full breakdown of the number of experts/number of days (total and per expert) needed to complete the assignment. Include CVs of all staff proposed.

The maximum total fee payable for this assignment is **£15,000 (all inclusive)**. Please note that the maximum daily fee rates can not normally exceed £150 per day inc VAT

Name/Level (Junior, Senior etc.)	Day Rate (ex VAT)	No of Days	Total (ex VAT) GBP
Total Net (ex VAT) Cost Of Quotation (A)			

Expenses:			
Total Net (ex VAT) Cost Of Quotation (B)			

Total Cost Of VAT (if Applicable) (C)	
<b>Total Cost Of Quotation incl VAT (A+B+C=D)</b>	

Payments will be made upon successful completion of the milestones described in the specification of requirements, upon receipt of the Secretariat’s written approval of all agreed deliverables and upon submission of a compliant invoice. All invoices will be sent to contract manager Adviser, Digital Trade Policy, [connectivity@commonwealth.int](mailto:connectivity@commonwealth.int)

**Part 5 - Clarifications of bids**

Following the evaluation of the Suitability Questionnaire, Technical Questionnaire and Pricing, the bidders may be invited to take part in a clarification session with the evaluation panel. This session, if required, will be used to clarify the bid received and will not be scored separately. The clarifications received will then be used to finalise the overall scoring of the bid.

Please confirm your availability/willingness to take part in a clarification session of your bid at your own expense on the estimated dates specified in the Quote Timeline (Section 5). A meeting, if required, would be conducted remotely or	Yes/No
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at the Secretariat's offices at Marlborough House, Pall Mall, London and should take no longer than a maximum of two hours.	
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## Appendices

### **Appendix 1 - Terms and Conditions**

[Annex 13 Low-Cost Consultancy Contract Template July2021.docx \(sharepoint.com\)](#)

### **Appendix 2 - Code of Ethics**

[Annex15 Code of Ethics - \[updated January 2022\].docx \(sharepoint.com\)](#)