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**Sentencing Information and Guidelines Committee**

**Project Title: Assessing Methodological Approaches to Sentencing Data Collection and Analysis**

The Sentencing Information and Guidelines Committee invites tenders to conduct research on methodologies for gathering, synthesising and analysing sentencing data that will assist the Committee in the discharge of its functions.

**Background Information**

* 1. **The Sentencing Information and Guidelines Committee**

Part 3 of the *Judicial Council Act 2019* established the Sentencing Guidelines and Information Committee as a Committee of the Judicial Council. The functions of the Committee are set out in Section 23 of the 2019 Act and include: the preparation and submission of draft sentencing guidelines to the Judicial Council; the monitoring of the operation of sentencing guidelines; the collation and dissemination of information on sentences imposed by the courts as it sees appropriate; and the conducting of research on sentences imposed by the courts. The Sentencing Guidelines and Information Committee is made up of 13 members, of whom eight are Judges nominated by the Chief Justice and five are lay persons appointed through the Public Appointments Service.

* 1. **Background to the tender**

Meaningful sentencing guidelines are contingent on an in-depth, empirically grounded understanding of sentencing practice. In Ireland, there is limited available data and research on sentencing. The lack of comprehensive information on sentencing trends and current practice across different offences and courts renders the creation of guidelines a significant challenge.

While data is limited in the Irish context, there are a number of sources of sentencing information. Administrative statistics on sentencing are available through the annual reports of the Courts Service of Ireland and the Irish Prison Service. The Irish Sentencing Information System produced data on sentencing across different courts and in relation to a range of offences. The Judicial Researchers Office produces data on sentencing across a range of offences. Academic research has also been conducted on sentencing practices.

Other common law jurisdictions have established Sentencing Councils that pre-date the establishment of the Sentencing Guidelines and Information Committee. These jurisdictions have engaged in sentencing data collection and analysis. This has provided a frame of reference for the creation of sentencing guidelines. A range of methodological approaches have been employed to gather information, including the use of sentencing surveys, administrative data on decision-making and qualitative research with decision-makers.

The Committee wishes to commission original research which will provide an analysis of existing methodologies for sentencing data collection in Ireland, as well as an evaluation of the utility of methodologies employed in other jurisdictions in assisting the work of the Committee.

* 1. **Research aims**

First, the tenderer should conduct a comprehensive literature review of existing sentencing data in Ireland, highlighting (a) the methodologies involved in collecting the data and (b) key findings of the existing body of work.

Second, the tenderer should conduct a cross-jurisdictional literature review of methodological approaches to data collection and analysis.

Third, the tenderer should produce recommendations for data collection and analysis informed by methodological best practice while accounting for any challenges that exist specific to the Irish context.

* 1. **Research Outputs**

The tenderer will be required to produce three interim reports and one final report.

A draft of each interim report will be presented to the Sentencing Guidelines and Information Committee over the duration of the project. Feedback, guidance and requests for further information from the Sentencing Guidelines and Information Committee should be reflected in the submission of the interim and final reports to the Committee.

***Interim Report 1: Literature review of existing sentencing methodologies and data***

This report will provide an analysis of existing data on sentencing in Ireland. The literature review should detail the methodological approaches adopted and the advantages, deficiencies and challenges arising from these methods. The literature review will include data collected by state agencies as well as academic and peer-reviewed research. The analysis should include recommendations for enhancing or expanding the methodological approaches of existing data collection practices. The report should also include a synthesis of the key data findings on sentencing practices from the existing research while identifying any gaps in the data.

***Interim Report 2: Literature review of sentencing methodologies and best practice***

This report should provide a comprehensive literature review and analysis of the range of methodologies adopted in other jurisdictions where a body equivalent to the Sentencing Guidelines and Information Committee has been established. This review should include an assessment of the advantages, challenges and deficiencies of each method. The report should include an analysis of the key elements of the research process, including: research design; feasibility; budget; ethics; data collection; analysis; and application.

***Interim Report 3: Recommendations for data collection and analysis***

This report should provide recommendations on the methodological framework to be employed for the purpose of generating sentencing information of the highest quality. The foundation for these recommendations should be based on the literature reviews already conducted on data collection in Ireland and methodologies adopted in other jurisdictions. Peer reviewed research on sentencing methodologies should also inform any recommendations made. This review should provide a range of options for data collection across different offence types and across the jurisdictions of the courts and should provide information on research design for the purpose of implementating these methodological approaches.

***Final Report***

This final submission will combine the three interim reports as well as incorporating any feedback and requests for further information that may arise following the presentation of the interim reports to the Committee.

* 1. **Timeframe**

The Sentencing Guidelines and Information Committee would like the project to be completed in 6 months following the date of the award of the tender.

* 1. **Budget**

The estimated budget of this study is €25,000 (excluding VAT).

**Section 2: Instruction for Tenderers**   
**2.1 Format of tenders**

Tenderers should complete and submit the research tender submission form appended to this document, having regard to the maximum word counts specified. Tenders submitted in formats other than the application form will not be considered.

**2.2 Compliant tenders**

To better ensure compliance with the tendering process, tenderers should read this document in full including Section 5 ‘Terms and conditions’. If a tenderer fails to comply in any respect with the requirements of this paragraph, the Judicial Council reserves the right to reject the tender as non-compliant or, without prejudice to this right and subject to its obligations at law, to take any other action it considers appropriate including but not limited to:

* Seeking written clarification from the tenderer;
* Seeking further information from the tenderer; or
* Waiving a requirement, which in the Council’s view, is non-material or procedural.

Tenderers are required:

1. To submit all documentation which this Request for Tender (RFT) requires to be submitted with their tender;

2. To conform to and comply with all instructions and requirements set out in this RFT;

3. To submit the statement required on the research tender submission form.

4. Not to alter or edit this RFT in any way.

**2.3 Submission of tenders and closing date for application**

Completed application forms must be sent by email to [info@judicialcouncil.ie](mailto:info@judicialcouncil.ie) with subject line “SGIC Research Tender”.

Completed application forms must be received no later than Monday 11th January 2021 (the ‘tender deadline’). Application forms received after the tender deadline will NOT be considered.

**Section 3. Queries and clarifications**

All queries related to any aspect of this RFT must be directed to [info@judicialcouncil.ie](mailto:info@judicialcouncil.ie)  
The Judicial Council reserves the right to issue or seek written clarifications. The Judicial Council reserves the right at any time before the tender deadline to update, cancel or amend the information contained in this document and/or to extend the tender deadline. Participating tenderers will be informed of any such clarification, amendment or extension by email.

**Section 4. Evaluation of tenders and award of contract**

**4.1 Criteria for award of contract**

The contract will be awarded in accordance with the following criteria:

* Proven and demonstrable track record, project description and demonstrated understanding of the work involved in conducting the research
* Feasibility of the approach suggested to the research
* Ability to deliver key outputs on time
* Cost – broken down to show description of costs, justification for proposed costs and best use of resources
* Information security - ability to retain, utilise and store sentencing information securely and in compliance with GDPR

Award of the contract to the highest ranked tenderer (as determined by the application of the above criteria) will be conditional upon the tenderer having submitted all the documentation required as part of the tendering process.

The Judicial Council does not bind itself to accept the lowest priced tender. This RFT does not constitute an offer or commitment to enter into a contract. No contractual rights in relation to the Judicial Council will exist unless and until a formal written contract has been executed by or on behalf of the Council.

The tenderer will be required, if necessary, to outline and agree the approach which it proposes to take to the research with the members of the Research subcommittee of the Sentencing Guidelines and Information Committee.

**4.2 Payment conditions**

i. All prices quoted must be all-inclusive of all expenses anticipated and exclusive of VAT. The VAT rate(s) where applicable should be indicated separately.

ii. Tenderers must confirm that all prices quoted in the tender will remain valid for three months following the tender deadline.

iii. Payment for the delivery and implementation work will be on foot of appropriate invoices. Invoicing arrangements will be agreed with the successful contractor, following the award of contract.

iv. The provisions of the Prompt Payment of Accounts Act 1997, as amended or revised, and the European Communities (Late Payment in Commercial Transactions) Regulations, 2002 shall apply to all payments. Incorrect invoices will be returned for correction with consequential effects on the due date of payment.

**4.3 Taxation requirements**

It will be a condition of any contract pursuant to this RFT that the successful tenderer shall, for the term of such contract, comply with all applicable EU and domestic tax laws. Tenders are referred to www.revenue.ie for further information. Prior to the award of any contract arising out of this RFT, the successful tenderer shall be required to supply its Tax Clearance Access Number and Tax Reference Number to facilitate online verification of their tax status by the Department. By supplying these numbers, the successful tenderer acknowledges and agrees that the Judicial Council has the permission of the successful tenderer to verify its tax clearance position online.

**Section 5. Terms and conditions**

**5.1 Liability and warranty for tender information**

While every effort has been made to provide comprehensive and accurate information in this request for tender, the Judicial Council does not accept any liability or provide any express or implied warranty in respect of any such information. Tenderers must form their own conclusions about the solution needed to meet the requirements set out in this RFT and may wish to consult their legal advisers as appropriate.

**5.2 Data protection**

With effect from 25 May 2018, a new Europe wide data protection regime has come into place under the General Data Protection Regulation (GDPR). The GDPR significantly increases the obligations and responsibilities for organisations and businesses on how they collect, use and protect personal data. All data will be processed in accordance with GDPR and relevant data protection law. Applicants are required to comply with the requirements of data protection legislation and the General Data Protection Regulation (GDPR).

**5.3 Tendering costs**

All costs and expenses incurred by tenderers relating to their participation in this RFT shall be borne by the tenderers exclusively.

**5.4 Confidentiality**

All documentation, data, statistics and information furnished by the Judicial Council to tenderers during the period of any contract awarded as a result of this RFT:

i. are furnished for the sole purpose of creating the research outputs specified in this RFT and specified in the contract;

ii. may not be used, communicated, reproduced or published for any other purpose without the prior written permission of the Judicial Council;

iii. shall be treated as confidential by the tenderer and by any third parties (including subcontractors) engaged or consulted by the tenderer; and

iv. must, upon cancellation or completion of this contract be returned immediately to the Judicial Council or, in the case of any soft copy material, deleted.

The attention of tenderers is drawn to Section 41 of the Judicial Council Act 2019*.*

**5.5 Publicity**

No publicity regarding this RFT or any contract awarded as result of this RFT is permitted unless and until the Judicial Council has given its prior consent to the relevant communication.

**5.6 Ownership**

Ownership of any reports or material produced relating to any contract awarded as a result of this RFT rests with the Judicial Council.

**5.7 Copyright and publication**

Copyright of any reports or material produced shall rest with and be assigned to the Judicial Council. The Judicial Council shall have the right to publish, or not as the case may be, and to disseminate the report in both its original and in a modified form, without further reference to the tenderer. The tenderer will not be entitled to further payment if this occurs. The tenderer and the individual researchers will be entitled to be credited with the work that they have done on this project in any publication.

**5.8 Registrable interest**

Any registrable interest involving any tenderer and members of the Government, members of the Oireachtas, or employees and officers of the Judicial Council and their relatives must be fully disclosed in the tender or, in the event of this information only coming to the notice of the tenderer or subcontractor after the submission of a tender, must be communicated to the Judicial Council immediately upon such information becoming known to the tenderer or subcontractor.

**5.9 Anti-competitive conduct**

Tenderers’ attention is drawn to the *Competition Act 2002* (as amended, the ‘2002 Act’). The 2002 Act makes it a criminal offence for tenderers to collude on prices or terms in a public procurement competition.

**5.10 Freedom of information**

Tenderers should be aware that, under the *Freedom of Information Act 2014*, information provided by them during this RFT may be liable to be disclosed.

Tenderers are asked to consider if any of the information supplied by them in their tender should not be disclosed because of its confidentiality or commercial sensitivity. If tenderers consider that certain information is not to be disclosed because of its confidentiality or commercial sensitivity, tenderers must, when providing such information, clearly identify the specific sections of their tender containing such information and specify the reasons for its confidentiality and commercial sensitivity.

**5.11 Conflicts of interest**

Any conflict of interest or potential conflict of interest on the part of a tenderer, subcontractor or individual employee or agent of a tenderer or subcontractor must be fully disclosed to the Judicial Council as soon as the conflict or potential conflict is or becomes apparent. In the event of any actual or potential conflict of interest, the Judicial Council may invite tenderers to propose means by which the conflict of interest might be removed. The Judicial Council will, at its absolute discretion, decide on the appropriate course of action, which may in appropriate circumstances include eliminating a tenderer from this tender process or terminating any contract entered into by a tenderer.

**5.12 Withdrawal from the RFT process**

Tenderers are required to notify the Judicial Council immediately by email to research@justice.ie if they decide to withdraw from the RFT process.

**5.13 Insurance**

The successful tenderer shall be required to hold for the term of the contract the appropriate level of insurance cover in order to carry out work associated with this project.

satisfaction of the Council, that it will place the necessary expertise at the disposal of the tenderer.

If a tenderer does not, upon request by the Judicial Council, provide evidence which is considered by the Council as sufficient to demonstrate the fulfilment, by any subcontractor on whose capacity the tenderer relies, of the award criteria (or any one of them) in accordance with this RFT, it shall be excluded from further participation in this tender process unless it replaces the subcontractor with one which meets all relevant requirements of this RFT. Any such replacement cannot affect the price submitted.

**Research Tender Submission**

**Lead Researcher:**

**Institution:**

**Project Title:**

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| **Researchers:**  Please list the name and institution of all researchers involved in the project, their proposed role in the project and the proportion of their time that will be spent on the project. |
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| **Academic Background:**  Please outline your experience and expertise relevant to the proposed project, including demonstration of a proven ability to carry out the work in an impartial and objective manner. (max 500 words) |
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| 1. **Feasibility of proposed project and proposed cost and value for money:**   Include a brief project summary. Please include aims and objectives, methodology, background and significance of the research question/problem. Demonstrate appropriate allocation of resources and demonstrated value for money (full description of costs, justification for these costs and a plan to ensure best use of resources). (max 1,500 words) |
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| **Conflict of Interest Declaration:**  Outline any conflicts of interest. |
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| **Timelines:**  Outline the timeframes for commencement and completion of the project.  (max 800 words) |
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| **Ethics Statement:**  Applicants are required to submit a written statement that full consideration has been given to the ethical implications of the research proposal. (max 500 words) |
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By signing the tenderer’s statement at Appendix 1, tenderers confirm that, if awarded a contract under this RFT, (i) they will, from the effective date of the contract (as defined in the contract), obtain and hold the types and levels of insurance specified above (ii) the territorial limits and jurisdiction of this insurance policies include the Republic of Ireland and (iii) they are not aware of any exclusions, restrictions, conditions or warranties or, in the case of policies with an aggregate limit of indemnity, any outstanding claims, which could have a material adverse impact on the level of coverage specified above. A formal confirmation from the tenderer’s insurance company or broker to this effect may be requested from the successful tenderer prior to the award of any contract.

**Tenderer’s Statement**

Tenderers shall complete and return the following form of Tenderer’s Statement signed by the Tenderer.

**Tenderer’s Statement**

TO: The Judicial Council

RE: Request for Tender for Research

Having examined your Request for Tender (RFT) including the instructions to tenderers, the selection and award criteria, the requirements and specifications, I hereby agree and declare the following:

1. I understand the nature and extent of the research required to be delivered as described in the RFT;
2. I accept all of the terms and conditions of the RFT;
3. I accept all the award criteria as set out in the RFT;
4. I agree that, if awarded a contract, I shall, in the performance of such contract, comply with all applicable obligations in the field of environmental, social and labour law.
5. I confirm that I have complied with all requirements as set out in the RFT.
6. I confirm that all prices quoted in my tender will remain valid for the period of time commencing from the tender deadline.
7. I shall, if awarded any contract under the RFT, have in place on the effective date of the contract all insurances (if any) as required by the RFT.
8. I confirm that all data subjects whose personal data is provided in my tender have consented to the processing of such personal data by me, and by the Judicial Council and by the evaluation team for this tender or that I otherwise have a legal basis for providing such personal data to the Judicial Council for the purposes of my participation in this tender and that I will provide evidence of such consent and / or legal basis to the Judicial Council upon request.

SIGNED

Print name Address

Date

**Signature of Lead Researcher**