



## **The Public Interest Litigation Support Project**

### **Invitation to tender – Researching the public interest litigation landscape in Northern Ireland**

Important note

Tenders to be submitted no later  
than 28 January 2024

**Issued by:**

The Public Interest Litigation Support (PILS) Project

Community House

6A Albert Street

Belfast

BT12 4HQ

**Date issued:**

19 December 2023

#### **1. Introduction**

##### 1.1. Background to PILS

In 2006, the Atlantic Philanthropies commissioned research on public interest litigation and on whether they should invest in a dedicated organisation to promote human rights and equality in Northern Ireland. Consultants were appointed to look at the situation in Northern Ireland, to examine best practice models from other jurisdictions, and to consult a range of stakeholders on the value of public interest litigation. Their research identified a number of barriers to public interest litigation, costs being the most significant. They also found that

people who had suffered an injustice often lacked knowledge about how the law could help them.

Founded as a pilot project in 2009, The Public Interest Litigation Support (PILS) Project was established to address the issues identified by this research. It has since become a dedicated hub for public interest litigation, trusted by community organisations and legal professionals across Northern Ireland.

Through their frontline work, our membership network – made up of solicitor firms and NGOs – are primed to spot legal trends and identify potential public interest cases. We then listen to the specific needs of each of our members' requests to tailor the support we provide. This could be one service or a combination of the following: legal representation; our unique Litigation Fund, through which we can provide an indemnity in respect of legal costs, pay for court fees and other expenses; training; or help from our Pro Bono Register, a community of over 90 volunteer lawyers created by PILS to provide free legal advice to our members.

Over the past 14 years, PILS has backed some of this jurisdiction's key strategic litigation actions, resulting in increased human rights protections for vulnerable, disadvantaged and minority groups in Northern Ireland and beyond.

## 1.2. Background to need for updated research

In the past year, due to an increase in capacity, we have witnessed a dramatic surge in applications to PILS for support. This indicates that there are not enough resources dedicated to human rights and public interest legal services.

Access to justice is at a critical juncture here. Austerity measures and the cost-of-living crisis are having a devastating impact across the region. An already underfunded justice system, with longstanding issues around lack of access to legal aid, is being weakened further. As household budgets become increasingly stretched, people and organisations will have fewer financial resources to defend their rights through legal challenges. For some, it will become impossible.

Furthermore, a 2018 report by Neil Crowther, commissioned on behalf of The Baring Foundation, references evidence that non-legal voluntary organisations do not harness the law to advance their causes as much as they could. Legal challenges are often brought on behalf of individuals by private law firms. These cases might contain key public interest issues but they are not always strategic or successful. Even if they do succeed, they don't create widespread change for anyone else facing the same situation.

Significant and sometimes organisation-altering funding cuts over recent years have dramatically changed the landscape of the sector in which we are working. We want to ensure that PILS is working and collaborating in the most effective way possible with our members and our stakeholders. We want to have confidence that the areas of need, when it comes to accessing justice, are met and that duplication of services is avoided. Now, more than ever, we must ensure we are focusing our efforts on the areas of need as well as devising and implementing the solutions that will have the widest impact.

Up to date research on the barriers to public interest litigation that exist today will not only allow PILS to ensure our strategic plans are 'on point' but also that those working in this sector can use the report to support their own work and help streamline and maximise efforts to breaking down the real barriers.

The report will also encourage learning across the human rights and equality sector. Research that is thorough and in-depth will help identify gaps in supporting access to justice. This, in turn, could direct and support new collaborations and initiatives, as well as informing NI-focused grant makers and government decision makers of the areas of need.

Just as importantly, the research will give us the concrete evidence base if and when we need to explain to our board, funders and fellow civil society organisations why our services are changing or adapting.

## **2. Scope of the contract**

The requirement is to deliver a high quality evidence-based research report that will identify the existing barriers to public interest litigation in Northern Ireland.

- The report will provide a clear, up-to-date and comprehensive map of the current landscape, to include: key stakeholders and the remit of their support, identification of the level and nature of existing need in terms of accessing justice across human rights and equality issues, an analysis of the challenges faced by those working in this area (past, current and anticipated challenges), opportunities for the development of services to meet need and break down barriers.
- The report will assist PILS, as well as our key stakeholders, in identifying areas of need (in particular, areas of unmet need) and ways in which they can be addressed through a collaborative, complementary and supportive structure.

- The report itself will outline concrete, innovative suggestions and recommendations on how to better use the law strategically, so as to advance human rights and equality protections in this jurisdiction. It will do this through an analysis of what is happening in this jurisdiction, identifying what is working in addition to what needs to change, and bring in key learnings and examples of successful initiatives that are addressing similar needs in other comparable jurisdictions.
- In addition to desk-based research to compile the report, including a review of previous research that is available, we envisage the research team conducting a number of workshops/sessions with consultees who, in turn, will feel invested in the report's outcomes.
- The recommendations of the report will include suggestions of ways in which PILS can modernise its services, both within the remit of our existing Law Society waiver and other possibilities that stretch the organisation beyond its current footprint.
- The report will provide NI grant makers with a contemporary insight into the live issues of unmet legal need that are ripe for funding support.
- The research paper will be finalised to facilitate its publication, online, in time for a celebration of PILS' 15-year anniversary in autumn 2024. A draft will be sent to the PILS Director by 31 July 2024 and a final report sent (following feedback within 2 weeks of receipt of the draft) by 31 August 2024.
- We anticipate that the research will entail work that takes somewhere in the region of 50-60 hours.
- PILS will then work with a professional graphic designer to have the report professionally laid out in digital format and the author will be acknowledged in the text and on the cover/PILS website.

### **3. Tender detail required**

You are invited to submit a tender for this contract providing the following:

- a) A detailed proposal, which will outline the elements of the proposed research and methodology to be applied;
- b) The price quoted for the provision of the research, to include a detailed pricing schedule. Price quoted should be in pounds sterling, exclusive of VAT with the applicable VAT rate indicated separately;
- c) Confirmation of availability to immediately commence the research project;
- d) Timeline and confirmation of ability to complete the project and provide the requested deliverable by 31 July 2024;
- e) A brief overview of previous experience of relevant projects (outline at least two examples from within the last five years), which demonstrate ability to provide the research required, particularly with reference to the subject matter of public interest litigation.

*(Note: in response to a question received during the tendering process, PILS have since clarified what we require to fulfil requirement e. Please see 'Questions and Answers' on p.07 of this document.)*

- f) A copy of one piece of research or report produced from one of the two examples quoted in response to requirement e).
- g) A CV (maximum of two pages) showing the relevant qualifications, expertise, experience of the project leader and of each member of the proposed team within the organisation (if applicable).

#### **4. Award criteria**

The successful bidder will be selected on the basis of the criteria as set out below. Quotations will be initially evaluated by reference to the following qualitative selection criteria:

- Completeness of documentation. Quotations must provide all the requirements and include all information requested and comply with the format of responses requested in this document.
- Demonstrated ability of the provider to meet all the mandatory requirements specified.
- Tender received on time.

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

	Selection Criteria	Weighting	Maximum marks
A	Expertise and experience of personnel involved	40%	400
B	Quality of the proposed approach and methodology for developing a Framework	25%	250
C	Project management and timelines	10%	100
D	Cost	25%	250
		100%	1000

Where a bidder is unable to explain, to the satisfaction of the panel (comprised of one staff member and one Board member), the reason for a low level of price or costs proposed it should be made clear that they may be excluded from the tender process.

PILS will not be liable for any costs incurred in the preparation, submission or presentation of tenders for this research.

#### **5. Submissions of tender bids**

Tender submission, which should be clearly marked '*Tender submission - Researching the public interest litigation landscape in Northern Ireland*', should be submitted by 5.00pm on 28 January 2024 by email to [info@pilsni.org](mailto:info@pilsni.org) and [maria@pilsni.org](mailto:maria@pilsni.org). You will receive an acknowledgment of receipt of your submission. If you do not hear from us within two standard working days of sending the submission, please contact our office on 02890 994258 and ask to speak to Maria McCloskey.

## Questions and Answers

Last updated: 22 January 2024

In the interests of transparency and equal treatment of bidders, The PILS Project will share answers we have provided to any clarifying questions received during the tendering process below.

Bidders are encouraged to check the PILS website for additional Q&A information before the final submission date.

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**Q:** a request for clarity around requirement 3(e), specifically the phrase “with reference to the subject matter of public interest litigation”.

**A:** Under requirement 3(e), PILS are asking bidders to provide a brief overview of their previous experience of relevant projects (outline at least two examples from within the last five years), which demonstrate ability to provide the research required, particularly with reference to *any relevant experience* in the subject matter of public interest litigation.

**Q:** a request for clarification on the scope of the contract, specifically the envisaged “workshops/sessions with consultees”.

**A:**

- Subject to the availability of our shared meeting spaces, PILS can host in-person and hybrid meetings.
- The 2006 research report, referenced in our invitation to tender, followed engagement with at least 30 different consultees. The number of consultees and stakeholders to be engaged as part of this research will be discussed and agreed between PILS and the successful bidder following their appointment. PILS envisages the engagement of a minimum of 15 consultees.

**Q:** a request for guidance on the ideal length and/or format of the final report.

**A:** The 2006 research report, referenced in our invitation to tender, was 34 pages long (not including appendices). For this research, we envisage the production of a report which is similar in length, albeit with the focus on quality rather than quantity.

**Q:** a request for guidance on an overall figure, or budget range, for delivery of this contract.

**A:** Given the information provided, both in response to these questions and contained in the invitation to tender, PILS does not intend to provide any further specific guidance on the budget range.

**Q:** a request for guidance on the budget and travel expenses, specifically costs associated with travel to Belfast for in-person work.

**A:** Bidders should capture all associated costs within their tender bid. This includes the costs of any proposed travel to Belfast.

**Appendix 1 – Response Template**

Responses to be provided in either Microsoft Word or Adobe Acrobat and in the format set out in this response template.

**Section 1 – Contact details**

CONTACT DETAILS	
Name of tenderer/organisation	
Contact person	
Telephone number of contact person	
Email address of contact person	
Information regarding any partnership or proposed sub-contracting, including the names of all those who will be involved in the provision of the research report.	
A description of the roles of each person involved in providing the research report.	

## Section 2 – Assessment Criteria

<b>1. Cost:</b>
<b>2. Description of proposed approach and methodology</b>
<b>3. Qualifications, expertise and experience of tendered, including by reference to the examples of work included with submission.</b>
<b>4. Outline of proposed timeline and actions to be taken at each step</b>

There should be three attachments to your submission, which should be identified as follows:

1. Your Tender Submission (as per the template outlined in Appendix 1 above, containing all details as required by Sections 1 and 2), identified as '[your name] – Tender Submission' e.g. '*Maria McCloskey – Tender Submission*' ;

2. Example of Research, identified as '[your name] – Example of Research' e.g. '*Maria McCloskey – Example of Research*'.
3. Your 2-page CV, identified as '[your name] - CV' e.g. '*Maria McCloskey – CV*'.