

Whaikaha – Ministry of Disabled People

Request for Proposal

Growing Voice and Safety – Assisting Change

RFP Released: 17/01/2024

Deadline for Questions: 09/02/2024

Deadline for Proposals: 23/02/2024

COMMERCIAL IN CONFIDENCE

# Acronyms and Glossary

The following acronyms, abbreviations and terms are used in this document.

|  |  |
| --- | --- |
| **Acronym / Abbreviation/ Term** | **Definition** |
| Deadline for Proposals | The date listed in Section 2.2. Proposals must be submitted by this date and time. |
| UNCRDP | United Nations Convention on the Rights of Persons with Disabilities |
| UNCRIP | United Nations Convention on the Rights of Indigenous Peoples |
| Wai 2575 | Waitangi Tribunal Health Services and Outcomes Kaupapa Inquiry |
| EGL | Enabling Good Lives |
| MEAL | Monitoring, Evaluation, Analysis and Learning |

# Overview

This Request for Proposal (RFP) is issued by Whaikaha, the Ministry of Disabled People, in conjunction with the Ministry of Social Development.

# About Whaikaha

Whaikaha - Ministry of Disabled People is a new ministry set up in partnership with the community and Māori to transform the lives of many New Zealanders.

Whaikaha is a Departmental Agency, currently co-located with the Ministry of Social Development (MSD) and as such shares some support services with MSD including contract templates and procurement resources.

Many disabled people and whānau face barriers in achieving ordinary life outcomes due, in part, to the complexity of the way we currently do things. Government support can be fragmented and difficult to navigate, and multiple eligibility criteria for different services makes it difficult for disabled people to know what support services they are entitled to.

Things need to change.

That's why the Government created Whaikaha - Ministry of Disabled People to:

* lead a true partnership between the disability community, Māori and Government, and
* help transform the disability system in line with the [**Enabling Good Lives (EGL)**](https://www.enablinggoodlives.co.nz/) approach.

**Not like other ministries**

The Government has asked that we do things differently to other ministries. We will partner with the disabled community and Māori and together, guide how we do things and how we operate. Our responsibility in this partnership is to listen to the voice of the disabled community and learn from the process of working together.

To do this, we will meet our obligations under [**Te Tiriti o Waitangi**](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) and the [**United Nations Convention on the Rights of Persons with Disabilities**](https://www.odi.govt.nz/united-nations-convention-on-the-rights-of-persons-with-disabilities/) (UNCRPD); and by following the principles of Enabling Good Lives and Whānau Ora.

By doing this we will create strong relationships and transform the sector for good.

We're also the first government ministry to have a name in three languages:

* Te Reo Māori
* English,
* and New Zealand Sign Language (NZSL)

# What We Need

Whaikaha intends to contract organisations to deliver Assisting Change, a provider improvement advisory service, linked to the Whaikaha audit/developmental evaluation programme. The successful organisation(s) will source a pool of specialist advisors with a diverse range of skill sets and experience, then act as a broker, matching an advisor to work alongside a provider for a short time to support them to address their specific quality issues. This will include culturally appropriate matches for Kaupapa Māori and Pacific providers and supports for non-Māori and non-Pacific providers to deliver culturally appropriate supports.

# Why Should You Bid?

We are looking for community agencies whose work aligns with the three Pou of Whaikaha and who are ambitious to be change agents, passionate about making a difference for and with disabled people, tāngata whaikaha Māori, families and whānau and providers.

We want proposals that illustrate skills in collaboration and working in partnership, experience in supporting change processes, coaching and/or assisting services to improve. Wide networks in the disability community and sector or a plan to build these will be key.

We seek national coverage or a clear description of what regional areas you propose to cover and welcome partnerships to achieve this.

Please refer to Appendix One for further information regarding the outcomes and expectations we are seeking.

# Key Information

# Context

1. This RFP is an invitation to suitably qualified suppliers to submit a Proposal for the Growing Voice and Safety – Assisting Change opportunity.
2. This RFP is an open market process.
3. This is a single stage process.
4. Words and phrases that have special meaning are shown by the use of capitals. Definitions can be found in Section 1 of this document.

# Timeline

The indicative timeline for the procurement is as follows.

|  |  |
| --- | --- |
| **Activity** | **Date** |
| RFP released | 17 January 2024 |
| Supplier Briefing | 31 January 2024 |
| Deadline for supplier questions | 09 February 2024 |
| Deadline for Whaikaha to answer questions | 14 February 2024 |
| Deadline for Proposals | 23 February 2024 |
| Short listed Supplier Presentations | 20 March 2024 |
| Notify Respondents of outcome | 26 April 2024 |
| Due diligence & contract negotiation | 19 April 2024 |
| Debrief unsuccessful Respondents | 30 April 2024 |
| Contract start date | 1 May 2024 |

# How to Contact Us

1. All enquiries must be directed to our Point of Contact. We will manage all external communications through this Point of Contact.
2. If you would like to attend our supplier briefing session, please email community\_admin@whaikaha.govt.nz
3. Our Point of Contact:

**Name:** Nick Edmond

**Title:** Principal Commercial Specialist

**Email Address:** community\_admin@whaikaha.govt.nz

# Documents

The following documents make up this RFP:

* Appendix 1: Outcomes based design
* Response Form A
* Government Model Contract

# Developing and Submitting Your Proposal

1. This RFP sets out the step-by-step process and conditions that apply to this process.
2. Take time to read and understand the RFP.
3. Develop a strong understanding of our requirements.
4. In structuring your Proposal consider how it will be evaluated. Section 4 describes our Evaluation Methodology.
5. For helpful hints on tendering and access to a supplier resource centre go to: <https://www.procurement.govt.nz/suppliers/>.
6. If anything is unclear or you have a question, please email our Point of Contact (Section 2.3).
7. In submitting your Proposal, you must use the Response Form
8. You must also complete and sign the [declaration](#Suppliers_declaration) at the end of the Response Form.
9. The Proposal should consist of no more than 20 A4 pages and each responding file should not larger than 20MB.
10. Check you have provided all information requested, and in the format and order asked for.

# Address for Submitting Your Proposal

Proposals must be submitted via email to [community\_admin@whaikaha.govt.nz](mailto:community_admin@whaikaha.govt.nz)

We will not accept proposals via any other method unless previously agreed with the Point of Contact (Section 2.3).

# Our RFP Process, Terms and Conditions

1. Offer Validity Period: In submitting a Proposal the Respondent agrees that their offer will remain open for acceptance by Whaikaha for 90 days from the Deadline for Proposals.
2. The RFP is subject to the RFP Process, Terms and Conditions (shortened to RFP-Terms) described in Section 6.

# Later Changes to the RFP or RFP Process

1. If, after publishing the RFP, we need to change anything about the RFP or RFP process or want to provide suppliers with additional information we will let all suppliers know via GETS, Whaikaha website news page and social media channels
2. If you downloaded the RFP from GETS you will automatically receive notifications of any changes through GETS.

# Requirements

# Context

The current quality mechanisms indicate there are providers who have quality issues and do not have the capability and capacity to make improvements. The transformation of the disability support system requires different ways of supporting providers to improve in line with the Enabling Good Lives approach. We are strengthening our quality framework in a number of ways, including the Growing Voice and Safety initiatives.

This procurement will mitigate a number of risks for Whaikaha, including:

* limited options to support provider improvement.
* a lack of capacity to respond to both known quality concerns and emerging service trends that create risk.
* providers feeling unsupported in quality improvement and transformation towards an EGL approach.

# Current State

Whaikaha has a responsibility to ensure the supports we commission and fund are of high quality and are keeping disabled people safe from abuse and neglect.

The key mechanisms to monitor quality that are covered in the contracts between Whaikaha and disability providers are to:

* receive and manage critical incident reports for all Whaikaha contracted services
* receive and manage notifications of deaths of disabled people in Whaikaha funded residential care
* audit, evaluate and investigate Whaikaha contracted providers
* manage complaints about the quality of Whaikaha contracted disability support.

The current quality mechanisms offer limited options to support providers and do not cover other safeguarding mechanisms for disabled people, such as community voice mechanisms, independent advocacy, or Police processes.

There are over 750 contracts with disability support providers delivering support to over 48,000 disabled people at a cost of around $2.3B per year.

The current quality mechanisms are not fit for purpose for a transforming system. There are limited mechanisms to support providers to improve, particularly when there are concerns about the safety and wellbeing of disabled people and tāngata whaikaha Māori who the provider supports.

# Objectives & Scope

Whaikaha has agreed to commission Assisting Change, an intensive advisory service for providers who have quality issues and who do not have the capability and capacity to make improvements by themselves. Whaikaha will contract a brokerage service(s), linked to the Whaikaha audit/developmental evaluation programme. The successful Respondent(s) will source a pool of specialist advisors with a diverse range of skill sets and experience, then match the advisor to work alongside a specific provider for a short time to support them to address their specific quality issues. This will include culturally appropriate matches for Kaupapa Māori and Pacific providers. Whaikaha will also fund a contribution to the intensive advice. Assisting Change will align with and strengthen other quality mechanisms in Whaikaha.

**In scope**: Advisory services to providers who hold a Whaikaha contract for disability support, who have known quality concerns that impact on the safety and wellbeing of disabled people and tāngata whaikaha Māori; and who have limited capacity to make the required improvements.

**Out of scope**: Advisory services to providers who do not hold a Whaikaha contract for disability support.

# Requirements / Deliverables / Outputs

The key deliverable for the contract(s) is to establish and deliver an intensive advisory and brokerage service for providers, providing regional and/or national coverage.

|  |  |
| --- | --- |
| **Item** | **Required Outputs / KPIs / SLAs / Acceptable Criteria** |
| Phase One -Planning phase. (First 6 weeks after contract signed) | * Partnership arrangements (if any) confirmed. * Leadership and key personnel recruited and confirmed with Whaikaha. * Delivery of an Implementation plan for national delivery of the service. * Provide a copy of the recruitment plan for diverse advisors. * Communications and stakeholder engagement plan to introduce the service developed. * Necessary systems and infrastructure mapped and confirmed with Whaikaha. * Provide to Whaikaha copies of policies, systems, and processes to ensure privacy and security of information, in compliance with the Health Information Privacy Code. * Relationship lines with Whaikaha, developmental evaluation agencies and the disability community and sector confirmed and developed. |
| Phase Two -  Beginning phase. (6 weeks - 3 months) | * Infrastructure required for effective delivery is in place and evidenced. * Operational systems in place that comply with privacy requirements. * Diverse advisors identified and skill matrix developed. * Reporting and escalation pathways to Whaikaha confirmed. * Priority providers identified by Whaikaha. * Stakeholder engagement completed and shared with Whaikaha * Reporting frequency, method and scope to Whaikaha and the disability community confirmed. * Initial provider advisory support commenced. |
| Delivery phase.  (3 months onwards) | * All required systems operational. * Regular reporting processes underway. * Quality systems, including evaluation, agreed. * Plan for future volumes and locations considered. |

# Public Value and Broader Outcomes

Broader outcomes are the secondary benefits that are generated by the way a good, service, or works, is produced or delivered. These outcomes can be social, environmental, cultural or economic benefits, and will deliver long-term Public Value for New Zealand.

We recognise that our procurement activities offer a unique opportunity to achieve broader outcomes for New Zealand, and are working on the identified four priority outcomes:

* Increasing access for New Zealand businesses including disabled, Māori and Pasifika businesses.
* Construction skills and training.
* Improving conditions for New Zealand workers, including disabled workers.
* Transitioning to a net-zero emissions economy and designing waste out of the system.

This initiative will have the following secondary benefits:

* Improving the lives of disabled people and tāngata whaikaha Māori by improving the quality of support delivered by providers.
* Improving the lives of disabled people in New Zealand is a positive social outcome. There is an opportunity to increase the general population’s awareness about EGL principles and approaches and how these can benefit disabled people and communities. This will contribute to social cohesion, for example, by increasing equity and changing attitudes.
* Increased participation of disabled people in community activities and services contributes to broader cultural, economic, and social outcomes.
* This service will contribute to strengthening sector capability regarding EGL principles and approaches, partnerships, provider collaboration, community-led development and disability leadership.

These broader outcomes are incorporated as Non-Weighted Criteria (Public Value and Broader Outcomes) for assessment in this procurement activity.

Further information on broader outcomes can be found on the NZGPP website <https://www.procurement.govt.nz/broader-outcomes/>

# Evaluation Methodology

Our evaluation approach is designed to ensure Whaikaha can achieve the best value-for-money over the whole-of-life. This means achieving the right combination of fit for purpose, quality, price, and delivery on time.

# Evaluation Model

The Evaluation Model for this procurement utilises a combination of Weighted and Non-Weighted Criteria. This means the Respondent’s Proposal which best meets our requirements and based on an overall assessment, is likely to be selected.

The Evaluation Panel will firstly score each proposal based on the Weighted Criteria listed below. Proposals will then be ranked according to the overall evaluation.

# Evaluation Process

In line with the Evaluation Model above, each Evaluator will be given a copy of the Proposals in order to carry out an independent evaluation of each Proposal against the approved Evaluation Criteria.

An initial moderation session will be led by the Panel Chair and Panel Facilitator. The purpose of this session will be to review the Proposals and discuss individual scores, including any outlying scores. As a result of the discussion individual scores may be adjusted as necessary, with a record kept of any updated scores along with the rationale.

Following the initial moderation, a short list of Respondents will be invited to carry out a presentation of their Proposal to the Evaluation Team. The purpose of these presentations will be to allow the Respondents to present their Proposal in detail to the Evaluation Team and to allow the Evaluation Team to ask questions and clarify anything following the paper evaluation and initial moderation.

Evaluation scores will be updated as a result of the presentations. A second moderation will then take place. This will be conducted in the same manner as the first moderation, with particular emphasis on any changes to the scores following the presentations.

# Evaluation Criteria and Weightings

# Preconditions

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| --- | --- |
| **Preconditions** |  |
| Respondent’s activities and services are either:   * governed and led by disabled people and/or tāngata whaikaha Māori and include family and/or whānau perspectives; or: * the proposal outlines a partnership plan with organisation(s) who have this leadership structure. | Yes/No |
| The Respondent has operations based in NZ | Yes/No |
| Respondent agrees to comply with the [Supplier Code of Conduct](https://www.procurement.govt.nz/broader-outcomes/supplier-code-of-conduct/) | Yes/No |
| Respondents do not have a conflict of interest, e.g. they do not currently provide disability support under a Whaikaha contract. | Yes/No |

# Evaluation Criteria

Qualifying bids that meet the pre-conditions will be evaluated on their merits using the following Evaluation Criteria and Weightings.

|  |  |
| --- | --- |
| **Criterion RFP** | **Weighting %** |
| **Organisational values, experience, capability & capacity in supporting quality improvement that safeguards the rights of disabled people and tāngata whaikaha Māori.** | 60 |
| Demonstrated understanding of, and evidence of how the following are incorporated into your organisation’s activities and approaches:   * Te Tiriti o Waitangi, UNCRPD and EGL. * ableism, including the depth, complexity and intersectionality of the abuse and harm of disabled people and tāngata whaikaha Māori. * supporting the voice and leadership of disabled people and tāngata whaikaha Māori to live their good lives. * equitable responses, particularly for tāngata whaikaha Māori, Pacific, other diverse groups such as rainbow and migrant communities. | 30 |
| Experience and evidence of strategies used to manage, lead and support change processes. | 10 |
| Demonstrates experience in coaching or assisting people/organisations to improve, working in relationship based, developmental and collaborative ways. | 10 |
| Has existing networks and/or partnerships with the disability community; independent voice mechanisms and networks; local communities; Māori communities and networks; providers and other parts of the disability system; or a clear plan to expand and strengthen these. | 10 |
| **Proposed Approach**  **We are looking for the following evidence, attributes, and experience that the proposed approach is fit for purpose. We seek evidence of:** | 40% |
| A high-level plan of your proposed approach, including how Te Tiriti, the UNCRPD and EGL principles, values and approaches will be applied. | 10 |
| Intentionality in the service establishment and implementation plan to respond equitably to the needs of tāngata whaikaha Māori, whānau and Māori providers. | 10 |
| Proposed personnel have the necessary experience, skills, and proven capability to deliver the desired outcomes. | 10 |
| Proven organisational capability in terms of technical, information, privacy and operational processes and systems. | 5 |
| Overall has the required resources (people and systems) to deliver the proposed services either nationally, or in a range of regional locations. | 5 |
| **Price** | Non weighted |
| The proposed cost represents value for money. |  |
| **Public Value and Broader Outcomes** | Non weighted |
| Ability to support Whaikaha achieve broader social, economic, cultural, and environmental outcomes and wellbeing.  Ability to support Whaikaha to achieve system transformation in line with the vision and principles of EGL. |  |
| **References** | Non weighted |
| Whaikaha may conduct reference checks as part of the evaluation process. Although they are not Weighted, they will be used to validate Proposals and will be considered in the overall decision-making process. |  |
| **TOTAL WEIGHTINGS** | **100** |

Both Weighted and Non-Weighted sections may have an impact on the Evaluation Team’s final recommendation regarding a Preferred Supplier. Consequently, the recommended Preferred Supplier may not necessarily have obtained the highest weighted score.

# Rating Scale

The Evaluation Team will use the following rating scale to evaluate the Proposals against the Evaluation Criteria:

|  |  |  |
| --- | --- | --- |
| **Rating** | **Definition** | **Score** |
| **Excellent** | Respondent demonstrates exceptional ability, understanding, experience and skills. The Proposal identifies factors that will offer potential added value, with supporting evidence. | 9-10 |
| **Good** | Respondent demonstrates above average ability, understanding, experience and skills. The Proposal identifies minor additional benefits, with supporting evidence. | 7-8 |
| **Acceptable** | Respondent demonstrates the ability to meet the criteria, with supporting evidence. | 5-6 |
| **Reservations** | Satisfies only a minimum of the criteria but not all. Reservations about the Respondent to adequately meet the criteria. Little supporting evidence. | 3-4 |
| **Serious Reservations** | Extremely limited or no supporting evidence to meet the criteria. Minimum effort made to meet the criteria. | 1-2 |
| **Unacceptable** | Does not comply or meet the criteria at all. Insufficient information to demonstrate the criteria. | 0 |

# Due Diligence

Any due diligence undertaken will not be part of the weighted evaluation but may be used in the overall selection process.

In addition to reference checks, Whaikaha reserves the right to carry out additional due diligence on Respondents including:

1. **Analysis of Ownership**
   * + Check legal status of entity
     + Check ownership (owners, directors, and relationships to holding or parent corporations)
     + Length of time in operation
     + Company locations
     + Number of employees
     + Confirmation there are no actual, potential, or perceived COI’s
2. **Analysis of Finances**
   * + Respondents current and future financial viability (for the expected contract duration)
     + Review of Respondents annual report(s)
     + Review of last independently audited accounts to check profitability and liquidity
     + Undertake credit check
     + Review insurance certificates
     + Confirm if any current or pending issues with Inland Revenue or any other relevant jurisdictions.
3. **Security Checks**
   * + Check of any convictions against the Respondent of the Respondents personnel that could compromise the contract.
     + Check of any pending criminal cases that could compromise the contract.

# Contract

# Contract Type

Government Model Contract (attached separately). Please note this is a template agreement for Respondent’s review noting service-specific terms and conditions will be updated during the contract negotiation process with successful Respondents.

# Contract Term

|  |  |
| --- | --- |
| Initial Term | 3 Years |
| Optional Renewals | 2 x 1 year |
| Maximum Term | 5 Years |

# Additional Clause to be added to Schedule 2 of the Government Model Contract

7.3 If, in the Participating Agency’s reasonable opinion, a Subcontractor is: (i) materially not performing in accordance with the terms of this Consultancy Services Order, the Participating Agency may, by notice to the Provider, require the Provider to procure that the Subcontractor performs the relevant obligations within 10 Business Days, failing which the Participating Agency may, by notice to the Provider, require the Provider to remove that Subcontractor; or (ii) a material threat to the health, safety or security of the Personnel or property of the Participating Agency, or has breached security or confidentiality requirements of this Consultancy Services Order, the Participating Agency may, by notice to the Provider, require the Provider to remove that Subcontractor, and the Provider will ensure the immediate removal of that Subcontractor.

# Commercial Structure

Phase 1: Service establishment, payment based on deliverables

Phase 2: Ongoing service delivery, payment based on:

* Capacity funding for the brokerage service, monthly payments, to support the sustainability of this service
* Volume based funding for the advisory interventions, paid on an invoice basis for the advisory interventions Whaikaha commissions.

# RFP Terms and Conditions

This RFP is subject to the attached Terms and Conditions as amended in the RFP Terms in:

<https://www.procurement.govt.nz/assets/procurement-property/documents/templates/rfp-terms-and-conditions.pdf>.