

The National Council for Special Education

Request for Tenders to undertake the following research:

Continuum of Education Provision for Children with Special Educational Needs: Review of International Policies and Practices.

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**Issued by
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Section 1: Background Information and Invitation to Tender

1.1 The National Council for Special Education

The National Council for Special Education (NCSE) was set up to improve the delivery of education services to persons with special educational needs (SEN) with particular emphasis on children.

The NCSE was formally established under the Education for Persons with Special Educational Needs Act 2004 (EPSEN Act) on 1 October 2005. That Act sets out both the general functions of the Council and its specific functions in relation to the provisions of the Act. Full details of the Council may be viewed on its web-site www.ncse.ie.

Undertaking research to provide an evidence base to support this work is a key function of the Council. This research will assist in the development of policy advice on special education matters to the Minister for Education and Skills. It will also contribute to identifying and disseminating to schools, parents and other appropriate persons, information relating to best practice concerning the education of children with special educational needs.

Invitation to Tender and Background to the Research

The NCSE requests tenders for a research service for the following project:

Continuum of Education Provision for Children with Special Educational Needs: Review of International Policies and Practices.

1.2 Background to the study

The EPSEN Act (2004) provides a commitment to inclusive education for children with special educational needs (SEN) in Ireland stating that 'a child with special educational needs shall be educated in an inclusive environment with children who do not have such needs' [section 2]. There are two exceptions to this within the Act as follows- '...the nature or degree of those needs of the child [with special educational needs] is such that to do so would be inconsistent with (a) the best interests of the child as determined in accordance with any assessment carried out or (b) the effective provision of education for children with whom the child is to be educated' [section 2]. The Act also states that one of the functions of the NCSE is 'to ensure that a continuum of special educational provision is available as required in relation to each type of disability' [section 20 (1) (g)].

The implication of these two sections of the Act is that while inclusion in a mainstream setting is central to the philosophy of EPSEN, there may be times when other placement options along a continuum of provision may be required. Currently, this continuum of education provision for children with SEN in Ireland predominantly consists of four types of provision; mainstream settings, special classes within mainstream settings, special schools and special classes within special schools. It should be noted that special classes in Ireland operate in different ways; some may be very separate and distinct from mainstream provision, while others are more integrated with the mainstream provision. As a result they may also be called something other than a special class, such as a special unit or centre. Children with SEN may also be in receipt of education in settings other than those outlined above and all forms of provision along the continuum are relevant to this study.

The NCSE has a role to provide independent policy advice on special education matters to the Minister for Education and Skills. The development of this policy advice is informed by the broad range of work undertaken by the NCSE, including its research work. The NCSE has an extensive research programme and the output from some of the projects within this programme contributes to the development of advice. The nature of this research varies, and include empirical research

under thematic areas on the Irish experience of special education and specific literature reviews on particular themes or specific categories of SEN.

Evidence and lessons arising from international policies and practices can make an important contribution to the development of policy advice. The NCSE wishes to commission a review of policies and practices along the continuum of education provision for children with SEN in other countries and jurisdictions. This review will specifically focus on a detailed documentation and analysis of key national or regional government policies and the manifestation of these policies into practice at a local level in a strategically selected number of countries and jurisdictions. This work will also involve visits to a number of these countries for a more forensic review of policies and practices.

The NCSE has commenced the development of its policy advice and this review is being commissioned in order to enhance its repository of information from other countries and jurisdictions. An understanding of international policies and practices is a critical reference point for consideration in the Irish context when developing policy advice.

1.3 Aim of the Study

The overarching aim of this study is to review international policies and practices in the relation to the continuum of education provision for children with SEN to build a bank of information that can be referred to and considered in the development of the NCSE's policy advice on special education matters.

Key research questions include:

1. What does the continuum of education provision for children with SEN look like in other countries and jurisdictions and how does it currently work?
2. What legislation currently underpins and what policies govern the provision in these countries and jurisdictions?
3. What are the criteria for placing children with different SEN in different settings along the continuum of education provision?
4. How does the continuum of education provision for children with SEN in other countries and jurisdictions compare with existing provision and policy in Ireland?
5. In the context of an inclusive education as enshrined within the EPSEN Act (2004), what are the implications of this review for the development or implementation of a continuum of education provision for children with SEN in Ireland?

1.4 Key tasks are to:

1. Conduct a review of the international literature focused on the continuum of education provision for children with SEN for the purpose of setting a context for the data collection exercise in other countries/jurisdictions and establishing working definitions.
2. Drawing on the literature, develop a common framework for the collection of data from other countries/jurisdictions.
3. Choose, in consultation with the NCSE, a number of countries/jurisdictions illustrating a broad range of issues, to be explored in more detail for the study, providing a rationale for choosing these countries/jurisdictions.
4. Document the legislation that underpins and the key policies that govern special education provision along the continuum in these countries/jurisdictions.
5. Describe what the continuum of education provision for children with SEN looks like in these countries/jurisdictions and how it works. Describe the provision in detail covering the following areas:

- a. Funding models and models for allocation of resources/supports
 - b. Type of resources/supports available at school and classroom level (teaching, special education teaching, teaching assistant, care support, assistive technology, psychological, health supports etc.)
 - c. Type of qualifications or professional standards required for teachers/special education teachers working in settings across the continuum
 - d. Type of resources/supports provided from outside of school, from the education system and from other systems, e.g. health system
 - e. Categories or types of SEN catered for along the continuum of provision, i.e. specific SEN categories or mixed SEN categories for special classes or schools
 - f. Placement/enrolment/eligibility criteria for the placement options and review procedures
 - g. Policies and detailed information on the arrangements surrounding dual enrolment/placement in a special school and mainstream school; a special class and mainstream class; or a special class and special school or across any other relevant setting.
6. Choose, in consultation with the NCSE, the countries that will be explored in more detail through country visits, providing a rationale for choosing these countries.
 7. In relation to the country visits, provide more detailed information and analysis on the manifestation of these policies into practice at a local level.
 8. Provide an analysis of the trends emerging across these countries/jurisdictions and compare to the Irish context. This comparison and analysis should be located in an overview of the continuum of provision in Ireland and its legislative and policy basis.
 9. Provide a database of source material and contact details of key personnel so that the NCSE can make future contact with other countries/jurisdictions and keep the information up to date.

1.5 Expected Outputs

The key output from this study will be a publishable report which should:

- be accessible to a wide audience
- withstand peer review
- comply with NCSE Report Structure Guidelines.

Progress / interim reports will be expected and these will be scheduled on the basis of a formal work plan agreed with the successful tenderer.

1.6 Expected Timelines and Budget

The estimated budget for this study is approximately €90,000 (excluding VAT). It is envisaged that the study will commence in January 2011 and that a final report will be submitted the end of December 2011.

1.7 Checklist for Tenderers

The format for tenders is outlined in detail in the next section. However tenderers are advised to ensure that submitted proposals contain **all the relevant information required** and are reminded that;

- The NCSE application form must be used to submit a proposal and all the required information should be provided **in the correct format by the tender deadline**.

- Joint tenders are welcome, however, the Principal Investigator must be clearly identified and lines of responsibility and roles between collaborating bodies and personnel must be clearly outlined.
- Relevant knowledge, expertise, skills and qualifications among the proposed researchers must be clearly identified as required.
- Proposals should clearly outline how the tenderer understands the aims of the research, its policy, research and or legislative contexts, how the research questions will be addressed and how the key tasks will be undertaken.
- Proposals should include a clear description of the proposed methodology, which should be both robust and transparent.
- Any ethical implications arising should be clearly identified, and an outline of how these issues will be addressed should be included as required in the application form.
- Detailed costings are required on a per diem basis for each of the personnel involved in the study and detail should also be provided on the number of days each member of the research team will contribute to the study.
- Administrative or overhead costs should be also itemised and outlined separately. If a per diem rate for any of the personnel includes an overhead cost, this should be indicated.
- The estimated budget for this project excludes VAT. Costings provided should exclude VAT - though VAT costs can be indicated separately.

SECTION 2: Format and Submission of Tenders

2.1 Format of Tender Proposal

To make the selection, the capability and suitability of tenderers will be assessed. Tenderers should include sufficient information to permit the awarding authority to evaluate the competency of the service provider. This information should be provided as required, and within the word counts indicated, in the tender application form.

The awarding authority reserves the right to seek additional information and / or interview tenderers in connection with its assessment of their tenders, but will not be held liable for any costs incurred in this regard by tenderers.

2.2 Submission of Tender Proposals

All those wishing to tender are required to submit

- four (4) hard copies of the required tender proposal (on the NCSE application form) together with
- four (4) hard copy CVs each for the principal investigator and individual research team members **(please note that individual CVs should not exceed 3 A4 pages in length).**

Tenders should be submitted in a sealed envelope clearly marked: *“Continuum of Provision Study”*. The name and address of the tenderer should also be clearly marked in the top left corner of the envelope. Tender proposals should be sent to:

**Jennifer Doran,
Head of Research and Development,
National Council for Special Education,
1 – 2 Mill Street,
Trim,
Co. Meath.
Ireland.**

Tenders should arrive not later than 16.00 hours GMT on Monday 29th November 2010.

Tenders which are received late will not be considered. Please note that once tenders have been submitted, no individual negotiations will take place and the awarding authority's decision will be final.

SECTION 3: Further Information and Queries

3.1 Further Information and Query Handling

Every effort has been made to ensure that this documentation contains all the necessary information for completion of tenders. However, in the interests of equity, requests for additional information, clarification on the content of this document and all other queries of substance (other than in relation to purely factual or procedural matters) must be made in writing or by email.

Any additional information elicited will be made available to all potential tenderers who have obtained a copy of this document from the NCSE.

Any queries should be submitted by **email or in writing only**, not later than 16.00 hours on **Monday 22nd November** and addressed to:

**Jennifer Doran,
Head of Research and Development,
National Council for Special Education,
1 – 2 Mill Street,
Trim,
Co. Meath.
Ireland.
Email: Jennifer.Doran@ncse.ie**

SECTION 4: Qualification Criteria and Award of Contract

4.1 Qualification Criteria

Tenders will be examined initially with reference to the following:

- (a) Completeness of proposals and tender documentation as specified in this tender invitation.
- (b) Stated ability of the tenderer to meet all the requirements specified in this tender

invitation

- (c) Statement that none of the circumstances listed in paragraphs 1 and 2 of Article 45 of EU Directive 2004/18/EC apply to the tenderer (*Appendix A*)
- (d) Technical capacity and financial standing as evidenced by the information in this tender invitation

Only those tenders which satisfy conditions in relation to the above will be eligible for inclusion in the award process.

4.2 Criteria for Award of Contract

The contract will be awarded to the **most economically advantageous tender** of those meeting the specifications set out in this tender invitation, and not otherwise validly excluded, on the basis of the following award criteria [*scored from 100 marks weighted as indicated*]:

- Quality of proposals for providing the services outlined in this tender invitation (*40 marks*). Quality will be assessed on the basis of:
 - clarity and understanding of the research aims
 - knowledge of the subject area
 - outline and rationale for the proposed methodology
 - appropriate ethical standards.
- Expertise, skills and experience of assigned personnel in providing the type of services described in the tender document (*35 marks*) including:
 - demonstrated and extensive research, data analysis and report writing skills
 - demonstrated experience of managing projects of this scale within expected timeframes and budgets
 - knowledge and understanding of special education issues.
- Proposed cost/value for money (*15 marks*)
- Timescale and evidence of a planned approach to the management of the phases and tasks involved and the efficient completion of the project (*10 marks*)

During the evaluation period clarification may be sought in writing from tenderers. Responses to requests for clarification may not materially change any of the elements of the tenders submitted. No unsolicited communications from tenderers will be entertained during the evaluation period. A number of the most competitive tenderers may be invited to make presentations on their proposals for the purpose of elaboration, clarification and / or aiding mutual understanding. Any proposed subcontractors may be required to participate in the presentation.

4.3 Award of Contract

Before a contract is awarded, the successful tenderer will be required to produce, within ten working days, a Tax Clearance Certificate, or, in the case of a non-resident supplier, a statement of suitability on tax grounds from the Irish Revenue Commissioners (Tax Clearance Section, Office of the Collector-General, Sarsfield House, Limerick). Application for the Certificate should be made on a standard form, which will be supplied by the Revenue Commissioners. Where a Tax Clearance Certificate expires within the course of the contract the awarding authority

reserves the right to seek a renewed Certificate. All payments under the contract will be conditional on the contractor(s) being in possession of a valid Certificate at all times.

There will be an appropriate interval after the award decision is notified before a formal contract is put in place with the successful tenderer.

In addition, contractors must retain records of tax reference numbers for any sub-contractors where payments exceed €634.87 (including VAT).

The following conditions will apply:-

- i. Any conflicts of interest involving a contractor must be fully disclosed to the awarding authority, particularly where there is a conflict of interest in relation to any recommendations or proposals put forward by the tenderer.
- ii. 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.
- iii. The successful contractor will be paid in accordance with the provisions of the Prompt Payment of Accounts Act, 1997 and is obliged to pay subcontractors in accordance with the provisions of that Act.
- iv. In accordance with Government requirements, payments for professional services will be subject to withholding tax as laid down by the Revenue Commissioners.
- v. Prices and rates quoted should be in euro and be exclusive of VAT. The VAT rate(s) applicable should be indicated separately.

SECTION 5: Terms and Conditions

5.1 Terms and Conditions

The supply of this request for tender and the overall process of evaluation and selection are subject to the following conditions;

- i. That only tenders submitted in the English or Irish language will be accepted.
- ii. That the awarding authority will not be liable in respect of any costs incurred by tenderers in the preparation of tenders, or any associated work effort.
- iii. That all information provided by the awarding authority will be treated in strict confidence by the tenderer.
- iv. That the awarding authority will treat as confidential all information provided by the tenderer, subject to its obligations under the Freedom of Information Act, which became effective on 21 April 1998. If the tenderer considers that certain information supplied should not be disclosed for reasons of commercial or other sensitivity, this should be identified and reasons for it being deemed sensitive given. The awarding authority will subsequently engage in consultations with the tenderer about such sensitive information before making a decision in relation to any request received under the Freedom of Information Act. If no information is identified as sensitive, with supporting reasons, then it is liable to be released in response to such a request.

- v. That the awarding authority reserves the right to update or alter any information contained within this briefing document at any time. Participating tenderers will be so informed.
- vi. That the information supplied in response to this request for tender will be regarded as forming part of any future contract entered into.
- vii. All outputs arising from this research including, but not limited to data, reports, information etc. will remain the sole property of the awarding authority, irrespective of whether or not the contract is terminated prior to its completion.
- viii. Progress and final reports will be completed within Council templates.
- ix. Final payment will only be issued to the successful tenderer once the quality of the work is reviewed under the Council's evaluation framework and signed off by Council.
- x. The awarding body will grant a license to the successful tender to use the material generated in the research for academic, teaching and research purposes three months after the final research report has been signed off. Any publication of material or findings in advance of this may only be done so with the explicit permission of the awarding body.

APPENDIX A

ARTICLE 45 OF EU DIRECTIVE 2004/18/EC

Personal situation of the candidate or tenderer

1. Any candidate or tenderer who has been the subject of a conviction by definitive judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract:

- (a) participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA¹;
- (b) corruption, as defined in Article 3 of the Council Act of 26 May 1997² and Article 3(1) of Council Joint Action 98/742/JHA³ respectively;
- (c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities⁴;
- (d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering⁵.

Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.

They may provide for a derogation from the requirement referred to in the first subparagraph for overriding requirements in the general interest.

For the purposes of this paragraph, the contracting authorities shall, where appropriate, ask candidates or tenderers to supply the documents referred to in paragraph 3 and may, where they have doubts concerning the personal situation of such candidates or tenderers, also apply to the competent authorities to obtain any information they consider necessary on the personal situation of the candidates or tenderers concerned. Where the information concerns a candidate or tenderer established in a State other than that of the contracting authority, the contracting authority may seek the cooperation of the competent authorities. Having regard for the national laws of the Member State where the candidates or tenderers are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control in respect of the candidate or tenderer.

2. Any economic operator may be excluded from participation in a contract who:

- (a) is bankrupt or is being wound up, whose affairs are being administered by the court, who has entered into an arrangement with creditors, who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;

¹ OJ L 351, 29.12.1998, p. 1.

² OJ C 195, 25.6.1997, p. 1.

³ OJ L 358, 31.12.1998, p.2.

⁴ OJ C 316, 27.11.1995, p. 48.

⁵ OJ L 166, 28.6.1991, p. 77. Directive as amended by Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 (OJ L 344, 28.12.2001, p. 76).

- (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- (c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
- (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information.

Member States shall specify, in accordance with their national law and having regard for Community law, the implementing conditions for this paragraph.

3. Contracting authorities shall accept the following as sufficient evidence that none of the cases specified in paragraphs 1 or 2(a), (b), (c), (e) or (f) applies to the economic operator:

- (a) as regards paragraphs 1 and 2(a), (b) and (c), the production of an extract from the "judicial record" or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or the country whence that person comes showing that these requirements have been met;
- (b) as regards paragraph 2(e) and (f), a certificate issued by the competent authority in the Member State concerned.

Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified in paragraphs 1 and 2(a), (b) and (c), they may be replaced by a declaration on oath or, in Member States where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that person comes.

4. Member States shall designate the authorities and bodies competent to issue the documents, certificates or declarations referred to in paragraph 3 and shall inform the Commission thereof. Such notification shall be without prejudice to data protection law.