



## **ANNEX A**

### **TERMS OF REFERENCE**

#### **CONSULTANCY FOR THE DEVELOPMENT OF THE CODE OF PRACTICE FOR PUBLIC PASSENGER VEHICLES**

##### **JAMAICA COUNCIL FOR PERSONS WITH DISABILITIES**

### **1.0 BACKGROUND**

The passage of the Disabilities Act, 2014 represents the commitment of the Government of Jamaica to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which Jamaica ratified in March 2007 to ensure the protection of the rights of Persons with Disabilities (PWDs). This international agreement was formulated in recognition of the fact that the potential of PWDs was not being realized and that they were being denied their human rights and kept on the margins of society in all parts of the world.

In October 2014 the landmark Disabilities Act, was passed in Parliament and assented to by the Governor General on October 31, 2014.

The Act seeks to promote, protect and ensure the full and equal enjoyment by persons with disabilities, of privileges, interests, benefits and treatment, on equal basis with others. The Act describes a *"Person with a disability" as including a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons"*

This legislation seeks to ensure the full participation of PWDs in all facets of society. However, the following areas have been expressly addressed in the Act:

- Protection from Discrimination – Section IV
- Education and Training – Section V
- Housing and Premises – Section VI
- Political Office and Public Life – Section VII
- Health Care and Facilities – Section VIII
- Employment – Section IX
- Public Passenger Vehicles – Section X

The Act also establishes the Jamaica Council for Persons with Disabilities (JCPD) as a body corporate charged with the responsibility of ensuring proper monitoring of the implementation of the Act, including the taking of complaints from PWDs and the conducting of investigations *inter alia*. The Act also allows for the PWD to apply for redress where there has been a breach of the provisions of the Act or any established Codes of Practice.

The Act will come into effect on a date to be appointed by the Honourable Minister of Labour and Social Security shortly. The Act is applicable to the Crown as well as all other stakeholders and individuals in the private and public sector as such the Codes must provide the practical guidance to ensure the full inclusion of all persons with disabilities with their varying needs for reasonable accommodation *inter alia*.

From preliminary consultations held between November 2014 and January 2015 relevant information from the disability community, Ministries, Agencies and Departments for the Codes of Practice has been combined formulating a base from which this work is to be finalized.

## **RATIONALE**

The Disabilities Act Section 6e mandates the Jamaica Council for Persons with Disabilities to prepare Codes of Practice for the avoidance of discrimination on the grounds of a person's disability.

***According to Section 9:***

***The Council shall -***

- a) Prepare codes of practice for guidance on matters under this Act; and***
- b) Review those codes of practice and where appropriate, make alterations thereto.***

## **OBJECTIVES**

The JCPD seeks to recruit an individual consultant, who is a Policy Development Specialist with strong research skills and previous research experience on access to services for persons with disabilities. The Consultant will provide technical and policy information in the preparation of the draft Code of Practice as well as prepare the Code in respect of Public Passenger Vehicles for presentation to the MLSS Minister, Permanent Secretary and Legal Division. The aim is to recognize the right of persons with disabilities to ensure that they are not discriminated against to have access to transportation particularly Public Passenger Vehicles.

## **2.0 SCOPE OF WORK**

1. Review National Policy for Persons with Disabilities, 2000; the Disabilities Act, 2014; the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD); the Report on the Consultations to Inform the Code of Practice; the Final Pre-Conference Disability-Inclusion Roundtable Report, 2016, the National Transport Policy, 2004; The Road Traffic (Amendments) Act, 2018; The Public Passenger Transport (Rural Area) Act, 2005, The Transport Authority (Amendments) Act, 2014; The Transport Authority

(Amendments) Regulations, 2020, and any other relevant legislations, reports, documents or materials deemed necessary.

2. Identify the Gaps, Prepare and submit Gap Analysis Report based on the findings of the materials reviewed.
3. Prepare and submit an Inception Report which details the Literature Review, Methodology/approach to the assignment and a related work implementation plan and draft of any questionnaire instruments to be used.
4. Conduct research on existing laws and policies to determine provisions to be included in the Code of Practice for Public Passenger Vehicles having regard to relevant local, regional, and international laws, policies, conventions, and best practices.
5. Prepare and submit for discussion and finalization with JCPD & relevant parties the 1<sup>st</sup> Draft of Code of Practice for Public Passenger Vehicles.
6. Formulate and submit 2<sup>nd</sup> draft of Code of Practice for Public Passenger Vehicles to JCPD for discussion and feedback by relevant parties.
7. Hold three virtual regional broad-based stakeholders' consultations to include disability sector partners, persons with disabilities and others to present and discuss draft report before submission of final draft of Code of Practice for Public Passenger Vehicles.
8. Prepare a Stakeholder Consultation Report.
9. On the basis of recommended adjustments, analyze the recommendations and submit a Final Draft.
10. Following comments from key policy stakeholders including the respective Permanent Secretaries and portfolio Ministers and the Advisory Board of the JCPD to finalize the Code of Practice for Public Passenger Vehicles for submission of a Final Report to the JCPD.

**NB**

**Draft Submissions are to be done in soft copies. Final submission is to be done in hard copies (3) and on CD (1 copy).**

### 3.0 CHARACTERISTICS OF CONSULTANCY

#### 3.1 DURATION

The duration of the contract is **Eight (8) months**.

#### TYPE OF CONSULTANCY

Individual - the consultant is required to provide his/her own resources in carrying out the duties of this consultancy

#### 3.2 TYPE OF CONTRACT – Lump Sum

The contract sum covers all the costs associated with the implementation of the consultancy

#### 3.4 DELIVERABLES AND REMUNERATION

Payments will be made to the Consultant on submission of deliverables based on the following schedule.

<b>DELIVERABLES</b>	<b>TIMEFRAME FOR DELIVERY</b>	<b>% Disbursement of Total Consultancy Price</b>	<b>PERIOD OF REVIEW</b>
<b>INCEPTION REPORT &amp; WORK PLAN</b>	Projected two (2) weeks from signing of the contract	20%	Within Fifteen (15) Business Days
<b>GAP ANALYSIS REPORT</b>	Projected three (3) weeks from signing of the contract	20%	Within Twenty (20) Business Days
<b>1<sup>st</sup> DRAFT CODE OF PRACTICE</b>	Seven (7) weeks from start of contract	20%	Within Fifteen days (15) Business Days
<b>REVISED FIRST DRAFT</b>	2 Weeks after receipt of response	Nil	Fifteen (15) Business Days
<b>2<sup>nd</sup> DRAFT CODE OF PRACTICE</b>	2 Weeks from response of 1 <sup>st</sup> draft	Nil	Twenty (20) Business Days
<b>Consultation Report and Virtual Regional Consultations held (to be</b>	Within 2 weeks after last Consultation3 weeks after	10%	

<b>facilitated by Consultant) following 2<sup>nd</sup> draft Code of Practice with key stakeholders before submission of final draft of Code of Practice for Public Passenger Vehicles</b>			
<b>REVISED 2<sup>ND</sup> DRAFT</b>	2Weeks after Consultations and receipt of response	Nil	Fifteen(15) Business Days
<b>FINAL REPORT ON THE CODE OF PRACTICE</b>	Within 3 weeks after feedback	30%	Within thirty (30) Business Days to include consultation with Permanent Secretary Board and Minister
		<b>TOTAL 100%</b>	

Payments will be made by cheque in Jamaican currency on the recommendation of the Executive Director of the JCPD, approval of the Chief Technical Director and upon certification by the relevant parties in the MLSS.

### **3.5 REPORTING REQUIREMENTS**

The Consultant will report directly to the Executive Director of the Jamaica Council for Persons with Disabilities (JCPD) with final approvals from the Chief Technical Director in the Ministry of Labour and Social Security.

### **4.0 QUALIFICATIONS & EXPERIENCE**

Eligible Consultants should have the following qualifications and experience:

- 4.1 Postgraduate qualifications (Masters, ABD or PhD) in Public Policy, Public Administration, Social Sciences, International Development Policy or other related fields.

- 4.2 Expertise in in the area of transportation (with emphasis on public transportation) having completed development work in this area.
- 4.3 Proficiency in research, strategic planning and policy development having worked in the area for at least ten (10) years; having technical responsibility for the development of research or policies related to the area of disabilities and/or social protection.
- 4.4 Completed at least two (2) Professional research projects over the last 5 years.
- 4.5 Experience in Project Management

## 5.0 EVALUATION CRITERIA

Technical Criteria	Technical Sub-criteria	Maximum Points
<b>Education</b>	Postgraduate qualifications (Masters, ABD or PhD) in Public Policy, Public Administration, Social Sciences, International Development Policy or other related fields.	10
<b>Sub-Total</b>		
<b>Work Experience</b>	Proficiency in research, strategic planning and policy development having worked in the area for at least ten (10) years; having technical responsibility for the development of research or policies related to the area of disabilities and/or social protection.	15
<b>Sub-Total</b>		
<b>Knowledge</b>	Expertise in transportation (with emphasis on public transportation) having completed development work in this area.	10
	Evidence of strong research skills: a) Knowledge disability policy and legislation. <b>(max. 10 points)</b> b) Completed at least two (2) Professional research projects over the last 5 years. <b>(max 10 points)</b>	10
<b>Sub-Total</b>		
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>• Demonstrates understanding of scope of work, including ability to perform the tasks <b>(Max 10 points)</b></li> <li>• Quality of proposed Implementation Plan, i.e., how the individual will undertake and execute each stage, with proposed project schedule. <b>(Max 10 points)</b></li> </ul>	20

<b>PowerPoint Presentation</b>	Demonstrates a clear plan to produce relevant and concise policy recommendation.	15
<b>Cost</b>	Cost will be apportioned as follows:  The bidder with the lowest bid price will received the full marks of 20 points. All other bid price will be prorated using the following formula: <u>Lowest proposal price X Allocated Score (20)</u> Proposal sum being evaluated	20
<b>Sub-Total</b>		
<b>Total Score</b>		<b>100</b>

*CV's and Proposal must be emailed as outlined below:*

**E-mail:** [procurement@mlss.gov.jm](mailto:procurement@mlss.gov.jm)

**Deadline:** *Monday June 21, 2021, before 5:00 p.m.*

**Attention:** *Senior Procurement Officer, Ministry of Labour & Social Security, 1F North Street, Jamaica*