



Legal Aid
Agency

Further information arising from discussions at the market engagement event (held online via MS-Teams) for the procurement of Specialist Quality Mark Services from April 2022

Some of the issues raised at the events will be answered by the information given in the Information for Applicants document ("IFA"), which will be available on our website when the tender process for Specialist Quality Mark ("SQM") services opens, which we expect to occur in late August/early September 2021.

The content of the slides used at the events were shared with market engagement attendees after the session. Attendees were also notified that we would be publishing the slide deck and answers to any questions on the LAA website.

In addition, there were a number of questions raised at the market engagement event that we consider to be of wider interest. These have been collated and answered centrally in writing to ensure that all interested parties have equal access to information in the answers. Those questions and our answers are published within this further information document.

The information provided both within this document and at the market engagement event is intended to assist interested organisations to consider how they might bid for a contract. However, any organisation wishing to tender for an SQM Contract must consult the IFA document for final details of the procurement process when the SQM Invitation To Tender opens as that is the document which sets out the definitive position.

1. Are there any plans to change/update the SQM standard?

The Specialist Quality Mark (SQM) Standard was last updated on 1 April 2017. The Legal Aid Agency (LAA) periodically reviews and updates the SQM Standard and the current version will be updated as part of the forthcoming procurement process. It is not currently envisaged that there will be significant changes to the SQM Standard.

2. Will those organisations that provide consultancy for legal aid/SQM contracts be able to audit those firms against SQM or will this be considered a risk to impartiality?

The draft contract will be published alongside the procurement opportunity and will detail how the successful bidder must deliver the service, including ensuring conflicts of interest are identified and appropriately managed. As part of the procurement process the LAA intends to test how Applicants will manage potential conflicts of interest to maintain the integrity of the SQM process.

3. What impact will the option to charge less than the maximum price have on legal service providers who hear about others being charged less than them?

The current SQM License Agreement does not set out when the Licensee is or is not permitted to charge SQM Applicants and SQM Holders less than the maximum price for audits that they submitted in the tender, as long as their contracts with those organisations include reasonable and fair terms relating to the price payable.

Examples of circumstances where a Licensee might choose to charge less than the maximum audit price would be to win business, manage work volumes or to support clients undergoing financial hardship. The LAA intends to make it mandatory for the next Licensee to offer a hardship scheme in exceptional circumstances where the SQM Applicant or SQM Holder can demonstrate they are suffering financial difficulties. We are also intending to require the Licensee to publish clear and transparent guidance on the fees the SQM Applicants and SQM Holders will be charged for an audit.

While the Licensee may for commercial reasons choose to charge less than the maximum price for audits we would not expect fees to be different for SQM Applicants or SQM Holders who fall within the same cohort on the pricing matrix except for reasons of hardship.

4. Do you have a date when the tender will be released?

We anticipate the Invitation To Tender will open in late August/early September. A notice will be published on Contracts Finder and the Find a Tender Service inviting applicants to respond to the Invitation To Tender for the contract when the procurement opportunity is launched. The launch will also be announced on the relevant Legal Aid Agency tender page on GOV.UK.

5. How many bidders are you intending to invite to tender?

There will be no limit on the number of organisations who may respond to the procurement process. The procurement will operate under the open procedure and any organisation that meets our minimum requirements may access and respond to the Invitation To Tender when it opens.

6. Are there any criteria that would preclude anyone from tendering?

The procurement process will be open to any interested party who is able to meet the minimum requirements that will be outlined in the Information for Applicants document published as part of the tender.

7. Will you be issuing an evaluation response criteria/how you will score tenders?

Criteria and the LAA's approach to evaluating tenders will be included in the Information for Applicants document that will be published when the procurement opportunity opens.

8. Does TUPE apply to the contract?

It is possible that TUPE could apply so as to result in the transfer of some or all of the contracts of employment from the current SQM service provider to the successful bidder. Each bidder will need to form their own view (taking legal advice as necessary) as to whether or not TUPE applies.