



Legal Aid
Agency

Invitation to Tender to administer the Legal Aid Agency's Specialist Quality Mark from October 2022 Frequently Asked Questions (FAQ)

Many questions will be answered by the information given in the Information for Applicants document (IFA), which is available on the Tenders page of our website:

[Specialist Quality Mark Services from October 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/specialist-quality-mark-services-from-october-2022)

The deadline for questions about the IFA or the tender was **11:59pm 10 February 2022** (note this is referred to as the "End date for supplier clarification messages" on the e-Tendering system). We are therefore unable to answer questions received after that deadline.

Questions that we consider to be of interest have been collated and answered centrally in writing to ensure that all interested parties have equal access to information in the answers. These questions and answers have been published in this FAQ document.

Technical Questions on how to use the e-Tendering system

There is a helpdesk to provide technical support to Applicants using the e-Tendering system. However, the helpdesk is **unable** to assist you with problems with Applicants' own computer hardware or systems. For these types of issues, Applicants should contact their usual IT support.

Questions should be emailed to the following email address: help@bravosolution.co.uk. Alternatively, the telephone number for the Helpdesk is 0800 069 8630 (lines are open from 8am to 6pm Monday to Friday).

The helpdesk remains open until the tender closes. However, we recommend that you start to complete your tender early so that you identify any areas where you might need technical help as soon as possible, as the helpdesk is likely to be very busy in the days leading up to the tender deadline and cannot guarantee that queries received close to the tender Deadline will be dealt with in time and accepts no responsibility if they are not.

The Deadline for receipt of Tenders is 5pm on Thursday 10 March 2022.

Specialist Quality Mark (SQM) Services

1. Early Reaccreditation Discount

Are we right to assume that the firm has to have been assessed early to qualify for the discount rather than just have booked their assessment early?

Can you please advise if the discount should be applied to any ‘application’ for audit received 5 months prior to current certificate expiry or is this for any ‘audit’ that takes place 5 months prior to certificate expiry, e.g. if a current certificate expires in September, and the provider submits an application in March for the audit to take place in August, should the 5% discount be applied?

The Legal Aid Agency’s requirements in relation to the Early Reaccreditation Discount are set out in paragraphs 9.4 to 9.6 of the Draft Specialist Quality Mark Auditing Service Agreement 2022 (“the Draft SQM Agreement”).

The Early Reaccreditation Discount is triggered where an SQM Holder requests a Post-Quality Mark audit at least five months prior to the expiry of their existing SQM accreditation. It is then expected that the Licensee will undertake the audit within six weeks of the receipt of the request from the Legal Services Provider in accordance with the requirements in paragraphs 5.8 of Schedule 1 and paragraphs 2.1.3(b) of Schedule 3 of the Draft SQM Agreement.

Where the audit does not take place within six week of the request the provisions in paragraphs 9.5 or 9.6 of the Draft SQM Agreement apply:

1. The Licensee is not required to offer an Early Reaccreditation Discount where the Post-Quality Mark audit does not take place within 6 weeks of receipt of the request for an Audit due to the Legal Services Provider failing to agree to an offered date, requesting the Audit be postponed or similar
2. The Licensee will still be required to offer an Early Reaccreditation Discount where the Post-Quality Mark audit does not take place within 6 weeks of the request for an Audit due to it failing to comply with Paragraph 2.1.3(b) of Schedule 3 or postponing, cancelling or otherwise delaying any agreed audit date, unless, at the time of receipt of the request, the Legal Services Provider specifically requests an Audit date later than 6 weeks of receipt of the request and no later than three months prior to the expiry date of the Legal Services Provider’s current SQM accreditation and the Audit takes place within this period.

The situation where a Legal Services Provider submits an application for an audit five months prior to the expiry of their accreditation but requests an Audit date later than 6 weeks after receipt of the request is covered in paragraph 9.6 of the Draft SQM Agreement. In these circumstances, the Early Reaccreditation Discount applies if the audit is booked to take place no later than three months prior to the expiry date of the Legal Services Provider’s current SQM accreditation and takes place within this period.

In the example above, as the Audit has been requested for a date within three months of the expiry of the current SQM accreditation, the Licensee would not be required to offer the Early Reaccreditation Discount.

2. We note the rules regarding Connected Entities but could you please clarify whether an organisation can bid as a whole Group Entity with a group company delivering the service, e.g. Acme Group Limited as the bidder with the service delivered by Acme Certifications Limited (a wholly group-owned company)?

The rules in relation to Connected Entities are set out in paragraph 3.6 of the IFA. So in the example provided, while Acme Group Limited and Acme Certifications Limited cannot both bid, Acme Group Limited could bid and the service could be delivered by Acme Certifications Limited. In circumstances where Acme Group Limited enters into a sub-contract or appoints an agent, consultant or other third party to assist in relation to the delivery of the Services, paragraph 5.4 of the draft SQM Services Agreement 2022 states that as the Licensee it shall remain responsible to the LAA for the fulfilment of all of its obligations under the Agreement.

3. Is it possible to communicate the expected bidding timetable for the Legal Aid Civil Contracts procurement process to support our resource planning?

Ministerial priorities and policy-driven decision-making govern legal advice contract requirements and procurement timetables. This means the Legal Aid Agency does not have direct control of the timetable. The information provided here should not be taken as a commitment or representation by the Legal Aid Agency to proceed with a procurement as circumstances may change.

The Standard Crime Contract is currently being procured with the new contract expected to commence on 1 October 2022, with an anticipated contract term of 12 months with an option to extend. The Standard Civil Contract has a current contract end date of 31 August 2022, with a 12-month extension option available under the contract terms. No announcement has been made about how this extension option might be used.

4. With respect to Mobilisation are there contractual requirements placed upon the incumbent to support the transition?

Yes. There are contractual obligations on the incumbent to support the transition during the mobilisation period. These mirror the requirements that can be found in Schedule 6 of the Draft SQM Agreement.

5. We note that there are no published maximum wordcounts and font specifications for the narrative answers – is this correct?

Paragraph 3.65 of the Information for Applicants states that each text box has a maximum limit of 2,000 characters (including spaces). Applicants have the facility to use up to a maximum of three text boxes in their responses to each Sub-Criterion (allowing a total of 6,000 characters per response). Applicants will not be able to exceed the character limit when submitting their responses.

The font is set by the e-Tendering system.

6. Are we allowed to use diagrams, images and tables in the answers and are the text boxes in Bravo able to accommodate these?

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Text boxes are unable to accommodate any other format than text.

7. How are we to include the Credit Reference Report information within the Financial Viability Risk Assessment Pro Forma? Are we expected to embed the whole document or just enter the key facts – source of report, date and credit risk scores?

The Applicant should include within the Financial Viability Risk Assessment Pro Forma which Credit Reference Agency was used and the date the Credit Report was produced. The Credit Report itself should be embedded within the FVRA template in the relevant tab alongside the comment cell on the relevant row. As the sheet is protected it will not be possible to embed the Credit Report within the comment cell itself.

8. Within the Information for Applicants document, at 2.17 there is a requirement to evidence Cyber Essentials accreditation. Where the business model extends to the use of sub-contracted, self-employed Auditors to deliver the audit function, can you confirm if this requirement will also apply to them?

No. Paragraph 5.1.9 of the Draft SQM Agreement is clear that the requirement for sub-contractors to hold Cyber Essentials accreditation does not apply to “independent consultants carrying out Audits on behalf of the Licensee”.