

**Final Frequently Asked Questions document related to the Invitation to Tender to deliver face-to-face Actions Against the Police etc, Clinical Negligence and Public Law Services in England and Wales from 1 November 2015**

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

<https://www.gov.uk/government/publications/civil-tenders>

The IFA is also available within the Civil 2015 Qualification ITT in the eTendering system.

The deadline for questions about the IFA or the tender was **12 noon on 16 December 2014** (note this is referred to as the “End date for supplier clarification messages”) on the eTendering system.

Questions that we consider to be of wider interest have been collated and answered centrally within this document to ensure that all interested parties have equal access to the information contained in the answers provided.

In addition, at the end of this document is an Annex setting out answers to more general questions, most of which refer back to information available in the IFA document.

**Technical Questions on how to use the eTendering system**

There is a Helpdesk to provide technical support to Applicant Organisations using the eTendering System. However, the Helpdesk is **unable** to assist with problems with your own computer hardware or systems - for these types of issues, you should contact your usual IT support.

Questions should be emailed to the following email address: [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk). Alternatively, the telephone number for the Helpdesk is 0800 368 4850 (lines are open from 9am to 6pm Monday to Friday).

We recommend that you start to complete your tender early so that you identify any areas where you need 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.

**The deadline for receipt of Tenders is 12 noon on 23 January 2015.**

Civil 2015 Qualification ITT

**1. Could you confirm whether there is a PQQ to accompany these ITTs? The "My PQQ" section is blank when I log in.**

There is no separate PQQ to complete in the eTendering system. The questions relating to the grounds for mandatory and discretionary rejection are in the Civil 2015 Qualification ITT. This ITT must be completed and submitted as part of an Applicant Organisation's Tender.

Please refer to section 7 of the IFA on how to submit a Tender and specifically paragraph 7.1 which gives details about the ITTs an Applicant Organisation must respond to submit a complete Tender.

**2. Why does the Civil 2015 Qualification ITT not include questions about Lexcel or SQM accreditation or insurance as have been included in previous Tenders?**

It will be a condition of Contract award that all Providers hold either the Specialist Quality Mark (SQM) (as audited by the SQM Delivery Partnership) or Lexcel by the Contract Start Date (1 November 2015). See paragraphs 5.14 to 5.17 of the IFA for more details.

**3. Regarding question C.6.i of the Civil 2015 Qualification ITT (403). We have not had any Peer Reviews in Clinical Negligence so should we simply Respond with "Not Applicable"?**

The responses available to this question are 'Yes' and 'No'.

If an Applicant Organisation has received either a) two consecutive Peer Review ratings of 4; or b) a Peer Review rating of 5, in **any** of Actions Against the police etc, Clinical Negligence or Public Law they should answer 'Yes' and give details to the supplemental questions as requested within the eTendering system. Otherwise they should answer 'No'.

**4. Within the definition of key personnel in the glossary provided, could you please clarify exactly what is meant by "powers of representation" and "Senior managers"? We have put the questions to be asked of key personnel to our Equity Principles, Salaried Principles, and Head of Finance, but are unsure whether we need to extend our enquiries further than this.**

The definition of Key Personnel is set out in Annex F: Glossary of Defined Terms in the IFA. It is up to the Applicant Organisation to make a reasonable determination in terms of who the definition of Key Personnel will apply to in the context of their own organisational structure – including by reference to the requirements/responsibilities of such Key Personnel as referred to in the IFA.

Powers of representation in this context will include, but will not be limited to, the power to legitimately hold oneself out as an authorised representative of the Applicant Organisation with sufficient authority/responsibility to make representations and/or decisions on behalf of such Applicant Organisation to the extent that such representations/decisions are capable of being accepted and relied upon to the extent that they represent the collective and informed view and are made on behalf of the Applicant Organisation as a whole.

**5. Para 9.25 of the IFA refers to a condition of any Contract awarded to an Applicant Organisation with limited liability supplying the LAA with a relevant indemnity form appropriately signed or, at the LAA's discretion, a guarantee as an alternative to an indemnity. Can you provide details of the indemnity / guarantee required and**

**confirm if this has altered from the indemnity provided (for the current 2010 contract)?**

Indemnity forms are available on the gov.uk website:

<https://www.gov.uk/government/publications/personal-guarantee-and-indemnity>

Indemnity forms have been updated to reflect the change from Legal Services Commission to Legal Aid Agency.

**6. Regarding question A7 in the Civil 2015 Qualification ITT (403) could you confirm what effect, if any, it would have if, having submitted the application, the legal status of the organisation changes?**

It is not possible to say what effect a change in legal status would have on an Applicant Organisation's Tender as it depends on the specific change being made.

In accordance with paragraph 10.43 of the IFA an Applicant Organisation must inform the LAA of any change in circumstances, such as a change in legal status, that results in a material change to its submitted Tender. The LAA will conduct a re-assessment to ensure the Tender is not adversely affected.

**7. If an organisation is tendering for the AAP & Public Law contract, how many matter starts are there for 1 FTE fee earner?**

There are no limits placed on the number of Matter Starts 1 FTE fee earner can undertake in this procurement process.

*Actions Against The Police Queries*

**8. At paragraph 9.10 of the IFA it is stated that if one or more of the Delivery Plan questions are assessed as a fail (where a bid is made for a Lot 2) there are two possible consequences - what determines whether the bidding organisation is given the number of matters starts actually undertaken between 1 December 2013 and 30 November 2014, or the highest matter start allocation from Lot 1?**

Paragraph 9.10 of the IFA sets out that if the volume of Matter Starts between 1 December 2013 and 30 November 2014 means that the Individual Bid still qualifies for Lot 2 then that volume will be allocated. If that volume falls below the minimum allocation for Lot 2 then the maximum Lot 1 allocation will be made.

**9. If an organisation is granted a contract and does not actually use up the number of allocated matter starts (granted as either Lot 1 or 2) - what is the consequence?**

The rules on the allocation of Matter Starts in subsequent schedules are set out in paragraph 1.25 of the 2015 Standard Civil Contract Specification, which is available on Gov.uk:

<https://www.gov.uk/government/publications/standard-civil-contract-2015>

**10. Please could I clarify whether we would be permitted to provide services to clients who are resident outside procurement area in which our office is based as the documentation is not entirely clear. This relates to both controlled work and licensed work.**

Paragraphs 2.38 and 2.38A of the draft 2015 Standard Civil Contract General Specification (General Provisions 1-6) set out the rules with regards providing Controlled Work Services outside the Procurement Area in which you have a Matter Start Allocation.

The rules for undertaking Licensed Work are set out in section 5 of the draft 2015 Standard Civil Contract General Specification (General Provisions 1-6). There is no specific rule with regards which procurement area the client is residing in for licensed work.

**11. I note the requirement to have at least one Full Time Equivalent Supervisor for every 4 Full Time Equivalent Caseworkers. Is it permissible for there to be a Part time Supervisor provided that the requisite ratio is satisfied?**

Please see paragraph 5.3 and Annex B of the IFA for the Actions Against the Police etc Criteria requirements.

An Applicant Organisation must employ at least one full time equivalent (FTE) Supervisor within the organisation and there must be at least one FTE Supervisor for every four FTE caseworkers in each Procurement Area.

**12. Is it correct to assume that the same supervisor can supervise across different procurement areas without affecting the proposed 1:4 supervision ratio that applies to each, individual procurement area?**

The same individual can supervise across different Procurement Areas as long as the Applicant Organisation meets the Criteria in each Procurement Area in which it is bidding.

Please also see the response to question 11.

**13. How do we distinguish between and/or make tenders for both parts of the Actions Against the Police Contract in one Procurement Area? I.e: if we wish to apply for general actions against the police AND Abuse contracts in the London area? Does the Lot that we bid for cover matter starts for both categories?**

**We seek a contract in which we will deal with all types of work falling within the work category of Actions Against the Police. Given that the bulk of our work relates to Abuse in Care, which "Supervisor Standard and Declaration Form" do we need to complete? Do we complete the "Actions Against the Police etc. only" form or the "Actions Against the Police etc - Abuse in Care only" form?**

There is only one contract for Actions Against the Police etc Services etc and Applicant Organisations may only submit one Individual Bid for these Services per Procurement Area.

However, there are two Legal Competence Standards for Supervisors in this Category, and therefore two Supervisor Declaration Forms. Your Supervisor(s) in this Category must meet one of these two Legal Competence Standards in order to be awarded a contract. Please see paragraph 5.3 and Annex B of the IFA for the Actions Against the Police etc Criteria requirements.

The draft 2015 Standard Civil Contract category specific specification (General Provisions 1-6) sets out both Legal Competence Standards in paragraphs 7.6 to 7.17.

Contract documentation is available on the Gov.uk website:

<https://www.gov.uk/government/publications/standard-civil-contract-2015>

**14. We have multiple offices within the London Procurement Area. We would like to be able to see clients at all of these offices but base the team who undertake this work in one office.**

**Is it possible to have a number of offices with the same procurement area as outreach offices for this purpose? Is there a limit to the number of offices that can serve as outreach offices? Are there different supervisor to fee earner ratio criteria where there are named outreach offices or are we covered where the existing team will be undertaking this work within prescribed supervisor to fee earner ratios within the main office and only seeing clients on an outreach basis at the outreach offices.**

In accordance with paragraph 4.3 of the IFA, Applicant Organisations may only bid once per Procurement Area.

Where an Applicant Organisation bidding for Actions Against the Police etc has one or more Offices within a Procurement Area, they only need to provide the address and postcode of the primary location for the purposes of the Tender. However, this does not preclude Applicant Organisations from requesting additional locations within the Procurement Area as Outreach locations as set out under 2.35 of the draft 2015 Standard Civil Contract Specification (General Provisions 1-6).

Outreach locations do not form part of this procurement process. Successful Applicant Organisations can apply to their Contract Manager for the authority to provide outreach once the Contract has started. Requests for outreach will be dealt with on a case by case basis.

**15. How can we ensure that we do not breach the terms of the contract by commencing too many matter starts outside the procurement area in which we are awarded a Contract.**

Applicant Organisations can use the postcode tool to check that each of their Offices is in the Procurement Area in which they are bidding. They can also use the postcode tool to check the postcode of any client where they are unsure which Procurement Area they are located in.

The postcode tool is available in the 'Buyer Attachments' section on the left hand side of the ITT screen within the relevant ITTs in the eTendering system and on the Gov.uk website:

<https://www.gov.uk/government/publications/civil-tenders>

**16. On the Supervisor Standard declaration Form 3 i) b) should not be restricted to Police and Prison service. Please confirm that it will cover other examples of abuse of power, maladministration by an authority (eg school, local authority) which has involved loss of liberty, and infringements of human rights.**

The requirement set out in section 3.1b of the Actions Against the Police etc. Supervisor Self Declaration is correct and is consistent with the requirements of the Legal Competence Standard set out in paragraph 7.7 (2) of the draft 2015 Standard Civil Contract Category Specific Specification.

Clinical Negligence Queries

**17. Because of our expertise, we are frequently contacted by families in other parts of the UK and are currently able to apply for public funding for clients. Can you please confirm that we will still be able to apply for legal aid on behalf of clients who live outside our area or do we need an office in the area to be able to act for them?**

**We are obliged to indicate in the ITT the office in respect of which we are making a bid, and the procurement area in which the office is based. Please confirm whether we will be able to deliver our services from the office to clients resident across the whole of England and Wales. It is not clear whether we will be restricted only to client's who are resident in the same procurement area as our office.**

Applicant Organisations who submit a bid to deliver Clinical Negligence services in a particular Procurement Area, must have as a minimum, a Part Time Presence (see paragraphs 2.34A and 2.34B of the draft 2015 Standard Civil Contract General Specification (General Provisions 1-6)) within the relevant Procurement Area that they have submitted their bid to deliver the work in.

Paragraph 2.35 of the draft 2015 Standard Civil Contract General Specification (General Provisions 1-6) sets out that Providers must attend Clients in the Office or other permitted location named in the Schedule unless one of the listed exceptions applies.

**18. The Clinical Negligence Supervisor Declaration Form contains a section (3.ii.a - skills/procedure/knowledge from the last 24 months) where it asks for "area of knowledge". What is the correct way to answer this question?**

The 'areas of knowledge' column in section 3.ii.a should be completed with brief details of each case so as to confirm that it falls within the scope of legal aid for this Category.

All cases listed in 3.ii.a must fall within scope of legal aid as set out in paragraph 19 of the draft 2015 Category Definitions which are available to download from the Gov.uk website by clicking on the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/381653/2015-draft-category-definitions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381653/2015-draft-category-definitions.pdf) .

**19. Is it anticipated that anyone working under the supervisor and is carrying out clinical negligence work under the contract is an Authorised Litigator?**

It is not a requirement that every individual who conducts Clinical Negligence work under the Supervisor as part of the 2015 Standard Civil Contract will be an Authorised Litigator. However, it is a requirement that an Applicant Organisation employs, for at least 17.5 hours per week, an Authorised Litigator with experience of undertaking cases with the Clinical Negligence Category and who will be available to each of its Offices to deliver Licensed Work.

Please see paragraph 5.4 and Annex C of the IFA for the full Clinical Negligence Criteria requirements.

**20. Annex C of the Information for Applicants at A.1.ii refers to a ratio of one FTE Supervisor for every four FTE caseworkers. Can you please provide a definition of "Caseworker" for this purpose.**

“Caseworker” is defined in paragraph 2.26 of the draft 2015 Standard Civil Contract Specification (General Provisions 1-6). Contract documentation is available on the Gov.uk website:

<https://www.gov.uk/government/publications/standard-civil-contract-2015>

**21. Can examples of the 5 cases about neurological injury worked on in the last 24 months include cases which have not been fully resolved as yet?**

Yes, the cases worked on do not need to be closed but the Supervisor must have conducted work on them within the 24 months prior to the date the form is completed. Guidance on completing Supervisor Declaration Forms is available on the Gov.uk website:

<https://www.gov.uk/government/publications/standard-civil-contract-2015>

**22. The supervisor declaration form for clinical negligence prompts you to give 5 examples of cases in relation to brain injured babies from the last 24 months.**

**Is this in respect of each supervisor or can it include files of other fee earners supervised by them?**

**If you do not have 5 of these types of cases within the last 24 months, does that mean that you will not satisfy the supervisor status? Are you therefore disqualified from applying?**

**Would you please clarify how strict the LAA is on its criteria for 5 Cerebral Palsy cases to have been conducted by the category supervisor in the past 2 years. Would a supervisor who has conducted 4 such cases but who exceeds the minimum hours of work in other areas of clinical negligence practice be deemed acceptable?**

All case files listed on a Supervisor Declaration Form must be ones where the Supervisor the Supervisor Declaration Form relates to has personally had conduct of the work. If an Individual is not able to demonstrate that they have had conduct of the work on the requisite number of cases then they will not meet the Supervisor Standard.

A Supervisor must meet the Supervisor Standard in full. In Clinical Negligence this includes the requirement to have worked on at least 5 cases relating to the neurological Injury of an infant or neonate in the 24 months prior to the completion of the form.

In order to be awarded a Contract Applicant Organisations must be able to demonstrate, via a compliant Supervisor Declaration Form, that they have a least one Full Time Equivalent who meets the Supervisor Standard in Clinical Negligence.

**23. Annex C of the Information for Applicants at A.1.ii refers to a ratio of one FTE Supervisor for every four FTE caseworkers. Can you please confirm that these ratios relate only to those individuals who are undertaking Clinical Negligence work with the benefit of Public Funding rather than relating to the whole Clinical Negligence Department or wider firm?**

The requirements relating to Supervisor ratios are set out in paragraphs 2.25 – 2.27 of the draft 2015 Standard Civil Contract Specification (General Provisions 1-6).

The Supervisor to Caseworker ratio applies to individuals that meet the definition of Supervisor or Caseworker and undertake or will undertake publicly funded work where they have Schedule Authorisation in the Clinical Negligence Category of Law.

**24. The “SUPERVISOR STANDARD AND DECLARATION FORM” (Clinical Negligence only); section 3 ii) Skills/Procedure/Knowledge from the last 24 months; a) asks for 5 examples of cases where , “The clinical negligence must have occurred as set out in paragraphs 23 (2) and 23 (3) of Part 1, schedule 1 of LASPO.”**

However, the “Guidance on Civil Supervisor Requirements” document provides the following guidance, which suggests a wider pool of cases can be used:

**“The cases referenced do not have to be closed. They need not relate wholly or mainly to the relevant practice area, but must clearly and substantively demonstrate the knowledge, skill, or procedural expertise that is required so that if we were to check the files it would be evident to the author.”**

**Please advise as to which is the correct guidance.**

The Guidance on Civil Supervisor Requirements document provides generic advice about completing Supervisor Declaration Forms across all civil categories of law.

However the requirements set out in each individual Supervisor Self Declaration Form and the Category Specific Specification must be complied with to demonstrate compliance in the relevant Category of law.

**25. Can the Authorised Litigator and the Supervisor be the same person?**

The same person may act as both Authorised Litigator and Supervisor if the individual meets the requirements to be both a Supervisor and an Authorised Litigator.

**26. Under the draft 2015 Standard Civil Contract Specification; within the section, “Supervision Standards”; para 2.19 which states:**

**“A Supervisor must ensure that all persons performing Contract Work have a professional legal qualification or, where a professional legal qualification is not required in respect of Contract Work, such persons must perform a minimum of 12 hours’ work each week in the relevant Category of Law.”**

**In the Clinical Negligence category, is a professional legal qualification required in order to perform Contract Work?**

There is not a requirement that all individuals performing Contract Work have to have a professional legal qualification but the Applicant Organisation must comply with the paragraph 2.19 of the draft 2015 Standard Civil Contract Specification (General Provisions 1-6).

**27. With regard to the draft 2015 Standard Civil Contract Specification; and the section, Minimum Supervisor ratios; para 2.26 (c) which states:**

**“is a fee-earner to whom a specific caseload of Contract Work in the relevant Category is allocated and who is responsible for the progression of those cases (under supervision).”**

**If a solicitor has a caseload and that solicitor is solely responsible for the**

**progression of those cases but delegates specific tasks within each case to a Paralegal (who does not have their own caseload) but which is NOT administrative work; is the Paralegal in this scenario classed as a Caseworker?**

No. To meet the definition of Caseworker for the purposes of the Supervisor to Caseworker ratio an individual has to comply with all parts of paragraph 2.26. In the example given above the paralegal would not meet the definition of a caseworker as they do not have a specific caseload and do not have responsibility for the progression of cases.

**28. Can you confirm if we don't apply for a franchise/are unsuccessful in our application, will the LA Certificates in other ongoing clinical negligence cases continue until they conclude?**

Section 26 of the 2010 Standard Civil Contract Standard Terms sets out the consequences of the Contract coming to an end. Paragraphs 26.10 to 26.12 deal with the LAA's approach to remainder work.

**29. Please confirm that per 4 caseworkers x1 FTE supervisor is required and that this can be made up of 2 or more part-time supervisors i.e. total supervisor hours being 35 hours per week to make up x1 FTE supervisor per x4 FTE (35 hours) case worker.**

Yes, two individuals working part time can make up one FTE.

**30. Please confirm you require details of all authorised litigators within the team on this form.**

We only require the details of one Authorised Litigator that meets the requirements set out in paragraph 5.4 and Annex C of the IFA.

**31. Please confirm you require roll numbers for all authorised litigators listed and that where there is no roll number (e.g FCILEx) that a membership number will suffice.**

We confirm that valid roll numbers are required for all Authorised Litigators.

The definition of Authorised Litigator as set out in Annex E of the IFA (Glossary of Defined Terms) is "An individual who conducts litigation services as an authorised person in accordance with the Legal Services Act 2007."

Applicant Organisations intending to rely on a staff member who is a Fellow of the Chartered Institute of Legal Executives to meet the requirement to employ an Authorised Litigator by the Contract Start Date will need to check with the ILEX Professional Standard Ltd (IPS) that the individual in question meets this definition.

If an Applicant Organisation receives the necessary confirmation from IPS in the context of the services they are tendering to deliver, they should enter the Fellow of CILEx Membership number at 2.32.2 in the Technical Envelope where the Roll Number of the Authorised Litigator is requested. As part of the tender process, we will clarify with Applicant Organisations where the Authorised Litigator does not have an SRA Roll Number as to how they meet the definition of Authorised Litigator.

Public Law Queries

**32. In 3 i (a) quoted in your reply could you just clarify that it is not now a requirement for 1 case to come from one of the 5 categories set out in your response?**

An amendment has been made to section 3.i (a) (Legal Competence Standard for Supervisors- Areas of Knowledge) of the Public Law Supervisor Self Declaration form, in order to ensure that the text in the form is consistent with the text set out in the table at paragraph 7.17 of the draft 2015 standard Civil Contract Category Specific Specification.

Just to clarify the correct wording of this requirement is:

“Demonstrate a breadth of experience across the subject category. Within the last 3 years, 3 cases that have involved the application of the principles of public law across at least 3 subject areas, e.g. either different categories of law or distinct areas within a category of law.”

Therefore under the amended version of the Public Law Supervisor Self Declaration form (V2- 11/2014), you no longer need to provide a case example from a specific list of categories of law in order to meet this requirement.

**33. Paragraph 9.10 says:**

**"For Individual Bids where one or more of the Delivery Plan questions are assessed as a Fail the LAA will either:**

- Allocate Matter Starts based on the number that the Applicant Organisation has undertaken between 1 December 2013 and 30 November 2014 according to LAA records (if this volume means the Individual Bid still qualifies for Lot 2); or
- Allocate the highest Matter Start allocation available in Lot 1.

**Where the Individual Bid is for Public Law Matter Starts and the number of Matter Starts completed by the Applicant Organisation does not qualify the bid for Lot 2, does this mean, that 20 Matter Starts would be allocated and that the Applicant Organisation would be able to self grant an additional 50% i.e. up to 30.**

Yes. The self grant provision will apply to Individual Bids that on assessment the LAA re-classifies into Lot 1.

**34. Under the Public Law tender, are we able to accept any instruction from a client outside the relevant procurement area? If so what percentage of cases must be within and outside the area?**

Paragraphs 2.38 and 2.38A of the draft 2015 Standard Civil Contract General Specification (General Provisions 1-6) set out the rules with regards providing Controlled Work Services outside the Procurement Area in which you have a Matter Start Allocation.

The rules for undertaking Licensed Work are set out in section 5 of the draft 2015 Standard Civil Contract General Specification (General Provisions 1-6). There is no specific rule with regards which procurement area the client is residing in for licensed work.

**35. In a small 'one man' department, can the key personnel, supervisor and authorised litigator be the same person?**

The same person may act as both Authorised Litigator and Supervisor if the individual meets the requirements to be both a Supervisor and an Authorised Litigator. The same person may also be a member of the Applicant Organisation's Key Personnel if they fall within the definition of Key Personnel as defined in Annex F: Glossary of Defined Terms in the IFA.

Please note that the definition of Key Personnel applies to the Applicant Organisation as a whole not just the department that undertakes Public Law Services.

**36. Can one bid for more than one procurement area and enter 'full time' supervisor for one area and 'part time' in other areas, notwithstanding that there is only one supervisor employed for 35 hours a week?**

Please see paragraph 5.5 and Annex D of the IFA for the Public Law Criteria requirements.

An Applicant Organisation must employ at least one full time equivalent (FTE) Supervisor within the organisation and there must be at least one FTE Supervisor for every four FTE caseworkers in each Procurement Area.

**37. Please can you confirm how far must a Judicial Review case have progressed in order to count as an example of Judicial Review proceedings under 3 (ii)(b)?**

3 (ii) (b) of the Public Law Supervisor Declaration Form requests 1 example of Judicial Review proceedings. To meet this definition proceedings must have been issued.

**38. Please can you confirm whether there will be any sanctions if the 20 matter starts in Lot 1 are not delivered?**

While there are no automatic sanctions for not undertaking 20 MS in a year the number of MS used will be used to inform contract management activity which could, depending on the individual circumstances involved, lead to contract sanctions.

**39. Under the current contract we were restricted to 17 matter starts in the current year. The IFA implies that this factor places no limit on the number of matter start we tender for. Please confirm.**

The number of Matter Starts an Applicant Organisation has been allocated in their current Contract Schedule does not restrict the Lot or the number of Matter Starts they bid for in this procurement process.

Section 6 of the IFA sets out the Lot boundaries within which Applicant Organisations can bid and the additional requirement that Applicant Organisations must meet if they are bidding in Lot 2.

**40. How would an organisation that has currently undertaken fewer than 31 matter starts be able to meet the requirements of Lot 2?**

If an Applicant Organisation has undertaken fewer than 31 Matter Starts in the 12 month period then it can meet the requirements of Lot 2 by submitting answers to the delivery plan questions.

**41. KPIs (2015 Contract 2.63) - please supply an up to date list of outcomes regarded by the LAA as providing a substantial benefit to the client.**

This KPI applies to all Licensed Work in the Clinical Negligence and Actions Against Police etc. Categories only. However, these codes are set out in the Certificate Outcomes Checklist guidance, which is available to download on the Gov.Uk website by clicking on the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/310038/legal-aid-outcomes-checklist.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/310038/legal-aid-outcomes-checklist.pdf)

**42. Do you have to have different LAA account numbers for different procurement areas, where we only want to have one LAA account number?**

In order to meet the Criteria for Public Law set out in paragraph 5.5 and Annex D of the IFA and Applicant Organisation must have at least a Part Time Presence in the Procurement Area(s) in which it is bidding.

Each successful Individual Bid from a particular Office will be awarded a schedule that authorises the work able to be undertaken at that location and as such will require an individual account number.

## **ANNEX A**

Set out below are answers to general questions, most of which refer back to information available in the IFA document.

### **SECTION 1: Questions about using the Bravo eTendering System**

#### **Q - Do we need to register in Bravo again?**

If you have already registered on the system as part of a previous LAA tender exercise you do not need to register again unless your organisation name or status has changed. If your organisation has changed its name or status since you last tendered, you will need to register again to participate in this tender.

If you have forgotten your password you can click on the 'Forgotten your password?' link on the eTendering homepage to have your password reset. If you are having technical difficulties you can also contact our technical helpdesk by phone on 0800 368 4850 or by sending an email to [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk)

#### **Q - My organisation's status has changed (e.g. merged, novated with another organisation). Can I use the Bravo registration I created for my old organisation?**

If your organisation has changed its name or status since you last tendered, you will need to register again as a new organisation within the eTendering system to participate in this tender.

#### **Q - How do I use the e-tender system/I don't understand a specific part of the e-tender system**

Technical guidance on how to use the e-tender system can be accessed through the 'Technical Support and Guidance' link on the eTendering system home page <https://legalaid.bravosolution.co.uk>

If you are having technical difficulties you can also contact our technical helpdesk by phone on 0800 368 4850 or by sending an email to [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk)

#### **Q - The ITT is saying that I have un-read buyer attachments, but I've read them all**

This facility informs you when you have not opened documents within the ITT, for example the IFA document. The red text at the top of the ITT will confirm the number of unread attachments you have.

Attachments can be found by clicking on the 'Buyer Attachments' button on the left-hand side of the page.

#### **Q – Why can't I see X question? (NB - Conditional formatting is being used in this tender)**

Applicant Organisations will only be presented with questions that are relevant to them, based on their answers to earlier questions.

Section 7 of the Information for Applicants sets out how to complete and submit a Tender.

Technical guidance on how to use the e-tender system can be accessed through the 'Technical Support and Guidance' link on the eTendering system home page <https://legallaid.bravosolution.co.uk>. This has been updated to include an explanation of conditional sections (page 31 of the user guide).

**Q – Have you received my Tender? / Can you confirm I have submitted everything?**

Tenders are sealed. This means that the LAA is unable to access information about submitted Tenders prior to the deadline on 23 January 2015. LAA cannot confirm receipt of a Tender or if a Tender has been completed correctly.

To check you have successfully submitted your Tender go to the 'My ITTs' screen, which will show the new 'Response status' as 'Response submitted to Buyer'. The registered email address will also receive confirmation when you submit your response to this tender for the first time. You will receive one confirmation for each ITT response you submit.

You can check the information you have submitted in your response and if necessary edit and re-submit your response prior to the deadline. You can do this by clicking on the ITT, clicking 'Edit Response', make the changes then click 'Keep Changes' and 'Submit Changes' to re-submit your response. However, you will only receive confirmation that your response has been submitted the first time you submit your Tender.

If you edit and resubmit an ITT response you must ensure you have still submitted a valid Tender (i.e. a response to the Civil 2015 Qualification ITT and at least one Category Specific ITT) as the eTendering system will not flag where this is not done.

**Q - What do I do if I have made a mistake and I have already submitted my Tender/ an individual ITT?**

You can check the information you have submitted in your response and if necessary edit and re-submit your response prior to the deadline. You can do this by clicking on the ITT, clicking 'Edit Response', make the changes then click 'Keep Changes' and 'Submit Changes' to re-submit your response. However, you will only receive confirmation that your response has been submitted the first time you submit your Tender.

If you edit and resubmit an ITT response you must ensure you have still submitted a valid Tender (i.e. a response to the Civil 2015 Qualification ITT and at least one Category Specific ITT) as the eTendering system will not flag where this is not done.

**SECTION 2: Questions about the Tender**

**Q - Where can I find the IFA?**

Further information about the ITT for Actions Against the Police etc, Clinical Negligence and Public Law Services from November 2015 including the IFA is available on the Gov.uk website at

<https://www.gov.uk/government/publications/civil-tenders>

Alternatively, the IFA can be found as an attachment to the Civil 2015 Qualification ITT (403) in the eTendering system. Attachments can be found by clicking on the 'Buyer Attachments' button on the left-hand side of the page within the ITT.

**Q - What is the deadline for questions?**

If an Applicant Organisation has any questions about the content of the IFA they may submit them up until 12 noon 16 December 2015 through the eTendering system (note this is referred to in the eTendering system as the 'End date for supplier clarification messages').

Applicant Organisations that have questions about how to use the eTendering system may contact the technical support helpdesk. Questions on how to use the eTendering system should be emailed to the following email address: [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk). Alternatively, the telephone number for the helpdesk is 0800 368 4850 (lines are open from 9am to 6pm Monday to Friday).

Please refer to Section 8 of the IFA for Actions Against the Police etc., Clinical Negligence and Public Law Services from November 2015 for further information on how to ask questions.

**Q - What is the deadline for submitting a Tender?**

The deadline for submitting a Tender is 12 noon 23 January 2015.

**Q - Can I use a PQQ I have submitted for a previous tender?**

No. Applicant Organisations must complete and submit a full response, including answering the questions relating to the grounds for mandatory and discretionary rejection contained in the Civil 2015 Qualification ITT.

**Q - If I do X will I pass?**

We are unable to advise Applicant Organisations on how to structure their Tender. Each Applicant Organisation must decide how to structure their response. Please refer to the IFA for further information on how to complete and submit a Tender response and for detail on the Tender questions and how they will be assessed.

**Q - When will I be informed of the outcome of my Tender?**

Page 1 of the IFA includes an indicative timetable for the tender process. This indicative timetable confirms that Applicant Organisations will be notified of the outcome of the Tender in June 2015.

**Q - How will we be informed of the outcome of our Tender?**

All Applicant Organisations will be notified of the outcome of their Tender through the eTendering message board. Further information about what happens after a Tender is submitted is set out at Section 9 of the IFA.

**Q - Where is the postcode tool?**

The postcode tool can be found as an attachment to each of the Category Specific ITTs in the eTendering system. Attachments can be found by clicking on the 'Buyer Attachments' button on the left-hand side of the page within the ITT.

The postcode tool can also be found on the Gov.uk website at <https://www.gov.uk/government/publications/civil-tenders>

**Q - Where is the supervisor declaration form?**

The Supervisor Declaration Form for a Category of Law can be found as an attachment to the relevant Category Specific ITT in the eTendering system. For example, the Actions Against the Police etc. Supervisor Declaration Form can be found as an attachment to the Actions Against the Police etc. ITT. Attachments can be found by clicking on the 'Buyer Attachments' button on the left-hand side of the page within the ITT.

All three Supervisor Declaration Forms can also be found on the Gov.uk website at <https://www.gov.uk/government/publications/standard-civil-contract-2015>

**Q – Where is the Additional Office Form? (NB –Clinical Negligence only)**

The Additional Office Form is only required for Applicant Organisations making Individual Bids in Clinical Negligence from more than 10 Offices. For those making this many Individual Bids the form is available by clicking on the paperclip sign to the left of question B.1.e in the Individual Bid Information section for your tenth Office.

This form must be completed, saved on the Applicant Organisation's local system and uploaded by using the "Upload" button to the right of this question.

**Q – Where is the PQQ?/ Do I need to submit a separate PQQ for this Tender?**

There is no separate PQQ to complete in the eTendering system. The questions relating to the grounds for mandatory and discretionary rejection are in the Civil 2015 Qualification ITT. This ITT must be completed and submitted as part of an Applicant Organisation's Tender.

**Q – Which ITT's must I complete? /Do I need to respond to all four civil 2015 ITTs?**

In the eTendering system the tender is consists of four ITTs:

- ITT 403 – Civil 2015 Qualification ITT
- ITT 405 – Actions Against the Police etc (Civil Contracts 2015)
- ITT 404 – Clinical Negligence (Civil Contracts 2015)
- ITT 406 – Public Law (Civil Contracts 2015)

In order for an Applicant Organisation's Tender to be complete it must submit a response to the Civil 2015 Qualification ITT and a response to at least one of the Category Specific ITTs. However, you are not obliged to respond to all three Category Specific ITTs. You only need to submit a response to the Category Specific ITT(s) for the Category(s) you are interested in.

Each ITT needs to be submitted individually i.e. an Applicant Organisation needs to press 'submit response' button within each ITT it is completing. The eTendering system will not allow a response to be submitted to a Category Specific ITT without the Civil 2015 Organisation ITT being submitted first. However, the eTendering system will not prevent an Applicant Organisation from submitting a response to the Civil 2015 Qualification ITT without a response to one of the Category Specific ITTs.

More information about completing and submitting a Tender is in section 7 of the IFA.

**Q – Where do I find all the ITTs?**

The ITTs are all available via the 'Project' (all ITTs for this Tender are contained within Project 60) or 'ITT Open to all Suppliers' link on the front page of the eTendering System.

If an Applicant Organisation is already in one of the ITTs it can access the others by clicking on 'multi lot view' on the left hand side of the ITT screen.

**Q - Where can I find the Contract documents for 2015 Contracts?**

Standard Civil Contract 2015 documents have been published on the Gov.uk website:

<https://www.gov.uk/government/publications/standard-civil-contract-2015>

**Q - If we're awarded a contract, how long will the contract last?**

The Contract will start on 1 November 2015 and will run for three years i.e. until 31 October 2018 subject to the LAA's rights of early termination and right to extend the Contract for up to a further 2 years i.e. until 31 October 2020.