



Procurement of Civil Legal Aid Services in England and Wales from 1 September 2018: Civil Legal Advice Invitation to Tender Information for Applicants.

Introduction

On 26 September 2017 the Legal Aid Agency (“**LAA**”) invited tenders to provide the LAA’s publicly funded telephone-based Civil Legal Advice (“**CLA**”) Contract Work from 1 September 2018.

This was part of a wider procurement process for 2018 civil legal aid contracts to award face to face advice contracts, Housing Possession Court Duty Scheme contracts and CLA specialist telephone advice contracts (referred to as the “**Main Civil 2018 Procurement Process**”).

Further to the LAA’s announcement on 5 February 2018 that the procurement process for new CLA discrimination services had been cancelled following receipt of insufficient compliant tenders, the LAA is inviting tenders in the Discrimination Category of Law in this procurement process, referred to in this document as the “**Supplemental CLA Procurement Process**” or “**this procurement process**”.

Under the Supplemental CLA Procurement Process the LAA is inviting responses from Applicants to its Invitation To Tender (“**ITT**”) for the delivery of publicly funded civil legal aid services from 1 September 2018 under a 2018 Civil Legal Advice Contract (also referred to in this document as “**CLA Contract**” or “**Contract**”) in the Discrimination Category of Law only.

Tender Requirements: New Bidders and Previous Bidders

The tender requirements under this procurement process differ according to whether an Applicant is a new bidder or a previous bidder. The following table includes the definitions under which Applicants are classified as either new bidders or previous bidders and the tender requirements which apply to each:

Applicant classification	What constitutes a complete Tender	Additional confirmation regarding SQ Response
<p>New Bidders:</p> <p>Applicants that did not submit a tender for a Contract as part of the Main Civil 2018 Procurement Process or who did submit a tender but were excluded at Selection Questionnaire stage</p>	<p>Response to:</p> <ul style="list-style-type: none"> • Selection Questionnaire; and • CLA Discrimination ITT 	<p>N/A</p>
<p>Previous Bidders:</p> <p>Applicants that have previously submitted a tender for a Contract as part of the Main Civil 2018 Procurement Process</p>	<p>Response to:</p> <ul style="list-style-type: none"> • CLA Discrimination ITT 	<p>As part of their Supplemental CLA Procurement Process Tender, Previous Bidders must confirm that their response to the Selection Questionnaire (“SQ”) submitted in the Main Civil 2018 Procurement Process (“Previous SQ Response”) remains valid. In this context “valid” means that the Previous SQ Response remains correct; there has been no change to the Applicant’s circumstances that would affect the answers given in that Applicant’s Previous SQ Response.</p>

Any Applicant whose Previous SQ Response is no longer valid must respond as a New Bidder.

For the avoidance of doubt, any Applicant notified under the Main Civil 2018 Procurement Process that their Previous SQ Response was unsuccessful and that they were excluded from participating further in the Main Civil 2018 Procurement Process is not a Previous Bidder under this IFA and must, therefore, respond as a New Bidder.

The Contract Work available under this Supplemental CLA Procurement Process is in addition to any awarded to bidders under the Main Civil 2018 Procurement Process.

A complete Tender must be submitted. This must be detailed enough to allow the LAA to make an informed selection of the most economically advantageous Tender. Organisations will be shortlisted based on quality assessment with contracts awarded to the shortlisted Applicant(s) bidding the lowest price.

Number of Contracts to be awarded

Following the LAA's notice published on 28 March 2018 (available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695788/cla-education-discrimination-notice.pdf) the LAA has extended the current CLA discrimination contract held by one current Provider. That current Provider is excluded from participating in this procurement process as any one Provider may only hold a single contract for CLA services in the Discrimination Category.

The LAA intends to award up to a further 4 CLA Contracts in the Discrimination Category as a result of this procurement process. The LAA reserves the right to award fewer than 4 additional contracts.

An Applicant can only be awarded one CLA Contract in the Discrimination Category.

Applicants must comply with the rules for Connected Entities (see Section 2). For the purposes of this procurement process an Applicant cannot be connected to any other Applicant bidding to deliver Discrimination Contract Work or to the current Provider whose current CLA discrimination contract has been extended.

Deadline

The Deadline for submitting Tenders is 5pm on Friday 1 June 2018 (the "Deadline")
--

This Information For Applicants document

This Information for Applicants document ("**IFA**") provides information about the CLA Contract ITTs, including how Applicants submit a Tender, and the rules governing this Supplemental CLA Procurement Process.

Before submitting their Tender Applicants must read this IFA and all supplementary information provided, such as FAQs, in their entirety. Applicants are also strongly advised to read the CLA Contract in full to ensure that they understand the full nature and extent of the obligations they are proposing to accept.

Where not defined in the body of this IFA, capitalised terms are defined either in the glossary at Annex E or in the CLA Contract which is available on the Gov.uk website:
<https://www.gov.uk/government/publications/civil-legal-advice-contract-2018-discrimination>

Key Timeline Dates

Below is a list of indicative dates for key activities in this procurement process. The LAA will notify Applicants of any changes to these dates through the e-Tendering system.

Activity	Indicative Timescale
Tender opens via the LAA's e-Tendering portal	2 May 2018
Deadline to request TUPE information	23:59, Thursday 10 May 2018
Final date to submit questions about this IFA	23:59, Thursday 10 May 2018
Final "Frequently Asked Questions" response published	Week commencing 21 May 2018
Deadline for Tenders to be submitted to the LAA	5pm, Friday 1 June 2018
Notification of mandatory and discretionary rejection	June 2018
Deadline for submission of appeals	June 2018
Notification of appeal outcome	June 2018
Notification of Contract award decisions	Late June/early July 2018
Contract Start Date	July 2018
Mobilisation Period	July – 31 August 2018
Service Commencement Date	1 September 2018

Contents

Section 1 – Introduction	Page 6
Section 2 – Who can submit a Tender Response?	Page 17
Section 3 – Completing and submitting a Tender	Page 20
Section 4 – Evaluation of Tenders	Page 32
Section 5 – Supplemental CLA Procurement Process	Page 39
Annex A – The Contract Work – Key Figures	Page 49
Annex B – CLA Discrimination Category SQ questions and assessment	Page 51
Annex C – Selection Criteria	Page 68
Annex D – TUPE and Confidentiality Agreement	Page 80
Annex E – Glossary of Defined Terms	Page 84

SECTION 1: INTRODUCTION

Background

- 1.1 The CLA Service operates as part of the telephone Gateway (mandated in secondary legislation¹) for individuals seeking civil legal advice in specified Categories of Law. Individuals seeking legal aid support in those Categories must use the CLA Services in the first instance, and they are not permitted to contact face-to-face providers directly.
- 1.2 There is a legislative requirement to maintain telephone access to three Categories of Law through the Gateway (Debt, Education and Discrimination). The Gateway also provides access to telephone-based Remote Advice in two non-mandatory Categories (Family and Housing).

The Gateway

- 1.3 The Gateway is delivered in the following stages:

Stage 1: Initial calls from prospective Clients are dealt with by the CLA Operator Service. The CLA Operator Service is provided under a separate contract which is not subject to this procurement. It provides an initial assessment of a prospective Client's eligibility for civil legal aid. The CLA Operator Service then transfers prospective Clients who have been initially assessed as being eligible to receive legal aid, to the Providers. Those whom the CLA Operator Service determine do not qualify are directed to an alternative source of online, telephone or face-to-face help.

A prospective Client can also use the Digital CLA Service (<https://www.gov.uk/check-legal-aid>) to find out if they are likely to be eligible for civil legal aid. The CLA Operator Service checks the quality of the information provided by prospective Clients using the Digital CLA Service before a case is transferred to a Provider.

Stage 2: Once a prospective Client has been transferred to a Provider and the Provider has confirmed that the prospective Client qualifies for legal aid, the Provider will open a Case and provide specialist legal advice and assistance to the Client.

If a prospective Client does not qualify for legal aid then the Provider will direct them to an alternative source of online, telephone or face-to-face help.

¹ Legal Aid Sentencing and Punishment of Offenders Act 2012 enabled the Government to Mandate the use of the Gateway.
Legal Aid Agency – Civil Contracts from September 2018 Supplemental CLA Procurement Process
IFA v1

1.4 This procurement process is for the award of CLA Discrimination Contracts, for the delivery of Contract Work at Stage 2 of the Gateway only.

CLA Discrimination Category

1.5 The CLA Service operates as the Gateway for Controlled Work in the Discrimination Category of Law.

1.6 Providers may conduct Controlled Work without seeking authority from the LAA. In general terms, Controlled Work does not usually involve court representation. That is either because representation is not required or because it is work provided prior to proceedings becoming necessary. Members of the public applying for legal aid in the Discrimination Category must contact the CLA Operator Service. Subject to paragraphs 1.7-1.8, Clients are only offered Remote Advice.

1.7 Face-to-Face Advice may be provided in the Discrimination Category by Providers to Clients who meet one or more of the following exemptions:

- they are in detention;
- they are under 18 years old;
- they have previously been assessed by the Gateway as needing Face-to-Face Advice, have received this advice within the last 12 months, and are seeking further help to solve a linked problem from the same Provider.

1.8 There will also be situations where telephone-based Remote Advice in the Discrimination Category will not be appropriate for other Clients. In these circumstances the Client will be offered Face-to-Face Advice. This suitability assessment will be carried out by either the CLA Operator Service or the Provider allocated to the Client in accordance with paragraphs 1.6 – 1.13 of the Specification.

Opening Hours

1.9 Providers must be available to deliver Contract Work during the following times:

- i) **Core Hours:** 9.00am until 6.00pm from Monday to Friday (excluding bank and/or public holidays)
- ii) **Extended Hours:** In addition to Core Hours, Providers must be able to offer Clients telephone advice appointments between 6:00pm and 8:00pm from Monday to

Friday (excluding bank and/or public holidays) and Saturday mornings, from 9.00am to 12.30pm where requested by the Client.

- 1.10 Providers must offer telephone advice appointments during Extended Hours within 2 Business Days of a request where there is an urgent need for an appointment or within 5 Business Days of a request where there is no urgent need.
- 1.11 Contract Work must be carried out from an Office, or an alternative location, subject to written agreement by the LAA as set out in the Specification.

Range of Advice

- 1.12 Remote Advice under the CLA Contract may be delivered via telephone, webcam, e-mail, post or such other method as the LAA may introduce, as set out in the Specification.
- 1.13 Face-to-Face Advice may be provided under the CLA Contract in the Discrimination Category in the circumstances set out in the Specification and summarised at paragraphs 1.7-1.8 above.
- 1.14 The range of specialist legal advice work permitted in the Discrimination Category through the CLA Contract is as follows:
- Controlled Work delivered through Remote Advice;
 - Licensed Work delivered through Remote Advice; and
 - Face-to-Face Advice.

The use of subcontractors and agents

- 1.15 The LAA will not accept subcontracting, consortia or agency arrangements for the delivery of the Contract Work except that the use of agents will be permitted in the delivery of the Face-to-Face Advice for both Controlled Work and Licensed Work. Subject to this exception, Applicants must provide all the Contract Work themselves.

CLA Contracts

- 1.16 Successful Applicants will be awarded a Contract which will start in July 2018 (on the Contract Start Date).

- 1.17 The Contract Period shall commence on the Contract Start Date and end after a period of two years from the Service Commencement Date (subject to the contractual provisions in relation to early termination).
- 1.18 There will be no provision to extend the Contract Period.
- 1.19 The CLA Contract is comprised of the following documents:
- i. Contract for Signature;
 - ii. Standard Terms (governs the relationship between the LAA and the Provider);
 - iii. Annex 1: Specification of the Contract Work (sets out the scope of the Contract Work and the associated requirements) (**“CLA Specification” or “Specification”**);
 - iv. Annex 2: Cases Fixed Fee and Hourly Rates;
 - v. Annex 3: Payment and Disbursements;
 - vi. Annex 4: IT Requirements, the CMS and Business Continuity;
 - vii. Annex 5: Key Performance Indicators;
 - viii. Annex 6: Complaints; and
 - ix. Annex 7: Unreasonable Behaviour.

Payments under the Contract

- 1.20 Providers may claim an Hourly Rate through the CLA Contract in accordance with Annex 2 of the Contract. The Hourly Rate will be applied for the entire duration of a Case.
- 1.21 Within the Price Form, Applicants are required to provide their Hourly Rate submission for the delivery of all Contract Work in the Discrimination Category.
- 1.22 The prices submitted by a successful Applicant will apply throughout the entire Contract Period and will not be subject to indexation or otherwise increased.
- 1.23 Any case with a duration of 900 minutes or longer must be submitted to the LAA for assessment prior to payment being made. The entire duration of the Case will be paid at the Hourly Rate submitted by the Applicant.
- 1.24 When considering their pricing submission, Applicants should review:
- a. the draft CLA Contract for full details of the required Contract Work and the payment structure; and
 - b. Annex A of this IFA for data on call distribution, Case volumes and Case duration.

Determination Fee

1.25 The Determination Fee provides a payment for performing the eligibility assessment and a scope and merits assessment of a potential Case, and is only payable where it is identified that the Case is unsuitable for the delivery of specialist legal advice under the CLA Contract (see paragraphs 2.12 to 2.20 of the Specification).

1.26 The Determination Fee will be paid as a fixed fee equivalent to 42 minutes of advice pro-rated at the Hourly Rate submitted by the Applicant.

1.27 For avoidance of doubt a Provider's Determination fixed fee will be calculated using the following equation:

$$(HR/60) \times 42 = DF$$

DF = Determination Fee

HR = Hourly Rate tendered by Provider

1.28 For example, if a successful Applicant submitted an Hourly Rate of £40, the Determination Fee for that Provider would be a fixed fee of £28. This is demonstrated in the equation below:

$$(40/60) \times 42 = 28$$

Licensed Work

1.29 Licensed work is remunerated at rates set out in the Remuneration Regulations in accordance with sections 7 and 8 of the CLA Contract Specification

Other Payments

1.30 There are circumstances where other payments can be claimed under the CLA Contract, including:

- Disbursements; and
- Providing training to CLA Operator Service staff.

1.31 The circumstances in which Providers can claim these payments and the amounts payable are set out in Annex 2 and Annex 3 of the CLA Contract.

Maximum Hourly Rate

- 1.32 Applicants must not exceed a maximum Hourly Rate bid price of £53.
- 1.33 The Price Form within the e-Tendering system will not allow Applicants to submit a price above the maximum Hourly Rate bid price and only compliant bid prices will be accepted.

Case Allocation

- 1.34 Providers will operate concurrently during Core Hours.
- 1.35 The LAA anticipates that the Provider whose current CLA Discrimination contract has been extended ("**Current Provider**") will maintain its current allocation of 33% of all Cases to be allocated.
- 1.36 The LAA anticipates that an equal proportion of the remaining 67% of Cases during Core Hours will be allocated to each Provider awarded a CLA Contract through this process where two or more contracts are awarded.
- 1.37 Where prospective Clients call the CLA Operator Service outside of Core Hours but within the CLA Operator Service opening hours, the CLA Operator Service will, on the next Business Day, distribute Cases to Providers in accordance with each Provider's percentage allocation.
- 1.38 Prospective Clients who call outside the CLA Operator Service opening hours will be invited to leave a voicemail message. The CLA Operator Service will call the prospective Clients back during its opening hours and distribute Cases to Providers in accordance with each Provider's percentage allocation.

Case Volumes

- 1.39 The Table below shows the estimated volume of Cases expected to be delivered in the Discrimination Category on an annual basis throughout the Contract Period. More detailed information on Case volumes and other relevant data is contained at Annex A.

Discrimination	Number of CLA Providers	Estimated number of Cases per CLA Contract year per Provider
Current Provider	1	1135

Providers awarded a CLA Contract through this procurement process	4	576
---	---	-----

- 1.40 Please note that the data provided throughout this IFA are estimates only. The figures are based on Cases completed under the current CLA contracts between 2015/16 and 2016/17. The LAA provides no guarantees or warranties regarding the actual volumes, profile or duration of calls/Cases, under the CLA Contract. The estimated number of Cases are for Controlled Work only and do not include estimated Licensed Work volumes.
- 1.41 The estimated number of Cases includes Cases completed as both Remote Advice and Face-to-Face Advice.

Increase of Service Capacity

- 1.42 The LAA may redistribute the allocation of Cases under the CLA Contract at any point during the Contract. For example, this may be done in circumstances where another Provider is unable to meet its obligations to deliver the relevant Contract Work.
- 1.43 Applicants may be asked to expand their capacity to deliver the Contract Work. Applicants are therefore asked as part of their response to the CLA Discrimination ITT to confirm the maximum volume of Contract Work they could deliver if required.
- 1.44 Applicants should refer to paragraphs 2.2 to 2.6 of the Specification for further information in relation to this requirement.

Minimum Requirements

- 1.45 Applicants submitting a Tender must warrant that they will meet the Minimum Requirements below by the latest date specified:

Minimum Requirement	Latest date that requirement must be fulfilled
Have appropriate authorisation from a Relevant Professional Body to deliver legal services	Four weeks prior to Service Commencement Date

Have at least one Office that meets the relevant requirements set out in the Specification	Four weeks prior to Service Commencement Date
Employ at least one Full-Time Equivalent Supervisor who meets the Supervisor Standard in the Discrimination Category of Law	Four weeks prior to Service Commencement Date
Telephony and IT which meets the CLA Contract requirements in place and operational	By the Service Commencement Date
Maintain a ratio of one Full-Time Equivalent Supervisor to four Caseworkers	By the Service Commencement Date
Hold a relevant Quality Standard	See paragraph 1.47 – 1.53

- 1.46 Providers must continue to meet the Minimum Requirements at all times during the Contract Period. Any breach of the Minimum Requirements will entitle the LAA to terminate the CLA Contract.

Quality Standard requirements

- 1.47 Providers are required to hold a Quality Standard throughout the Contract Period. By the Contract Start Date, Applicants must hold either the LAA’s Specialist Quality Mark (“SQM”) following audit by the SQM Delivery Partnership or Recognising Excellence Ltd, or hold the Law Society’s Lexcel Practice Management standard (“Lexcel”), which is valid on the Contract Start Date.
- 1.48 Applicants are solely responsible for paying all necessary fees to the Quality Standard auditing organisation.
- 1.49 Where an Applicant already holds the SQM following audit by the SQM Delivery Partnership or Recognising Excellence Ltd or is in the process of being audited by Recognising Excellence Ltd, it need not reapply for the SQM, unless it must do so to continue to hold the SQM. Requirements according to the Quality Standard an Applicant chooses to hold are detailed below.
- 1.50 Unless otherwise stated in the ‘Requirement’ column of the table below, it is an Applicant’s responsibility to ensure it meets the LAA’s requirements at least four weeks before the

Service Commencement Date as no extensions of time will be permitted. Applicants are, therefore, advised to apply for their chosen Quality Standard as early as possible.

<i>Applicant Type</i>	<i>Requirement</i>
Applicants who already hold the SQM audited by SQM Delivery Partnership or Recognising Excellence Ltd	- Hold a valid accreditation that will be in force until at least the Service Commencement Date.
Applicants who intend to hold the SQM	- Pass desktop audit at least four weeks before Service Commencement Date - Fully pass the Pre-Quality Mark audit within six months of the Service Commencement Date
Applicants who intend to hold Lexcel	- Achieve Lexcel accreditation at least four weeks before the Service Commencement Date
Applicants who already hold Lexcel	- Must hold a valid accreditation that will be in force until at least the Service Commencement Date

- 1.51 It is the sole responsibility of the Applicant to contact the Quality Standard auditing organisation and arrange any necessary audits. The LAA assumes no responsibility for monitoring Applicants' progress towards achieving a Quality Standard.
- 1.52 Further information about the SQM and how to register with Recognising Excellence Ltd can be found at: <http://www.recognisingexcellence.co.uk/sqm/>
- 1.53 Further information on Lexcel can be found on The Law Society's website: <http://www.lawsociety.org.uk/productsandservices/lexcel>

Remote Specialist Telephony Handbook

- 1.54 The LAA has provided the Remote Specialist Telephony Handbook which provides a technical guide to the telephony service for the remote Specialist Advisors including minimum Operating Systems and Browser requirements. This is provided as a document entitled 'Remote Specialist Telephony Handbook' within the 'Buyer Attachments' section on the at the top of the ITT screen.

Mobilisation Period

- 1.55 The Mobilisation Period starts on the Contract Start Date and ends on the Service Commencement Date. This is the period during which CLA Providers must ensure they achieve the Minimum Requirements and that the necessary infrastructure, staff and other aspects of the service are in place by the Service Commencement Date. Providers are required to meet with the LAA throughout the mobilisation period to report on the progress of their mobilisation.

Indemnities

- 1.56 It will be a condition of Contract award that Applicants which operate on a limited liability basis supply the LAA with a relevant indemnity form (except registered charity Applicants who will not be required to provide any indemnity or similar) by the Contract Start Date. The indemnity must be signed by the ultimate owners of the Applicant and/or such persons as the LAA might reasonably regard as being controllers and/or senior managers of the Applicant and/or where the Applicant is a limited company, from any company which is its holding company.
- 1.57 If the Applicant fails to provide a completed indemnity form as required by the LAA, the contract offer will be withdrawn. A copy of the standard indemnity form is available at: <https://www.gov.uk/government/publications/personal-guarantee-and-indemnity>
- 1.58 At the LAA's discretion, a guarantee offering equivalent protection may be accepted from an Applicant with limited liability as an alternative to its standard indemnity. The LAA will consider exercising such discretion where an Applicant can demonstrate that such a guarantee will protect public funds to the same extent as would its standard indemnity form.

Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE")

- 1.59 It is possible that TUPE could apply so as to result in the transfer of some or all of the contracts of employment from current Providers of the Contract Work to successful Applicants.
- 1.60 We make no representation in relation to the likelihood of TUPE applying in this case and it is each Applicant's responsibility to form their own view (taking legal advice as necessary) as to whether or not TUPE applies and, if so, the financial implications for their Tender.
- 1.61 To the extent there is likely to be one, the impact of any TUPE transfer must be factored into the Price Form submitted by the Applicant such that the Price Form submitted is valid

regardless of whether TUPE applies and/or the number or identity of transferring employees.

- 1.62 In an effort to assist Applicants in forming a view in relation to TUPE, and to the extent it is made available to us, anonymised information (including numbers of employees, salary details and time spent on Contract Work) relating to those persons employed by the current providers of Contract Work in the relevant Category, will be supplied to an Applicant on receipt by the LAA of a signed confidentiality agreement from that Applicant. A copy of the confidentiality agreement has been provided in Annex D of this IFA.
- 1.63 Applicants wishing to receive this information should complete, sign and return the form as an attachment through the e-Tendering system message board by 23:59 on Thursday 10 May 2018.
- 1.64 Once the signed confidentiality agreement is received through the e-Tendering message board, any TUPE information will be sent to the Applicants through the e-Tendering system message boards no later than the week commencing 21 May 2018.

SECTION 2: WHO CAN SUBMIT A TENDER RESPONSE?

- 2.1 This procurement process is open to any interested party (other than the Current Provider) able to meet the LAA's Minimum Requirements (see page 1).
- 2.2 It is not necessary for Applicants submitting a Tender for or holding a CLA Contract also to hold a 2018 Standard Civil Contract to deliver face-to-face advice.
- 2.3 The LAA will only contract with single legal entities (including individuals). Should existing organisations wish to merge or join with others to apply for a CLA Contract, they must form a single legal entity. That entity will be responsible for performing all Provider obligations under a CLA Contract.
- 2.4 The contracting entity must be fully constituted and be able to demonstrate it meets the minimum Contract requirements four weeks before the Service Commencement Date i.e. by 23.59 on 3 August 2018.
- 2.5 Where the Applicant:
 - has been dissolved or is, for any other reason, incapable of executing a contract;
 - is not fully constituted as the contracting entity named in its Tender; or
 - is unable to meet the Contract requirements by the applicable deadlines, any contract offer made to it may be withdrawn.

Rules for Connected Entities

- 2.6 Whilst organisations may bid to deliver Contract Work as different legal entities, organisations which are Connected by their parent company, other companies which have significant control in the decision-making of that organisation or Key Personnel of the organisation are not permitted to bid for a CLA Contract under this procurement process.

What is a Connected Entity?

- 2.7 Applicants may be Connected through corporate entities or through individuals. In the context of this procurement process and the LAA's assessment of compliance with these rules, the term Connected shall mean:
 - having a legal or beneficial interest; or

- being able to effect substantive influence or control or having powers of representation over the business affairs of the relevant organisation and the term “Connection” shall bear a similar meaning.

2.8 Such Connection may be either direct, for example where an organisation is the parent entity of two Applicants, or indirect, for example a ‘chain’ of Connection (however long that chain might be) where an organisation or individual is Connected to another organisation that is itself Connected to the Applicant. Applicants should note that any existing or proposed ethical wall or other information or business partitioning arrangement will not bring any arrangement into compliance with these rules.

What are the rules that Applicants must comply with?

2.9 Applicants bidding within this competition cannot bid against a Connected Entity. For the purposes of this procurement process, this means an Applicant cannot be connected to any other Applicant bidding to deliver Contract Work in the Discrimination Category of Law under a CLA Contract or to the Current Provider.

Example 1:

Burns & Partners Ltd is the parent company of both Simpsons Ltd and Flanders Ltd and has significant control of the decision-making within each organisation.

Both Simpsons Ltd and Flanders Ltd intend to bid to deliver Contract Work in the Discrimination Category of Law under a CLA Contract.

Were both Applicants to bid for this Category under the CLA Contract, this would be a breach of the Rules on Connected Entities.

2.10 Key Personnel of an organisation, having the meaning set out at Annex E, may not bid against other organisations in which they are also Key Personnel.

Example 2:

Mr Black is a member of Key Personnel of Black & Co and also a member of Key Personnel at Green LLP.

Black & Co wishes to bid to deliver Contract Work in the Discrimination Category of Law.

Green LLP also wishes to bid to deliver Contract Work in the Discrimination Category.

Under the Rules for Connected Entities, Black & Co and Green LLP cannot both bid to deliver Contract Work in the Discrimination Category under a CLA Contract by virtue of their Connection through Mr Black.

What will the LAA do where it believes Applicants are Connected Entities?

- 2.11 The LAA reserves the right to clarify with one or both Applicants, as required in accordance with paragraphs 5.27 and 5.28.
- 2.12 Where the LAA believes that the rules on Connected Entities have not been complied with, and that Applicants are Connected as set out in paragraphs 2.7 and 2.8, all those Tenders that the LAA deems to be Connected may be rejected.

SECTION 3: COMPLETING AND SUBMITTING A TENDER

The e-Tendering System

- 3.1 All Tenders must be completed and submitted using the e-Tendering system. This can be accessed either through a link on the tender pages of the LAA website or directly at: www.legalaid.bravosolution.co.uk
- 3.2 Applicants already registered on the e-Tendering system whose registration details remain up to date do not need to register again. Applicants are encouraged to ensure that they review the contact details held in the e-Tendering system to ensure that they are up to date.
- 3.3 Where an Applicant already has multiple registrations on the e-Tendering system, it should ensure that it uses the registration which matches the name and trading status of the organisation whose Tender response is being submitted.
- 3.4 Applicants who have forgotten their password, must click on the 'Forgotten your password?' link on the e-Tendering system homepage to get their password reset.
- 3.5 Applicants must familiarise themselves with the e-Tendering system guides available through the 'Technical Support and Guidance' link on the e-Tendering system home page. These provide detailed guidance on how to complete a Tender.
- 3.6 The LAA will communicate with Applicants about this procurement process through the e-Tendering system message board. Applicants must check the message board regularly to ensure that any messages are read promptly. The LAA highly recommends that Applicants set up multiple additional users under their e-Tendering system registration (see 'Technical Support and Guidance' link) as back-up to ensure that urgent messages, which may affect an Applicant's Tender Response, can be actioned as necessary.
- 3.7 The SQ and CLA Discrimination ITT are available via the 'Project' or 'ITT Open to all Suppliers' link on the front page of the e-Tendering system.
- 3.8 The tender requirements under this procurement process differ according to whether an Applicant is a new bidder or a previous bidder. The following table includes the definitions under which Applicants are classified as either new bidders or previous bidders and the tender requirements which apply to each:

Applicant classification	What constitutes a complete Tender	Additional confirmation regarding SQ Response
<p>New Bidders:</p> <p>Applicants that did not submit a tender for a Contract as part of the Main Civil 2018 Procurement Process or who did submit a tender but were excluded at Selection Questionnaire stage</p>	<p>Response to:</p> <ul style="list-style-type: none"> • Selection Questionnaire; and • CLA Discrimination ITT 	<p>N/A</p>
<p>Previous Bidders:</p> <p>Applicants that have previously submitted a tender for a Contract as part of the Main Civil 2018 Procurement Process</p>	<p>Response to:</p> <ul style="list-style-type: none"> • CLA Discrimination ITT 	<p>As part of their Supplemental CLA Procurement Process Tender, Previous Bidders must confirm that their Previous SQ Response remains valid. In this context “valid” means that the Previous SQ Response remains correct; there has been no change to the Applicant’s circumstances that would affect the answers given in that Applicant’s Previous SQ Response.</p>

- 3.9 Any Applicant whose Previous SQ Response is no longer valid must respond as a New Bidder.
- 3.10 For the avoidance of doubt, any Applicant notified under the Main Civil 2018 Procurement Process that their Previous SQ Response was unsuccessful and that they were excluded from participating further in the Main Civil 2018 Procurement Process is not a Previous Bidder under this IFA and must, therefore, respond as a New Bidder.
- 3.11 SQ and CLA Discrimination ITT Responses submitted must each be capable of assessment.
- 3.12 Applicants may not submit more than one response to the SQ and the CLA Discrimination ITT. Where an Applicant submits more than one SQ Response and/or more than one CLA Discrimination ITT Response, only the last submitted prior to the Deadline shall be assessed by the LAA.

- 3.13 If an Applicant is a New Bidder and a SQ Response is not submitted or is incapable of assessment it will be rejected.
- 3.14 If a CLA Discrimination ITT Response is not submitted, is incomplete or is incapable of assessment the Tender will be rejected.
- 3.15 Applicants must click 'Edit response' to be able to complete their responses to the questions asked. Applicants must click the 'Save Changes' or 'Save and Exit Response' buttons to ensure information inputted is saved.
- 3.16 Once Applicants have completed their response to the SQ, if applicable, and the CLA Discrimination ITT, they must submit it by clicking on the "Submit Response" button.
- 3.17 Applicants may amend and re-submit their response at any time up to the Deadline. If so amended and re-submitted, only the last response shall be assessed.
- 3.18 An Applicant may check that it has successfully submitted its SQ/ITT Response by going to the 'My ITTs' screen, which should show the 'Response status' as 'Response submitted to Buyer'. The registered email address will also receive confirmation when the Applicant submits its SQ/ITT Response for the first time. It is therefore important for an Applicant to ensure that any and all contact details held in the e-Tendering system are up to date.
- 3.19 SQ and ITT Responses are sealed. This means that the LAA is unable to access submitted SQ/ITT Responses prior to the Deadline. The LAA cannot confirm receipt of an SQ Response, ITT Response or Tender, nor can it confirm if a SQ Response, ITT Response or Tender has been completed correctly.
- 3.20 All questions marked with a red asterisk on the e-Tendering system are mandatory. The e-Tendering system will not permit an Applicant to submit its SQ/ITT Response unless answers to those questions are provided.
- 3.21 There is a button in the e-Tendering system called 'check mandatory questions'. By clicking on this, the e-Tendering system will check that an Applicant has provided a response to all mandatory questions and will flag where a response to a mandatory question has not been given. For the avoidance of doubt, it does not provide an assessment of the responses to those questions or confirmation that they have been answered correctly.

3.22 When an Applicant submits its SQ/ITT Response for the first time, it will receive an automated message confirming that its response has been successfully submitted. This only provides an indication of whether the SQ/ITT Response has been transmitted to the LAA and not whether the SQ/ITT Response is fully completed and/or will be assessed as being successful.

Mandatory Attachments

3.23 Applicants are required to submit a Resourcing Plan as a Mandatory Attachment to its CLA Discrimination ITT Response. The LAA has provided a template for the Resourcing Plan which Applicants are required to use. The template, entitled 'Resourcing Plan Pro Forma', can be downloaded from the 'Buyer Attachments' section within the CLA Discrimination ITT. Details entered into the form will only be saved if the Applicant saves the form on its own computer system. Once the relevant form has been completed and saved on the Applicant's own system, it can be uploaded into the ITT Response by clicking on the 'Click to attach' button against the relevant question in the ITT.

3.24 It is the Applicant's responsibility to ensure that they have access to an IT system which is compatible with the template provided.

3.25 Please note that because the Mandatory Attachments are completed outside of the e-Tendering system and uploaded into the ITT Response, it is not possible for the e-Tendering system to prevent incorrect or incomplete information being submitted and it is the Applicant's responsibility to ensure fully completed and accurate information is attached.

3.26 The LAA will only accept attachments submitted in the following formats:

- Microsoft Word;
- Microsoft Excel; or
- Adobe PDF.

3.27 As it is not possible for the e-Tendering system to prevent incorrect or incomplete attachments being submitted, it is the responsibility of Applicants to ensure that the relevant attachments are correctly uploaded.

- 3.28 Applicants that fail to upload the Mandatory Attachment using the template provided will be considered to have submitted a non-compliant Tender and will be rejected from the process.
- 3.29 Applicants can also check the contents of the Mandatory Attachment they have uploaded as part of their Tender by going back to the Tender in the CLA Discrimination ITT within the e-Tendering system (found in the “Actions” menu). To do this, Applicants should go to the section in the ITT against which the attachments are uploaded and select “Download”. This will open the version of the attachment uploaded as part of a Tender.
- 3.30 Before submitting a Tender, the Applicant should check to ensure that:
- all questions and Selection Criteria have been answered and that it has provided all necessary parts of a completed Tender referred to above;
 - it has uploaded the required Mandatory Attachment;
 - it is satisfied that the Mandatory Attachment uploaded is correct; and
 - it is satisfied that the Tender is accurate, complete and detailed enough to allow the LAA to evaluate it.

Accessing and completing the Tender

Completion of the Selection Questionnaire

- 3.31 A Response to the SQ must be submitted by New Bidders only.
- 3.32 The SQ can be found in Project 86 at ITT 570 – ‘Selection Questionnaire for the Supplemental CLA Procurement Process’ in the e-Tendering system.
- 3.33 The SQ contains a series of questions covering the following areas:
- Section A (non-assessed) - Organisation and contact details
 - Section B - Grounds for mandatory exclusion
 - Section C - Grounds for discretionary exclusion
 - Section D – Declarations
- 3.34 A full breakdown of each of the questions and what would constitute a pass or a fail is set out in Annex B.

Section A - Organisation and contact details

- 3.35 This information is non-assessed but may be used in the verification of the Applicant's Tender. Applicants who have yet to form legal entities may provide "N/A" responses to some questions within this section. Where successful, and as part of verification, they will be required to confirm, for example, their head office address or other details not provided as part of the Tender.

Sections B and C – Grounds for mandatory and discretionary rejection

- 3.36 For each question the Applicant is presented with a series of drop down options from which to select a response.
- 3.37 Where a requirement is not met outright the Applicant will be provided with a series of 'free text' boxes in which to give further details (known as 'exceptional circumstances'). These will be used by the LAA to consider whether those exceptional circumstances are deemed to be satisfactory for the Applicant to meet the SQ requirement.
- 3.38 Where the opportunity to provide exceptional circumstances is given, specific details in response to the supplemental questions are requested within the SQ. This must not be used as an opportunity to provide other supplementary information to an Applicant's SQ Response and any information provided that is not relevant to the particular SQ requirement and explanation of exceptional circumstances will not be considered.
- 3.39 Subject to paragraph 3.40 below, the LAA will assess SQ Responses on the basis of information submitted by the Applicant in its SQ Response. SQ Responses for Sections B and C will be assessed on a pass or fail basis.
- 3.40 Where an Applicant's SQ Response states it does not meet the SQ requirements outright in questions C.8 (LAA contract terminations), C.9 (Peer Review) and C.10 (individuals prohibited from undertaking publicly funded work) the LAA will review its own records in assessing whether the requirements have been met. For all other questions in Section B and C, the LAA's assessment will be solely reliant on information provided by the Applicant. That information must be complete and accurately expressed. Applicants' attention is drawn to the LAA's right to disqualify an Applicant for submitting false and/or misleading information as provided at paragraphs 5.29-5.31 of this IFA.

Section D – Declaration

3.41 A declaration in the form set out at Section D of the SQ (see Annex B below) must be provided by:

(a) the Compliance Officer for Legal Practice (COLP) or the individual intending to be the COLP where Applicant is or intends to be authorised by the Solicitors Regulation Authority (SRA); or

(b) the Head of Legal Practice (HOLP) or the individual intending to be the HOLP where Applicant is or intends to be authorised by the Bar Standards Board (BSB); or

(c) the Compliance Manager (CM) or the individual intending to be the CM where Applicant is or intends to be authorised by CILEx Regulation (CILEx); or

(d) where the Applicant is not (and will not be) authorised by the SRA, the BSB or CILEx, a member of Key Personnel who either (i) has decision and / or veto rights over decisions relating to the running of the Applicant; or (ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant.

Completion of the CLA Discrimination ITT

3.42 A Tender will consist of a response made through the e-Tendering system to the SQ, where applicable, and the CLA Discrimination ITT.

3.43 The CLA Discrimination ITT can be accessed in Project 86 at ITT 571 – ‘CLA Discrimination ITT’ in the e-Tendering system

3.44 A completed CLA Discrimination ITT Response must comprise of a completed ‘Technical Envelope’ in which information including qualitative tender information is collected and a completed ‘Commercial Envelope’ which contains the Price Form.

Technical Envelope

3.45 The Technical Envelope consists of:

- Non-assessed questions (Section N);
- Selection Criteria (Section A);
- Tie Break (Section B); and
- Declaration (Section C)

3.46 A full breakdown of the questions for the CLA Discrimination ITT is included in the ITT and is replicated at Annex C.

3.47 Applicants must respond to each question in the CLA Discrimination ITT by selecting the correct drop-down option, or by uploading their completed Mandatory Attachment or by providing a typed answer in the free text box provided. Each free text box is limited to 2000 characters (including spaces).

3.48 Where a question requires a response from a drop-down menu, Applicants may either select an option from the drop-down list or, if they know the answer option they wish to select enter this into the system.

Non-assessed questions

3.49 This section of the Technical Envelope contains questions which ascertain whether an Applicant is a New or Previous Bidder and asks Applicants to confirm the maximum volume of Contract Work they could deliver if required. These questions are not scored.

3.50 Where an Applicant is a Previous Bidder this section asks for confirmation of whether there have been any changes to the Applicant’s circumstances that affect the answers provided in its Previous SQ Response.

Selection Criteria

3.51 Selection Criteria (in the ‘Technical Envelope’) contain scored criteria. The Selection Criteria include questions which will be used to assess Applicants’ capacity to deliver the Contract Work tendered for. These are set out in the table below:

Category	Question	Total score available
Discrimination	1 – Appropriate Authorisation	3
	2 – Office	3
	3 – Supervisors	3
	4 – Telephony & IT	3
	5 – Resourcing Plan	3
	6 – Relevant Quality Standard	3
	Total	18

3.52 Selection Criteria have a scored question which is answered either by selecting an answer from the drop-down menu, or in the case of Selection Criterion 5 (Resourcing Plan), by completing and uploading the Resourcing Plan Mandatory Attachment. Where the Applicant selects a drop-down answer option where points are awarded, it may also need to answer supplementary questions to provide further information and verify its response.

Where supplementary information is required, the Applicant must to enter the specified information in the text box(es) provided.

- 3.53 For example, for Selection Criterion 2 (Office) the Applicant will be required to:
- Answer 2(i) by selecting A or B from the drop-down menu; and
 - Where the Applicant selects option A it will be required to respond to question 2 (ii) to provide additional information and evidence to verify their response.

Consequences of failure to submit the Mandatory Attachment as part of the CLA Discrimination ITT

- 3.54 Where an Applicant has failed to upload the Resourcing Plan Mandatory Attachment, they may have their Tender rejected.
- 3.55 It is the Applicant's responsibility to ensure that they have access to an IT system which is compatible with the template provided.

Tie Break

- 3.56 The Tie Break section contains one question which requires the Applicant to type a written response to the specific question asked in the free text boxes provided. There is a maximum score of 5 points available for this question.
- 3.57 The question has three text boxes which can be used by the Applicant in providing its answer. Each text box has a maximum limit of 2000 characters (including spaces). Applicants will not be able to exceed the character limit when submitting their responses.
- 3.58 The circumstances in which the Tie Break question will be assessed are set out in section 4 of this IFA (at stages 3 and 4 of the evaluation process).

Declaration

- 3.59 The Technical Envelope also contains a declaration section and Applicants are referred to the 'Declarations' section of Annex C for the precise wording. The declaration must be provided by:

(a) the Compliance Officer for Legal Practice (COLP) or the individual intending to be the COLP where the Applicant is or intends to be authorised by the Solicitor Regulation Authority (SRA); or

(b) the Head of Legal Practice (HOLP) or the individual intending to be the HOLP where the Applicant is or intends to be authorised by the Bar Standards Board (BSB); or

(c) the Compliance Manager (CM) or the individual intending to be the CM where the Applicant is or intends to be authorised by the Chartered Institute of Legal Executives (CILEx); or

(d) where the Applicant is not (and will not be) authorised by the SRA, the BSB or CILEx, a member of Key Personnel who either (i) has decision and / or veto rights over decisions relating to the running of the Applicant; or (ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant.

3.60 In summary, all Applicants must certify that all information provided as part of their Tender is accurate, that they understand the information provided will be used to assess suitability to deliver the Contract, and that they understand the LAA may reject their Tender at any time or disqualify them from the procurement process if they fail to answer all relevant questions fully or if they provide false/misleading information.

Commercial Envelope - Price Form

3.61 The CLA Discrimination ITT also includes a Commercial Envelope which contains the Price Form. The Hourly Rate price submitted by Applicants within the Price Form will be considered in accordance with the evaluation methodology set out in Section 4 to determine the Applicants to be awarded a Contract.

3.62 The Applicant will need to submit an Hourly Rate, up to a maximum of £53 per hour, which may be claimed for all cases. Applicants should ensure they fully understand how pricing will operate under the Contract as set out at paragraphs 1.20-1.24

3.63 As detailed in paragraphs 1.25 – 1.28 of this IFA, the Determination Fee will be paid as a fixed fee equivalent to 42 minutes of advice at the Hourly Rate submitted by the Applicant.

- 3.64 The Price Form will not allow Applicants to submit a price above the maximum Hourly Rate bid price of £53.
- 3.65 When compiling their Price Form, Applicants should ensure that they are fully familiar with the terms of the CLA Contract, including the requirements in the Specification, and all other documents provided that form part of the ITT. Applicants must consider and factor in all of their likely costs in relation to the delivery of the applicable Contract Work including but not limited to:
- Set-up costs (e.g. IT, telephony, recruitment);
 - Ongoing staffing and office costs;
 - Costs of receiving and making calls;
 - Costs incurred in exiting the CLA Contract;
 - Postage;
 - IT and telephony maintenance; and
 - Travel costs.
- 3.66 All prices must be submitted in Pounds Sterling (£) and be exclusive of VAT.

Questions about the procurement process

- 3.67 If an Applicant has a question about the procurement process to which they cannot find a response in this document or in the guidance provided in the e-Tendering system, it will be able to direct questions through two different channels depending on the nature of the query as follows:

Questions about the IFA

- 3.68 Any questions about the content of this IFA may be submitted up until 23:59 on 10 May 2018 (note this is referred to in the e-Tendering system as the 'End date for supplier clarification messages') through the e-Tendering system. Questions received after this date may not be answered.
- 3.69 All such questions must be submitted using the e-Tendering system message boards.
- 3.70 Because of the way the LAA downloads messages from the e-Tendering system, it may appear that Applicants' messages have not been read. Applicants should not assume that this is the case and re-send messages to the LAA. All messages will be responded to,

however, during peak periods of activity it may take the LAA longer to respond due to the increased volumes of messages received.

- 3.71 Applicants should assume that questions and answers may be published. Questions that the LAA considers to be of wider interest may be collated and answered centrally in writing to ensure that all potential Applicants have equal access to information. Questions and answers will be published on the LAA's tender pages <https://www.gov.uk/government/publications/civil-2018-contracts-tender> in the 'Supplemental CLA Procurement Process for Contracts from September 2018 Frequently Asked Questions (FAQ)'.
- 3.72 Applicants should note that this is the only opportunity to ask questions about the procurement process. The LAA will not be able to provide responses to questions about the process through any other method.

Questions about how to use the e-Tendering system

- 3.73 There is a helpdesk to provide technical support to Applicants using the e-Tendering system. Please note that the helpdesk is unable to assist with problems with Applicants' own computer hardware or systems - for these types of issues Applicants should contact their own IT support.
- 3.74 Questions should be e-mailed to the following e-mail 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).
- 3.75 The LAA recommends that Applicants start to complete their Tender early so that they can identify any areas for which they require help as soon as possible, as the helpdesk is likely to be very busy in the days leading up to the Deadline. The LAA cannot guarantee that queries received close to the Deadline will be dealt with in time and accepts no responsibility if they are not.

SECTION 4: EVALUATION OF TENDERS

4.1 Applicants are required to have submitted a SQ Response. This must have either been submitted as part of the Main Civil 2018 Procurement Process (by Previous Bidders), or must be submitted as part of this Supplementary CLA Procurement Process (by New Bidders). If no SQ Response has been submitted or an SQ Response is assessed as unsuccessful, the Applicant's CLA Discrimination ITT Response will not be evaluated.

4.2 The evaluation of Tenders will be conducted in accordance with the following stages:

- Stage 1: SQ check or assessment
- Stage 2: Selection Criteria
- Stage 3: Shortlisting (maximum of 6 Applicants)
- Stage 4: Commercial Envelope
- Stage 5: Contract award

Stage 1 – SQ check or assessment

New Bidders

4.3 Where an Applicant has confirmed in answer to question N.1 of its CLA Discrimination ITT Response that it is a New Bidder, the LAA will check that the Applicant has submitted an SQ Response as part of this Supplemental CLA Procurement Process. In the event that no SQ Response has been submitted by a New Bidder, this will be considered an incomplete Tender and the LAA will reject the Applicant's Tender in its entirety.

4.4 Where an SQ Response has been submitted as part of this procurement process the LAA will assess a New Bidder's SQ Response in accordance with the assessment approach detailed in Annex B.

4.5 The sole right of appeal is set out at paragraph 5.39 of this IFA. For the avoidance of doubt, for New Bidders that right of appeal applies solely where the LAA assesses the Applicant's SQ Response as unsuccessful.

4.6 A New Bidder whose SQ Response is assessed as successful will proceed to Stage 2 (Selection Criteria).

Previous Bidders

4.7 Where an Applicant has confirmed in answer N.1 of its CLA Discrimination ITT Response that it is a Previous Bidder, the LAA will check its own records to confirm that a Previous

SQ Response was received from the Applicant and assessed as successful as part of the Main Civil 2018 Procurement Process.

- 4.8 Where the LAA identifies a Previous SQ Response from the Applicant that was successful as part of the Main Civil 2018 Procurement Process, the Applicant's Tender will proceed to stage 2 (Selection Criteria).
- 4.9 In the event that LAA records identify no Previous SQ Response or a Previous SQ Response that was assessed as unsuccessful as part of the Main Civil 2018 Procurement Process, this will be considered an incomplete Tender the LAA will reject the Applicant's Tender in its entirety.
- 4.10 The sole right of appeal is set out at paragraph 5.39 of this IFA. For the avoidance of doubt, for Previous Bidders that right of appeal applies solely where the LAA has identified no successful Previous SQ Response as part of the Main Civil 2018 Procurement Process.

SQ appeals

- 4.11 Where a New Bidder is notified that its SQ Response is unsuccessful or a Previous Bidder is notified that no Previous SQ Response has been identified, but the Applicant subsequently successfully appeals against the outcome the Applicant's Tender will proceed to stage 2.

Stage 2 – Selection Criteria

- 4.12 Stage 2 of the evaluation process will evaluate the responses to the Selection Criteria submitted by Applicants, using Applicants' scores to identify those that achieve the highest quality score.
- 4.13 The Selection Criteria require Applicants to provide responses to each question either by selecting an answer from a drop-down menu answered, or in the case of Selection Criterion 5 (Resourcing Plan), by completing and uploading the Resourcing Plan Mandatory Attachment. Where the Applicant selects a drop-down answer option where points are awarded, it may also need to answer supplementary questions to provide further information and verify their response.
- 4.14 When assessing the answers to questions answered with a drop-down response, the LAA will take into account the option selected from the drop-down menu and, where required as

part of the Selection Criteria question, the supplementary information provided in the text box.

4.15 Where the information provided in a supplementary text box:

- conflicts with the option selected in the drop-down menu;
- otherwise demonstrates that the response provided in the drop-down menu is inaccurate; or
- provides insufficient or unclear information which does not allow LAA to verify the accuracy of the Applicant's response provided in the drop-down menu,

the LAA may re-score the response, including re-scoring the response to 0 points for that question.

4.16 Where other evidence, including other information contained in the Applicant's Tender (e.g. within their response to the Selection Criteria or the Resourcing Plan Mandatory Attachment) conflicts with the answer selected by the Applicant's response to a Selection Criteria question, the Applicants will be re-scored and may receive a score of 0 points for that question.

4.17 Selection Criterion 5 requires the Applicant to submit a Resourcing Plan which sets out information about how many Caseworkers and Supervisors the Applicant will use for each hour of a typical week, based on the forecast Case volumes and call volumes/profiles per Contract provided in Annex A of this IFA. Applicants are required to submit this information in the template provided by the LAA. This is provided as a document entitled 'Resourcing Plan Pro Forma' within the 'Buyer Attachments' section within the CLA Discrimination ITT. It must be downloaded, completed and saved on the Applicant's local system and uploaded as part of the Tender response to the ITT.

4.18 Where an Applicant has failed to upload the Mandatory Attachment, they may have their Tender rejected.

4.19 Resourcing Plans will be evaluated in accordance with the scoring approach for this Selection Criterion, as detailed in Annex C.

4.20 The LAA will combine each Applicant's assessed scores to each of the Selection Criteria questions to create a combined total score.

4.21 For example, An Applicant scores the following for each of the 6 Selection Criteria would achieve a combined score of 9:

Selection Criterion	Score
1	3
2	3
3	1
4	0
5	2
6	0
Combined score	9

Stage 3 - Shortlisting

4.22 The LAA will shortlist up to 6 Applicants. To do this it will rank Applicants based on their combined Selection Criteria score to determine the highest ranking 6 tenders. These will be shortlisted and progress through to Stage 4.

4.23 In the event that two or more Applicants achieve the same combined score following the assessment of the Selection Criteria and are tied in 6th place, the LAA will show preference to the Applicant(s) which achieved the highest score to Selection Criterion 5 (Resourcing Plan). For example

Applicant	Selection Criteria combined score	Resourcing Plan considered in tie break?	Resourcing plan score	Outcome
Applicant 1	17	No	N/A	Shortlisted
Applicant 2	16	No	N/A	Shortlisted
Applicant 3	15	No	N/A	Shortlisted
Applicant 4	12	Yes	1	Not shortlisted
Applicant 5	12	Yes	2	Shortlisted
Applicant 6	12	Yes	2	Shortlisted
Applicant 7	12	Yes	3	Shortlisted
Applicant 8	9	No	N/A	Not shortlisted

4.24 Where two or more Applicants remain tied after consideration of Selection Criterion 5, meaning the LAA is unable to select six Applicants to shortlist to progress to stage 4, the LAA will evaluate the tied Applicants' responses to the Tie Break question in accordance with paragraph 4.29-30. The LAA will shortlist the Applicant(s) that achieves the higher score for the Tie Break up to a maximum of six Applicants.

4.25 If following the process set out at paragraphs 4.29-30, two or more of the tied Applicants achieve the same score for the Tie Break question, meaning the LAA cannot identify the six highest ranking Applicants, the LAA will not perform a further assessment. Rather the LAA will shortlist all those Applicants that achieved the same Tie Break score.

Stage 4 – Commercial Envelope (Price Form)

4.26 Stage 4 of the evaluation process will evaluate the responses contained within the Commercial Envelope submitted by shortlisted Applicants. Subject to paragraph 4.27, Selection Criteria scores are not considered once shortlisting has been completed. Rather, Contracts will be awarded to the shortlisted Applicants with the lowest Hourly Rate bid price, up to a maximum of four Contracts.

4.27 In the event that two or more Applicants submit the same Hourly Rate bid price resulting in the LAA being unable to select the four shortlisted Applicants to be awarded a Contract, the LAA will show preference to the tied Applicant(s) which achieved the highest score to Selection Criterion 5 (Resourcing Plan). Where two or more Applicants remain tied after consideration of Selection Criterion 5, meaning the LAA is unable to select the four shortlisted Applicants to be awarded a Contract the LAA will consider the tied Applicants’ responses to the Tie Break question in accordance with paragraph 4.29-30 and award the Contract to the Applicant(s) that achieves the higher score for the Tie Break up to a maximum of 4 Contracts.

4.28 If following the process set out at paragraphs 4.29-30, two or more of the tied Applicants achieve the same score for the Tie Break question, the LAA will not perform a further assessment. It will award a Contract to all those Applicants with the same score in the Tie Break. Under this scenario, the LAA would award more than 4 contracts through this procurement process.

Assessment of Tie Break

4.29 The Tie Break question will be scored between 0 and 5 using the following scoring matrix.

Scoring Matrix

Score (0-5)	Scoring Criteria:
0	Unacceptable: The following is indicative of factors that would lead to a score of 0:

	<ul style="list-style-type: none"> • The Applicant fails to respond to the sub-criteria or there is substantial failure to properly address any issues/areas listed in the sub-criteria
1	<p>Poor response: The following is indicative of factors that would lead to a score of 1:</p> <ul style="list-style-type: none"> • Little or no detail provided to answer the sub-criteria or a generic or vague response is provided making no reference to the specific issues/areas listed in the sub-criteria • The response provided requires the reviewer to make assumptions • The response provides confused and/or contradictory information in relation to other responses
2	<p>Satisfactory: The following is indicative of factors that would lead to a score of 2:</p> <ul style="list-style-type: none"> • The response engages with the sub-criteria but does not specifically address all issues/areas listed in the sub-criteria • The Applicant provides limited evidence/information indicating how it meets the sub-criteria
3	<p>Good: The following is indicative of factors that would lead to a score of 3:</p> <ul style="list-style-type: none"> • The response addresses all issues/areas listed in the sub-criteria • The Applicant provides some evidence/information how it meets the sub-criteria • The response provides consistent information in relation to other responses
4	<p>Very Good: The following is indicative of factors that would lead to a score of 4:</p> <ul style="list-style-type: none"> • The response addresses all issues/areas listed in the sub-criteria with a high level of detail • The Applicant provides greater evidence/information indicating how it meets the sub-criteria • The response provides consistent information in relation to other responses
5	<p>Excellent: The following is indicative of factors that would lead to a score of 5:</p> <ul style="list-style-type: none"> • The response addresses all issues/areas listed in the sub-criteria in a comprehensive manner

	<ul style="list-style-type: none"> • The Applicant provides high quality evidence/information indicating how it meets the sub-criteria • The response provides consistent information in relation to other responses
--	--

4.30 To score higher points Applicants should reference the specific CLA Contract requirements, including Category-specific requirements, and the specific characteristics of the Contract Work being bid for (e.g. estimated Case volumes). Responses that are generic and are not CLA Contract or Category specific are likely to achieve lower points.

Stage 5: Contract Award

4.31 All Applicants will be notified of the outcome of their Tender by letter sent through the message board within the e-Tendering system.

4.32 Where Applicants have been unsuccessful following Stage 4, their letter will set out their score, ranking, strengths and weaknesses of their Tender, and the relative advantages of the successful Applicant’s Tender.

4.33 The LAA will observe a 10-day standstill period beginning the day after notification of the outcome of this procurement process is sent to Applicants.

4.34 Any award of a CLA Contract to a successful Applicant is conditional on the CLA Contract being executed in accordance with the LAA’s internal procedures, which may include requiring indemnities or guarantees. The LAA reserves the right not to award a CLA Contract to any Applicant or to withdraw a notification of award at any time prior to execution of the CLA Contract documents.

4.35 The LAA reserves the right to award fewer Contracts in order to cover the Contract Work required. This could result in the LAA awarding fewer than four Contracts in the Discrimination Category.

SECTION 5: SUPPLEMENTAL CLA PROCUREMENT PROCESS

Introduction

- 5.1 This procurement process is governed by this IFA which represents a complete statement of the rules of the procurement process. This IFA supersedes all prior negotiations, representations or undertakings, whether written or oral. References to 'Tender' include, as applicable, all or any submission forming part of a Tender including responses to the CLA Discrimination ITT.
- 5.2 'Legal services' are classified as Social and Other Specific Services to which The Public Contracts Regulations 2015 (the "Regulations") only apply in part. The LAA is not bound by any of the Regulations except those which specifically apply to the procurement of Social and Other Specific Services.
- 5.3 This IFA and any supplementary documents issued as part of this procurement process (including the SQ and CLA Discrimination ITT) are governed and construed in accordance with English Law.

Submitting a Tender

- 5.4 The Applicant agrees to comply with the rules (contained in this Section 5 and elsewhere in this IFA) of this procurement process, the terms of the user agreement governing the use of the LAA e-Tendering system and any contract awarded to them by the LAA (including any conditions of contract award). If the Applicant fails to comply with the rules of this procurement process and/or the terms of the user agreement, the LAA may assess the Applicant's Tender as unsuccessful.
- 5.5 The Applicant must submit a complete Tender (in accordance with paragraph 5.8) by the Deadline. For the purposes of the Deadline, the time specified on the e-Tendering system shall be the definitive time. A Tender will be rejected if it is submitted by the Applicant after the Deadline. The LAA will not consider:
- (a) any requests by the Applicant to amend or submit the Tender after the Deadline;
or
 - (b) any requests by the Applicant for an extension of the time or date fixed for the submission of the Tender

and the Applicant accepts all responsibility for ensuring all parts of its Tender are submitted through the e-Tendering system by the Deadline.

5.6 The Applicant must submit a complete Tender (in accordance with paragraph 5.8) using the e-Tendering system at www.legalaid.bravosolution.co.uk. The LAA will not consider any Tender submitted by the Applicant in any other form, or by any other method.

5.7 A Tender must be authorised by one of the following:

(a) the Applicant's COLP, or HOLP or CM (or proposed COLP, or HOLP or CM); or
(b) where the Applicant is not authorised by a Relevant Professional Body, a member of Key Personnel who either:

(i) has decision and/or veto rights over decisions relating to the running of the Applicant; or

(ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant.

5.8 The Applicant must submit a complete Tender prior to the Deadline. To be considered, the Applicant must reply to every question in the Tender and upload all requested documentation, even if it has previously provided this information or if it is otherwise of the view that the LAA is already aware of such information.

5.9 The Applicant may only submit one Tender (i.e. for New Bidders, one SQ Response and one response to the CLA Discrimination ITT Response and for Previous Bidders, one CLA Discrimination ITT Response). If more than one SQ Response, or CLA Discrimination ITT Response is received from the Applicant, the LAA will assess the last SQ or CLA Discrimination ITT Response submitted before the Deadline and any others will be rejected.

5.10 The Applicant may amend and resubmit its Tender at any time up to the Deadline. Only the last Tender submitted by an Applicant prior to the Deadline will be considered by the LAA.

5.11 The Applicant must ensure that its Tender is fully and accurately completed. The Applicant must ensure that information provided as part of its response is of sufficient quality and detail that an informed assessment of it can be made by the LAA.

- 5.12 Subject to the LAA's right to clarify at paragraph 5.27, the Applicant will not be permitted to amend or alter the Tender after the Deadline except in circumstances expressly permitted by the LAA.
- 5.13 In the event of any conflict between the information, answers or responses submitted as part of a Tender, without prejudice to the other rules of the procurement process, including the LAA's right to clarify, the conflict will be resolved by accepting the information, answer or document least favourable to the Applicant. This may mean that the LAA may reject the Tender in whole or in part. For the avoidance of doubt, in these circumstances, the LAA will not contact the Applicant.
- 5.14 When providing Contract Work within Wales, the Applicant must ensure it is accessible to, and understandable by, clients whose language of choice is Welsh, in accordance with the Welsh Language Act 1993 and Welsh Language (Wales) Measure 2011 and any other relevant statutory instruments which come into force from time to time.
- 5.15 The Applicant, by submitting a Tender, warrants to the LAA that:
- (i) it has complied with all the rules and instructions applicable to this IFA and the e-Tendering system in all respects;
 - (ii) all information, representations and other matters of fact communicated (whether in writing or otherwise) to the LAA by the Applicant are true, complete and accurate in all respects; and
 - (iii) it has capacity to concurrently deliver all of the Contract Work it has submitted a Tender for.
- 5.16 The Applicant must keep any Tender valid and capable of acceptance by the LAA up to the Contract Start Date.
- 5.17 By submitting a Tender, the Applicant agrees to be bound by the CLA Contract without further negotiation or amendment.
- 5.18 In submitting its Tender, the Applicant acknowledges that, save for the provision for Previous Bidders to rely on a valid Previous SQ Response, this procurement process is entirely independent of any other procurement processes that have been run by the LAA

or any predecessor organisation. Accordingly, no previous conduct or decisions of the LAA can be relied upon by the Applicant as setting any precedent for the LAA's conduct in respect of this procurement process.

- 5.19 The Applicant must monitor and respond as appropriate to messages received through the e-Tendering system throughout this procurement process, and the LAA accepts no liability where the Applicant fails to do so. All communication with Applicants through the e-Tendering system, including that outlined in paragraph 5.22 will be deemed to have been received by the Applicant at the time of transmission in the e-Tendering system. The time specified in the e-Tendering system shall be the definitive time.
- 5.20 Any Frequently Asked Questions published through the e-Tendering system in accordance with Section 3 of this IFA will form part of the documentation for this procurement process. Applicants should have regard to the relevant Frequently Asked Questions documents prior to submitting a Tender.
- 5.21 Without prejudice to any warranties given, these rules of the procurement process do not form a separate collateral contract between the Applicant and the LAA. The Applicant's Tender will form part of any Contract subsequently awarded.

Right to Cancel or Amend the Procurement Process

- 5.22 The LAA reserves the right to amend the procurement process (including any related documentation) at any time. Any notices of amendments will be published on the LAA's website at <https://www.gov.uk/government/publications/civil-2018-contracts-tender> and notified to individual Applicants through a message on the e-Tendering system.
- 5.23 A Tender submitted by an Applicant which does not comply with any amendments made in accordance with paragraph 5.22 before the Deadline will be rejected.
- 5.24 The LAA reserves the right to suspend or cancel the procurement process in its entirety or in part, and not to proceed to award contracts at any time at its absolute discretion.
- 5.25 While the LAA has taken all reasonable steps to ensure, as at the date of the issue of the IFA, that the facts which are contained both within it and associated documents are true and accurate in all material respects, it does not make any representation or warranty as to the accuracy or completeness or otherwise of these documents, or the reasonableness

of any assumptions on which these documents may be based. If contradictory information is contained in this IFA and / or associated documents, the provisions of this Section 5 will take precedence.

- 5.26 All information supplied by the LAA to the Applicant, including that within the IFA, is subject to that Applicant's own due diligence. The LAA accepts no liability to the Applicant whatsoever resulting from the use of the IFA and any associated documents, or any omissions from or deficiencies in them.

Right to Clarify / Verify

- 5.27 The LAA may at its sole discretion seek to clarify or verify the Applicant's Tender. It will not do so where this would afford an Applicant the opportunity to improve its Tender by submitting a changed bid which would constitute a new tender. Where it does exercise its discretion to seek clarification or verification, in making its decision following receipt of an Applicant's response, the LAA will not take into account any information received which falls outside of the scope of the specific clarification or verification it is seeking.

- 5.28 Where the LAA contacts the Applicant in circumstances outlined in paragraph 5.27, the Applicant must provide the information requested by the date specified by the LAA. Any information provided by the Applicant after the specified date will not be taken into account by the LAA when evaluating the Applicant's Tender.

Right to Exclude

- 5.29 If the LAA receives information to suggest that any aspect of the Applicant's Tender is false, misleading or incorrect in any material way it may undertake such enquiries as it considers necessary to determine the accuracy of the Tender. The Applicant must assist with any such enquiries.

- 5.30 The LAA reserves the right, at its absolute discretion, to disqualify from the procurement process any Applicant for submitting:

- (i) false information; and/or
- (ii) information which misrepresents the Applicants actual position; and/or
- (iii) misleading information.

5.31 Paragraph 5.30 of this IFA applies regardless of whether the information concerned was submitted with the intention of misleading the LAA or misrepresenting the Applicant's actual position or whether it was submitted recklessly, negligently or innocently.

Canvassing

- 5.32 The Applicant (including its employees and agents) must not, whether directly or indirectly:
- (a) canvass, or attempt to obtain any information from, any Ministers, officers, employees, agents or advisers of the LAA about this procurement process; or
 - (b) offer or agree to pay or give any sum of money, inducement or valuable consideration to any person for doing or having done or causing or having caused to be done any act or omission in relation to this procurement process.

Collusion

- 5.33 The Applicant must not collude with any other person or organisation in any way during this procurement process. This would include, but not be limited to, the following examples:
- (a) Fixing or adjusting any element of its Tender by agreement with any other person, unless such an act would reasonably be permitted as part of this procurement process;
 - (b) Communicating to any other person any information relating to any fees or rates contained in the Applicant's Tender which will be competitively assessed as part of the procurement process, unless such communication is with a person who is a participant in the Applicant's Tender;
 - (c) Entering into any agreement with any person for the purpose of inciting that person to refrain from submitting a Tender;
 - (d) Sharing, permitting or disclosing access to any information relating to its Tender.
- 5.34 If the LAA reasonably concludes that the Applicant has colluded with another person in any way that breaches paragraph 5.33 the LAA will (without prejudice to any other criminal or

civil remedies available to it) immediately exclude the Applicant from any further involvement in this procurement process.

Award

- 5.35 Where a material change occurs to the Tender information submitted by an Applicant, including issues relating to any current contract the Applicant holds, the Applicant must inform the LAA. The LAA will conduct a re-assessment to ensure the Tender is not adversely impacted. If upon reassessment, the Applicant's Tender is deemed to be unsuccessful, or any conditions of contract award are not met, the LAA will not proceed with any decision made to award a Contract. Failure to notify the LAA of a material change may result in disqualification from the procurement process and/or termination of the CLA Contract (as applicable).
- 5.36 The LAA reserves the right, prior to any execution of a Contract, to carry out further due diligence checks. Where, as part of any due diligence, an Applicant is found not to comply with any of the minimum contract requirements which the Applicant committed to meeting in its Tender, the LAA will not proceed with any decision made to award a Contract.
- 5.37 The LAA reserves the right to place additional contractual conditions on the award of a Contract to an individual Applicant.
- 5.38 The award of a Contract does not guarantee a minimum amount of work for the Applicant or that a minimum level of income will be generated for the Applicant as a result of the Contract.

Appeal and costs and expenses of Tender

- 5.39 The Applicant's sole right of appeal is limited to circumstances where:
- i) as a New Bidder, it reasonably, on the information contained in the SQ Response (subject to paragraph 5.27-8), considers that the LAA has made an error in its assessment of the Applicant's SQ Response; or
 - ii) as a Previous Bidder, it reasonably considers that the LAA has made an error in having identified no successful Previous SQ Response submitted by the Applicant as part of the Main Civil 2018 Procurement Process.

- 5.40 There is no other right of appeal, including, for example, in respect of any mistakes, inaccuracies or errors made by the Applicant in its Tender. Where an Applicant seeks to appeal on other grounds not covered by this paragraph, any such appeal will be rejected. For the avoidance of doubt there is no right of appeal based on a purported failure of the LAA to clarify Tender information.
- 5.41 For the avoidance of doubt, there is no right of appeal in respect of the LAA's assessment of ITT Responses.
- 5.42 Appeals must relate to the specific grounds of failure set out in the notification letter received from the LAA.
- 5.43 Appeals should be submitted using the appeals pro-forma which will be made available at <https://www.gov.uk/government/publications/civil-2018-contracts-tender>. The LAA will not accept any appeal submitted after the date detailed in the notification letter for receipt of appeals.
- 5.44 The LAA's Principal Legal Adviser (or their appointed representative) will review all appeals on the papers only and make a determination on the outcome of the appeal. For the avoidance of doubt, there is no further right of appeal.
- 5.45 The Applicant is solely responsible for its own costs and expenses incurred in connection with the preparation and submission of a Tender irrespective of any subsequent cancellation or suspension of this procurement process by the LAA. Under no circumstances will the LAA, or any of its employees, be liable for any costs incurred by the Applicant.

Confidentiality, Data Protection & Freedom of Information

- 5.46 The LAA may share any information contained in an Applicant's Tender with the provider of the e-Tendering system for the purposes of administering the procurement process.
- 5.47 The Applicant should note that under the Freedom of Information Act 2000 (the "FOIA"), the LAA may be required to disclose details of its Tender in response to a request from third parties, either during or after the procurement process. The LAA can only withhold information where it is covered by a valid exemption as set out in the FOIA.

- 5.48 If an Applicant is concerned about possible disclosure, it should contact the LAA and clearly identify the specific parts of the Tender that it considers commercially sensitive or confidential (within the meaning of the FOIA), the harm that disclosure may cause and an estimated timescale for that sensitivity. The Applicant must familiarise itself with the Information Commissioner's current position on the disclosure and non-disclosure of commercially sensitive information and accordingly should not notify the LAA of a blanket labelling of its entire Tender as confidential.
- 5.49 The Applicant must be aware that the receipt by the LAA of information marked 'confidential' does not mean that the LAA accepts any duty of confidence in relation to that marking. Neither does the LAA guarantee that information identified by the Applicant as confidential will not be disclosed where the public interest favours disclosure pursuant to our obligations under FOIA.
- 5.50 The LAA, will collect, hold and use Personal Data obtained from and about the Applicant and its Key Personnel during the course of the procurement process.
- 5.51 By submitting a Tender, an Applicant consents and confirms they have obtained all necessary consents to such Personal Data being collected, held and used in accordance with and for the purposes of administering the procurement process as contemplated by the IFA and for the management of any Contract subsequently awarded.
- 5.52 The Applicant warrants, on a continuing basis, that it has:
- (a) all requisite authority and has obtained and will maintain all necessary consents required under the Data Protection Legislation (which includes the Data Protection Act 1998, the General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018 (from the respective date when each is in force) the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all applicable law about the processing of personal data and privacy together with any codes of conduct and guidance issued by the Information Commissioner); and
 - (b) otherwise fully complied with all of its obligations under the Data Protection Legislation, in order to disclose to the LAA the Personal Data, and allow the LAA to carry out the procurement process. The Applicant shall immediately notify the LAA if any of the consents is revoked or changed in any way which affects the LAA's rights or obligations in relation to such Personal Data.

- 5.53 The LAA may disclose any documentation or information submitted by the Applicant as part of a Tender, whether commercially sensitive or not, for the purposes of complying with any control and/or reporting obligations, to any other central Government Department or Executive Agency. For the avoidance of doubt, information will not be disclosed outside Government for these purposes. By submitting a Tender, Applicants consent to documentation and information being held and used for these purposes.
- 5.54 The LAA will publish details of all contracts awarded in accordance with the Government's transparency standards.
- 5.55 Following completion of this procurement process, the LAA will retain copies of the Tender for such time as it considers reasonable to satisfy the LAA's audit obligations and for any associated contract management purposes.

Copyright & Intellectual Property Rights

- 5.56 The information contained in this IFA is subject to Crown copyright 2016. Applicants may, subject to 5.57, reuse this document (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v3.0. To view this licence, visit: <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3> or write to the: Information Policy team, The National Archives, Kew, London, TW9 4DU, or complete the online enquiry form <https://www.nationalarchives.gov.uk/contact/contactform.asp?id=8>
- 5.57 If an Applicant uses this IFA under the Open Government Licence v3.0, it should include the following attribution: "Supplemental Procurement of Civil Legal Aid Services in England and Wales from 1 September 2018, Civil Legal Advice (CLA) Telephone Advice Services in the Discrimination Category of Law, Information for Applicants, Legal Aid Agency, Licensed under the Open Government Licence v3.0."

ANNEX A: THE CONTRACT WORK - KEY FIGURES

Table A: CLA Contract value

Below are forecast CLA Contract values for CLA Contracts awarded through this procurement process based on existing spend across the Discrimination Category in the last two full financial years (years 3 and 4 of the current contract). These costs are net of VAT and do not include disbursements. Please note, as payment can only be claimed following the completion of a Case, there can be significant variance between years. There may also be work in progress at the end of the CLA Contract Period which will be billed after the Contract Period has completed.

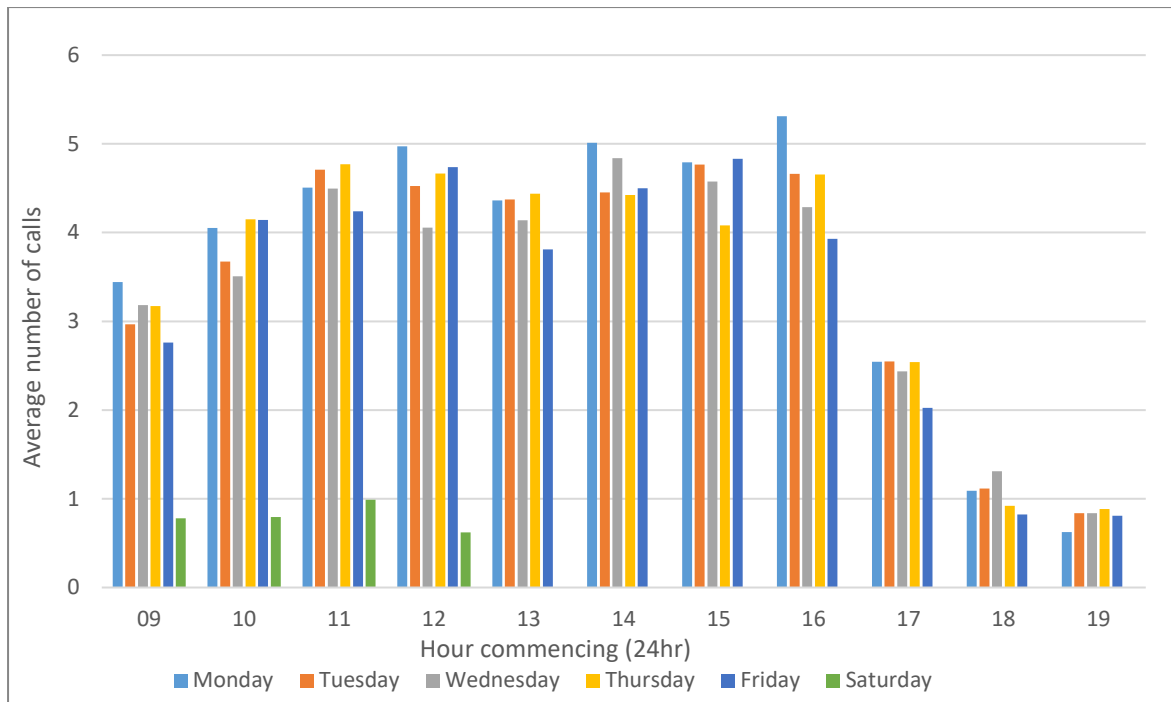
Category	Total Category value (p/a)	Number of contracts (p/a)	Contract value (p/a)
Discrimination	£556,970	4	£93,292

Table B: Discrimination – Forecast Case volumes and Case length per annum per CLA Contract awarded through this procurement process

	Number of Cases per annum	Average Case length (minutes)
Determination	323	42
Cases up to 899 minutes	219	209
Cases 900 minutes and above	35	2310
Total	576	

Table C: Discrimination incoming call profiles

The table below sets out the historic profile of incoming calls in the Discrimination Category for each hour of the week during current service hours. This data is based on incoming calls across all current providers between January 2016 and August 2017. Please note that under the current CLA Discrimination contract the hours during which calls are referred to providers by the CLA Operator Service include 6pm and 8pm Monday-Friday and 9am-12:30pm on Saturdays, which will not apply under the Contract. This distribution may not therefore be reflective of the call profile under the Contract.



ANNEX B: CLA DISCRIMINATION CATEGORY SQ QUESTIONS AND ASSESSMENT

Section A – organisation and contact details

Note	<p>The tender requirements under this procurement process differ according to whether an Applicant is a New Bidder or a Previous Bidder.</p> <p>If you are a New Bidder (i.e. an Applicant that did not submit a tender for a Contract as part of the Main Civil 2018 Procurement Process, or who did submit a tender but were excluded at Selection Questionnaire stage, or whose Previous SQ Response is no longer valid) you must submit a Response to this Selection Questionnaire and the CLA Discrimination ITT.</p> <p>If you are a Previous Bidder (i.e. an Applicant that has previously submitted a tender for a Contract as part of the Main Civil 2018 Procurement Process and whose Previous SQ Response remains valid) you must respond to the CLA Discrimination ITT and must confirm as part of your ITT Response that your response to the Selection Questionnaire submitted in the Main Civil 2018 Procurement Process remains valid.</p>	
No.	Question	Response options and assessment
A.1	Full name of Applicant including trading name(s) that will be used if successful in this procurement process	Free text
A.2	<p>Registered or head office address</p> <p>Where the Applicant does not yet have a registered or head office please enter “N/A”</p>	Free text
A.3	<p>Postcode of registered or head office address</p> <p>Where the Applicant does not yet have a registered or head office please enter “N/A”</p>	Free text
A.4.i	Intended trading status	<p>Options list</p> <ul style="list-style-type: none"> a) Public limited company b) Limited company

		<ul style="list-style-type: none"> c) Limited liability partnership d) Other partnership e) Sole trader f) Third sector g) Other
A.4.ii	If you answered "Other" to question A.4.i, please explain your trading status	Free text
A.4.iii	Will the Applicant be delivering the Contract Work as an Alternative Business Structure?	Options list: i) Yes ii) No
A.4.iv	Date of registration with Companies House or Charities Commission Where the Applicant does not yet have a registered trading status please enter "N/A"	Free text
A.4.v	Company registration number (if applicable) If this does not apply to the Applicant please answer "N/A"	Free text
A.4.vi	Charity registration number (if applicable) If this does not apply to the Applicant please answer "N/A"	Free text
A.4.vii	Registered VAT number If this does not apply to the Applicant please answer "N/A"	Free text
A.5	Where the Applicant is required to provide a Personal Guarantee and Indemnity (e.g. where it is an LLP or limited company), please confirm the names of the individuals required and authorised to sign. An Applicant with limited liability (unless a registered charity) must supply the LAA with a properly completed indemnity when requested.	Free Text

	Where the Applicant is not required to provide a Personal Guarantee and Indemnity please answer “N/A”	
A.6	<p>LAA Account Number for registered or head office</p> <p>LAA Account Numbers are alpha-numeric and are 6 characters long, e.g. 1A234B and can be found on the Applicant’s current LAA Contract Schedule documentation (where applicable).</p> <p>Where the Applicant does not currently have an LAA Account Number for this office or at all please enter “N/A”</p>	Free text
A.7.i	Predecessor bodies – has the Applicant been subject to any change to its status in the three years preceding the date of its Selection Questionnaire Response submission? This may include (but is not limited to) merger, de-merger or change in legal status such as becoming a limited liability partnership.	Options list: i) Yes ii) No
A.7.ii	If you answered “Yes” to question A.7.i, please provide details of all status changes in this time period.	Free text
A.8	<p>Parent companies – please list any organisation which owns more than 50 percent of the voting shares of the Applicant or has an overriding material influence over its operations (the largest individual shareholder or if they are placed in control of the running of the operation by non-operational shareholders). In your response please include:</p> <ul style="list-style-type: none"> - Full name of the parent company - Registered office address (if applicable) - Registration number (if applicable) - Head office VAT number (if applicable) <p>If the Applicant does not have any parent companies please answer “N/A”</p>	Free text

A.9.i	<p>Does the Applicant currently hold the appropriate authorisation to provide Contract Work from one of the Relevant Professional Bodies?</p> <p>Where, in accordance with the Legal Services Act 2007, the Applicant is able to deliver reserved legal services without authorisation from a Relevant Professional Body, please answer “iii) N/A, Applicant is able to deliver reserved legal services without authorisation”</p> <p>Where the Applicant answers “ii) No, not currently authorised” they must obtain authorisation from a Relevant Professional Body by the deadline stipulated in the relevant ITT IFA.</p>	<p>Options list:</p> <p>i) Yes, currently authorised (answer questions A.9.ii and A.9.iii)</p> <p>ii) No, not currently authorised (answer question A.10)</p> <p>iii) N/A, Applicant is able to deliver reserved legal services without authorisation (answer question A.10)</p>
A.9.ii	<p>If the Applicant has answered “Yes” to A.9.i, which Relevant Professional Body is the Applicant authorised by?</p>	<p>Options list:</p> <p>i) Solicitors Regulation Authority</p> <p>ii) Bar Standards Board</p> <p>iii) CILEx Regulation</p>
A.9.iii	<p>If the Applicant has answered “Yes” to A.9.i please provide the authorisation number/reference</p>	<p>Free text</p>
A.10	<p>Contact telephone number for the purposes of this procurement process</p>	<p>Free text</p>

Section B – grounds for mandatory exclusion

Where the Applicant answers “Yes” to any question within this section the LAA will exclude it from participating further in this procurement process, unless there are mitigating circumstances which the LAA deems to be satisfactory.

In the event that an Applicant answers “Yes” to any of the following questions, it must provide information in the free text box to the supplementary questions provided, outlining the circumstances including exceptional circumstances that it wishes the LAA to consider in assessing the response. If there is more than one incident, the Applicant must give the information about each incident.

	<p>If the Applicant answers “Yes” to question B.1 on convictions it may still avoid exclusion if it is able to demonstrate mitigating circumstances which the LAA deems to be satisfactory. If the Applicant is in that position please provide details in the free text box to the supplementary question B.1(a) - (e).</p>	
--	--	--

	<p>If the Applicant answers “Yes” to question B.2 on the non-payment of taxes or social security contributions, and has not paid or entered into a binding arrangement to pay the full amount, it may still avoid exclusion if only minor tax or social security contributions are unpaid or if it has not yet had time to fulfil its obligations since learning of the exact amount due. If the Applicant is in that position please provide details in the free text boxes to the supplementary question B.2(a) - (f).</p> <p>Applicants must be explicit and comprehensive in responding to these questions as failure to do may result in the LAA rejecting their Selection Questionnaire Response.</p>	
B.1	<p>Regulations 57(1) and (2) The detailed grounds for mandatory exclusion of an organisation are set out on the following webpage, which should be referred to before completing these questions: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf Please indicate if, within the past five years the Applicant or any of its Key Personnel have been convicted anywhere in the world of any of the offences within the summary below and listed on the webpage referred to above:</p> <ul style="list-style-type: none"> a) Participation in a criminal organisation; b) Corruption; c) Fraud; d) Terrorist offences or offences linked to terrorist activities; e) Money laundering or terrorist financing; f) Child labour and other forms of trafficking in human beings. 	<p>Yes (Fail, subject to information in B.1(a) – (e))</p> <p>No (Pass)</p>
B.1(a)	If the Applicant has answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) convicted. If the response relates to the Applicant please enter “Relates to Applicant”	Free text
B.1(b)	Please explain which of the grounds listed the conviction was for and the reasons for conviction	Free text
B.1(c)	Please give the date of the conviction	Free text
B.1(d)	If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents	Free text

B.1(e)	Have measures been taken to demonstrate the reliability of the Applicant despite the existence of a relevant ground for exclusion? If so, please give details of the steps taken by the Applicant.	Free text
B.2	<p>Regulation 57(3) Within the past five years has the Applicant or any of its Key Personnel been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), to be in breach of obligations related to the payment of tax or social security contributions?</p> <p>Please note that if the Applicant is a new organisation which does not yet have obligations relating to payment of social security and taxes, it should still answer the question above in relation to its Key Personnel.</p>	Yes (Fail, subject to information in B.2(a) – (f)) No (Pass)
If the Applicant has answered “Yes” to question B.2, it must give details by answering questions B.2(a)– (f) below.		
B.2(a)	Please give the name and position of the person(s) involved. If the response relates to the Applicant please enter “Relates to Applicant”	Free text
B.2(b)	Please explain what the obligations were, which the Applicant or any of its Key Personnel has failed to meet, including the name of the social security contribution or tax, the date(s) it fell due and the date of the binding decision referred to in B.2 above.	Free text
B.2(c)	Please confirm that you have paid the outstanding sum (including the date paid in full) or give the value of unmet obligation(s)	Free text
B.2(d)	If the social security contribution or tax relates to the Applicant please confirm the percentage value of the unmet obligation(s) of the Applicant’s annual turnover. If the social security contribution or tax relates to Key Personnel please enter “N/A”.	Free text
B.2(e)	Please give details of any binding agreement to fulfil the obligation(s) with a view to paying, including, where applicable: <ul style="list-style-type: none"> - the date the agreement was made; and - any accrued interest and/or fines; and - the date by which the amount(s) were or will be repaid. If no agreement is in place, please enter “No agreement”	Free text

B.2(f)	Please attach evidence of the binding agreement reached, where appropriate. Where you do not have evidence of a binding agreement there is no need to attach a document.	Attachment
--------	--	------------

Section C – grounds for discretionary exclusion

The LAA may exclude Applicants that submit a response designated as ‘discretionary fail’ to any one of the following questions but will consider the exceptional circumstances submitted by Applicants.

In the event that an Applicant submits a response designated as ‘discretionary fail’ to any of the following questions, it must provide information in the free text box to the supplementary questions provided, outlining the circumstances including exceptional circumstances that it wishes the LAA to consider in assessing the response. If there is more than one incident, the Applicant must give the information about each incident.

Applicants must be explicit and comprehensive in responding to these questions as, other than as set out at paragraph 3.40 in the IFA, failure to do may result in the LAA rejecting their Selection Questionnaire Response.

	<p>Regulation 57 (8) The detailed grounds for discretionary exclusion of an organisation are set out on the following webpage, which should be referred to before completing these questions: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf</p> <p>Unless a different time period is specified in any question, please indicate if, within the past three years, anywhere in the world any of the following situations have applied to the Applicant or any of its Key Personnel.</p>	
C.1	Breach of environmental obligations, breach of social obligations and/or breach of labour law obligations?	Yes (discretionary fail) No (pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.1 it must give details by answering questions C.1(a) - (d) below.	
C.1(a)	Please give details about the nature of the event(s) leading to this violation	Free text

C.1(b)	Please give details about the nature of the violation and any sanction applied	Free text
C.1(c)	Please give the date when the violation occurred	Free text
C.1(d)	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to a violation	Free text
C.2	<p>Is/has the Applicant or any of its Key Personnel (been) bankrupt or the subject of insolvency or winding-up proceedings, where the assets are being administered by a liquidator or by the court, where it is/has been in an arrangement with creditors, where its business activities are/have been suspended or it is/has been in any analogous situation arising from a similar procedure under the laws and regulations of any State?</p> <p>For the avoidance of doubt this includes the imposition of Individual Voluntary Arrangements (IVA) or Company Voluntary Arrangements (CVA).</p>	<p>Yes (discretionary fail)</p> <p>No (pass)</p>
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.2, it must give details by answering questions as appropriate below.	
C.2(a)	<p>Where it relates to the Applicant please enter “Relates to Applicant”.</p> <p>Where this relates to a member of your Key Personnel please give the name and position of the person(s) involved.</p>	Free text
C.2(b)	Is/has the Applicant or any member of its Key Personnel either at this organisation or any previous organisation (been) the subject of an IVA or a CVA as a result of the non-payment of taxes or social security contributions?	<p>Yes (Answer C.2(c) to C.2(h))</p> <p>No (Answer C.2(j) to C.2(l))</p>
C.2(c)	Please provide the value of the IVA or CVA when entered into	Free text
C.2(d)	Please provide the date on which the IVA or CVA was entered into	Free text
C.2(e)	<p>Where the IVA or CVA has been subject to any rescheduling of repayments, please provide:</p> <ul style="list-style-type: none"> • details of what changes were agreed, including the date when the rescheduling occurred; and • confirmation of changes to the repayment amount (including the amount the repayments were changed from); and • confirmation of any change to the date of discharge (including the original date of discharge). <p>Where the IVA or CVA has not been subject to any rescheduling of repayments please enter "N/A".</p>	Free text

C.2(f)	When is the IVA or CVA due to be discharged?	Free text
C.2(g)	On what dates do each of the next payments of taxes and social security contributions for which the Applicant or any of its Key Personnel is liable fall due? For the avoidance of doubt this includes, but is not limited to, Income Tax, PAYE, National Insurance contributions, Corporation Tax and VAT.	Free text
C.2(h)	Have all payments of taxes and social security contributions for both the Applicant and each of its Key Personnel following the imposition of the IVA/CVA been met?	Yes No (Answer C.2(i))
C.2(i)	Where the Applicant has answered “No” to C2(h), please provide details of: - the type liability owing (which tax or social security contribution); and - to whom the liability relates (either Applicant or provide the name and position of the person(s) involved); and - the amount of the outstanding liability; and - the date on which the amount became due; and - whether there is a binding agreement in place to repay the amount.	Free text
C.2(j)	Please give details of the type of event and the date on it occurred	Free text
C.2(k)	Please give details about the situation, including the amount of money involved and the date when the issue arose	Free text
C.2(l)	Please give details about any measures the Applicant has taken to ensure that the situation is resolved and confirm the current position on repayments including the date by which the amount will be repaid.	Free text
C.3	Issued with a County Court Judgment (“CCJ”) under which liabilities will not be discharged by the Contract Start Date?	Yes (discretionary fail) No (Pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.3, it must give details by answering questions C.3 (a) - (e) below.	

C.3(a)	If the Applicant has answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved. If the response relates to the Applicant please enter “Relates to Applicant”	Free text
C.3(b)	Please give the date(s) when the incident(s) occurred leading to the CCJ(s), and the date when the CCJ(s) was/were issued	Free text
C.3(c)	Please give details of the situation, including the amount owed, resulting in the CCJ(s) being issued	Free text
C.3(d)	Please give details of any written plan in place to discharge these liabilities including the date by which the amount(s) will be repaid	Free text
C.3(e)	Please give details about any measures the Applicant has taken to ensure that similar situations will not arise in the future	Free text
C.4	Guilty of professional misconduct or has been referred to a disciplinary body following allegations of grave professional misconduct, or has been disqualified as charity trustee?	Yes (discretionary fail) No (pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.4, it must give details by answering questions C.4 (a) - (e) below.	Free text
C.4(a)	If the Applicant has answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved. If the response relates to the Applicant please enter “Relates to Applicant”	Free text
C.4(b)	Please give the date when the event(s) occurred	Free text
C.4(c)	Please confirm the nature of the event(s) leading to the finding or allegations of grave professional misconduct or disqualification	Free text
C.4(d)	Please give: <ul style="list-style-type: none"> the date that the finding of grave professional misconduct/disqualification was made. If no finding has been made to date, please give the date of any disciplinary body hearing date if known; detail of any sanction applied; and which body made the finding of guilt / is investigating the allegations 	Free text
C.4(e)	Please give details about any measures the Applicant has taken to ensure that there is no repeat of the circumstances leading to the finding or allegations of grave professional misconduct or disqualification.	Free text

C.5	Entered into agreements with other economic operators aimed at distorting competition?	Yes (discretionary fail) No (pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.5, it must give details by answering questions C.5 (a) - (d) below.	
C.5(a)	If the Applicant has answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved. If the response relates to the Applicant please enter “Relates to Applicant”	Free text
C.5(b)	Please give the date when the event(s) occurred	Free text
C.5(c)	Please confirm the nature of the event(s) leading to an agreement with other market operators aimed at distorting competition	Free text
C.5(d)	Please give details about any measures the Applicant has taken to ensure that there is no repeat of the circumstances leading to the distortion of competition.	Free text
C.6	Aware of any conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 due to the participation in the procurement procedure or been involved in the preparation of the procurement procedure?	Yes (discretionary fail) No (pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.6, it must give details by answering question C.6(a) below.	Free text
C.6(a)	Please describe the nature of the conflict, including how this might be perceived to compromise the Applicant’s impartiality and independence in the context of the procurement procedure.	Free text
C.7	Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract (other than with the LAA), a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? The Applicant must also answer “Yes” to this question if any of its Key Personnel worked as Key Personnel at another organisation that has had a contract terminated (other than by the LAA) within the last three years.	Yes (discretionary fail) No (pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.7, it must give details by answering questions C.7(a) - (h) below.	
C.7(a)	Please give the name of the organisation with whom this contract was held	Free text

C.7(b)	Please give the date on which this contract commenced	Free text
C.7(c)	Please give the value of the contract and the time period for which the full contract was due to run	Free text
C.7(d)	Please confirm the nature of the sanction that was applied	Free text
C.7(e)	Please give the date when the early termination/damages/comparable sanction took effect	Free text
C.7(f)	If the Applicant has answered “Yes” in relation to Key Personnel working at a previous organisation please confirm the name of the member of Key Personnel and the organisation to which the termination relates. If the termination relates to the Applicant please answer "Relates to Applicant"	Free text
C.7(g)	Please confirm the reason for the early termination/damages/comparable sanction	Free text
C.7(h)	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to the early termination/damages/comparable sanction	Free text
C.8	<p>Had any contract with the LAA or its predecessor body terminated in whole or in part within the last five years (not restricted to civil contracts), or is it currently in receipt of a notice to terminate?</p> <p>The Applicant must also answer “Yes” to this question if any of its Key Personnel worked as Key Personnel at another organisation who has had a contract with the LAA or its predecessor body terminated in whole or in part within the last five years, or is currently in receipt of a notice to terminate.</p> <p>For the avoidance of doubt, do not answer “Yes” if the termination was by the LAA in accordance with its “no fault” termination rights.</p>	<p>Yes (discretionary fail)</p> <p>No (Pass)</p>
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.8, it must give details by answering questions C.8(a) - (f) below.	
C.8(a)	<p>Please indicate whether the Applicant’s termination or notice to terminate relates to the whole contract or a particular Category of Law.</p> <p>If the termination relates to a particular Category of Law, please state which.</p>	Free text
C.8(b)	Please give the date when the termination took effect/notice to terminate was received	Free text
C.8(c)	If the Applicant has answered “Yes” in relation to Key Personnel working at a previous organisation please confirm the name of the member of Key Personnel and the organisation to which the termination/notice to terminate relates. If the termination/notice to terminate relates to the Applicant please answer "Relates to Applicant"	Free text

C.8(d)	Please confirm the reason for the termination/notice to terminate	Free text
C.8(e)	If the Applicant has received a notice to terminate, please tell us what has happened since the notice was received, and what stage the Applicant is at in any appeal process. If the appeal process has concluded, or the Applicant chose not to appeal, please confirm the outcome of the appeal or that the Applicant chose not to appeal, as appropriate.	Free text
C.8(f)	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to the notice to terminate or termination	Free text
C.9	<p>Received either:</p> <p>a) two consecutive Peer Review ratings of 4; or b) a Peer Review rating of 5,</p> <p>in any Civil Category of Law following the outcome of any appeal in the last 5 years?</p> <p>The Applicant must also answer “Yes” to this question if any of its Key Personnel received two consecutive Peer Review ratings of 4 or a Peer Review rating of 5 whilst working as Key Personnel at another organisation in the last 5 years.</p>	<p>Yes (discretionary fail)</p> <p>No (Pass)</p>
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.9, you must give details by answering questions C.9(a) - (d) below.	
C.9(a)	Please confirm the Category(ies) of Law in which the Peer Review rating(s) have been received	Free text
C.9(b)	Please confirm the Peer Review rating(s) received	Free text
C.9(c)	Please give the dates when you were notified of the relevant Peer Review rating(s)	Free text
C.9(d)	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to the Peer Review rating(s)	Free text
C.10	<p>Has anyone in your organisation received notification from the LAA that they may not conduct publicly funded work under any LAA Contract?</p> <p>Any individual who has received notification from the LAA that they may not conduct publicly funded work under an LAA contract may not conduct publicly funded work under a 2018 Contract.</p>	<p>Yes (discretionary fail)</p> <p>No (pass)</p>

	Where the Applicant answers “Yes” and responds to the questions below, the LAA will, in addition, contact the Applicant to obtain further information regarding the exclusion.	
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.10, you must give details by answering questions C.10(a) - (e) below.	
C.10(a)	Please provide the full name(s) of the individual(s) who have been notified that they may not conduct publicly funded work under an LAA contract?	Free text
C.10(b)	Was/were the individual(s) a member of Key Personnel at the time they received notification?	Option: Yes No
C.10(c)	Please confirm the status of the individual(s) who has/have been notified that they may not conduct publicly funded work under an LAA contract within the Applicant	Free text
C.10(d)	Please provide the date on which the individual(s) was/were notified	Free text
C.10(e)	Please provide details of the events which led to the individual(s) being excluded from conducting publicly funded work under an LAA contract.	Free text
	Please answer the following statements:	
C.11	The Applicant — (i) is/has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or (ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015	Yes (discretionary fail) No (pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.11, it must give details by answering questions C.11(a) - (e) below.	
C.11(a)	Please give the name of the contracting authority from whom your organisation withheld/misrepresented information	Free text
C.11(b)	Please confirm the nature of the affected contract(s)	Free text
C.11(c)	Please give the date when the event(s) occurred	Free text
C.11(d)	Please confirm the action taken by the contracting authority as a result of the Applicant withholding/misrepresenting information	Free text

C.11(e)	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to the Applicant misrepresenting/withholding information	Free text
C.12	The Applicant or any of its Key Personnel has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.	Yes (discretionary fail) No (pass)
	Exceptional circumstances – if the Applicant has answered “Yes” to question C.12, it must give details by answering questions C.12(a) - (e) below.	
C.12(a)	Please give the name of the contracting authority(ies) affected	Free text
C.12(b)	Please confirm the nature of the affected contract(s)	Free text
C.12(c)	Please give the date when the event(s) occurred	Free text
C.12(d)	Please confirm the action taken by the contracting authority as a result of the Applicant’s action	Free text
C.12(e)	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to undue influence/undue advantage/negligently or materially influencing procurements and/or contracting authorities	Free text
C.13	Have any of the Applicant’s Key Personnel (irrespective of which organisation they were working for) received any conditions on their practising certificates imposed by a regulatory body, Relevant Professional Body or Complaints Body within the last three years?	Yes (discretionary fail) No (Pass)
	Exceptional circumstances – if the Applicant has answered “yes” to question C.13, it must give details by answering questions C.13(a) – (e) below.	
C.13(a)	If the Applicant has answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved.	Free text
C.13(b)	Please give details about the nature of the event(s) leading to the imposition of the condition(s), including the date when the event(s) occurred	Free text
C.13(c)	Please give details of the condition(s) that were imposed, including the date they were imposed	Free text
C.13(d)	Please give details of the nature of any current condition(s) on practising certificates	Free text
C.13(e)	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to the imposition of condition(s)	Free text

C.14	Is the Applicant a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?	Yes (Answer C.14(a)) No (Pass)
C.14(a)	If you have answered yes to question C.14 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?	Yes (pass) (Answer C.14(b)) No (discretionary fail)
C.14(b)	Please provide the relevant url to view the statement	Free text
	Exceptional circumstances – if the Applicant has answered “No” to question C.14(a), it must give details by answering question C.14(c) below.	
C.14(c)	Please provide all relevant information for the LAA to consider your exceptional circumstances including why you are currently not compliant and what steps are being taken to become compliant with the Act. Please provide timescales for activity to be completed.	Free text

Section D – Declaration

I give my undertaking that I am either

- the Compliance Officer for Legal Practice (COLP) or the individual intending to be the COLP where the Applicant is or intends to be authorised by the Solicitors Regulation Authority (SRA); or
- the Head of Legal Practice (HOLP) or the individual intending to be the HOLP where Applicant is or intends to be authorised by the Bar Standards Board (BSB); or
- the Compliance Manager (CM) or the individual intending to be the CM where Applicant is or intends to be authorised by CILEx Regulation (CILEx); or
- where the Applicant is not (and will not be) authorised by the SRA, the BSB or CILEx, a member of Key Personnel who either (i) has decision and / or veto rights over decisions relating to the running of the Applicant; or (ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant;

and so authorised to make this submission on behalf of the Applicant and confirm that the answers submitted in this Selection Questionnaire Response are correct. I understand that the information will be used in the process to assess the Applicant's suitability to be offered a CLA Contract. I understand that the LAA may conduct verification checks and may reject this Selection Questionnaire Response if there is a failure to answer all relevant questions fully or the information provided is inaccurate in any material way.

	Question	Response Type
D.1	Name of the individual making declaration on behalf of the Applicant	Free text
D.2	Status within the Applicant organisation	Option List: i) COLP or intended COLP ii) HOLP or intended HOLP iii) CM or intended CM iv) Key Personnel

ANNEX C – SELECTION CRITERIA

OVERVIEW

The Selection Criteria contain questions which will be used to assess the Applicant’s capacity to deliver the Contract Work tendered for. Applicants must answer all Selection Criteria questions. Each Selection Criterion provided in Section A has a scored question which is answered by selecting from a list of drop down options, or in the case of Selection Criterion 5, completing a mandatory attachment. Where Applicants select responses to questions in the Selection Criteria which are assigned a score of 1 point or higher, they may also be required provide further information in a text box.

The Tie Break question will be assessed in the event of Applicants’ bids being tied at stage 3 (shortlisting) and/or stage 4 (Commercial Envelope) of the evaluation process.

Section N: Non-assessed questions

NOTE	<p>The tender requirements under this procurement process differ according to whether an Applicant is a New Bidder or a Previous Bidder.</p> <p>If you are a New Bidder (i.e. an Applicant that did not submit a tender for a Contract as part of the Main Civil 2018 Procurement Process, or who did submit a tender but were excluded at Selection Questionnaire stage, or whose Previous SQ Response is no longer valid) you must submit a Response to the Selection Questionnaire for this procurement process (ITT 570 – Selection Questionnaire for the Supplemental CLA Procurement Process) and this CLA Discrimination ITT.</p> <p>If you are a Previous Bidder (i.e. an Applicant that has previously submitted a tender for a Contract as part of the Main Civil 2018 Procurement Process and whose Previous SQ Response remains valid) you must respond to this CLA Discrimination ITT and must confirm as part of your ITT Response that your response to the Selection Questionnaire submitted in the Main Civil 2018 Procurement Process remains valid.</p>	
No.	Question	Response options
New Bidders and Previous Bidders		
N.1.	Are you a New Bidder or a Previous Bidder?	Options:

	An Applicant that answers this question as a New Bidder must complete and submit a SQ Response in addition to the CLA Discrimination ITT Response.	<p>i) New Bidder (complete and submit a SQ Response in addition to a CLA Discrimination ITT Response)</p> <p>ii) Previous Bidder (answer N2)</p>
N.2	<p>Has there been any change to the Applicant's circumstances that affects the answers provided in its Selection Questionnaire Response submitted as part of the Main Civil 2018 Procurement Process? ("Previous SQ Response")</p> <p>In the event that there have been changes to the Applicant's circumstances that would affect the answers provided in its Previous SQ Response such that those answers would no longer be correct, the Applicant must not answer "No – no change". Rather, it must respond to this procurement opportunity as a New Bidder by completing and submitting a new SQ Response.</p>	<p>Options:</p> <p>No – no change (the LAA will rely on the Applicant's SQ Response submitted as part of the Main Civil 2018 Procurement Process)</p> <p>Yes – have been changes (the Applicant must complete and submit new SQ Response as part of this Supplemental CLA Procurement Process)</p>
Expansion capacity		
N.3	<p>In accordance with paragraph 1.42-1.43 of the IFA, the LAA may redistribute the allocation of Cases under the CLA Contract at any point during the Contract. For example, this may be done in circumstances where another Provider is unable to meet its obligations to deliver the relevant Contract Work.</p> <p>Please confirm the maximum volume of Contract Work you could deliver if required to expand your capacity to deliver the Contract Work</p>	Free text

SECTION A: SELECTION CRITERIA

<u>Selection Criterion 1: Appropriate authorisation</u>		Response	Total Score Available
Preference will be given to Applicants that can evidence they currently have appropriate authorisation from a Relevant Professional Body to deliver legal services			
1 (i)	<p>Please select the answer from the following two options which is applicable to you:</p> <p>A. The Applicant currently has appropriate authorisation from a Relevant Professional Body to deliver legal services</p> <p>B. The Applicant does not currently have appropriate authorisation from a Relevant Professional Body to deliver legal services but will obtain this at least 4 weeks before the Service Commencement Date</p>	<p>A (3 points) (Answer 2 (i))</p> <p>B (0 points) (Answer 2 (i))</p>	3
Note	<p>Please note, where the Applicant selects answer option A in response to Selection Criterion 1 (i), the LAA will validate this answer using the Applicant's answers to questions A.9 (i) – (iii) of the Selection Questionnaire.</p> <p>Where the details provided in response to Selection Questionnaire questions A.9 (i) – (iii):</p> <ul style="list-style-type: none"> demonstrates that the Applicant does not currently have appropriate authorisation from a Relevant Professional Body; or otherwise conflicts with the requirements of Selection Criterion 1 (i); or provides insufficient or unclear information that does not allow LAA to verify the accuracy of the Applicant's answer to Selection Criterion 1 (i) 		

	the LAA may re-score the response, including re-scoring the response to 0 points for question 1 (i).		
<u>Selection Criterion 2: Office</u>		Response	Total Score Available
Preference will be given to Applicants that can evidence they currently have at least one Office from which they will deliver CLA Discrimination Contract Work that meets the relevant requirements set out at paragraph 4.28-31 of the Specification.			
2 (i)	<p>Please select the answer from the following two options which is applicable to you:</p> <p>A. The Applicant currently has at least one Office from which it will deliver CLA Discrimination Contract Work that meets the relevant requirements set out at paragraph 4.28-31 of the Specification</p> <p>B. The Applicant does not currently have at least one Office from which it will deliver CLA Discrimination Contract Work that meets the relevant requirements set out at paragraph 4.28-31 of the Specification but will do so by at least 4 weeks before the Service Commencement Date</p>	<p>A (3 points) (Answer 2 (ii))</p> <p>B (0 points) (Answer 3 (i))</p>	3
2 (ii)	<p>Please provide the address (including postcode) for your Office from which you will deliver CLA Discrimination Contract Work.</p> <p>Where you intend to deliver the service from more than one Office, please provide the details of your primary Office for the purposes of this Contract</p> <p>Please note, where the details provided in response to this question:</p> <ul style="list-style-type: none"> demonstrates that the Applicant does not currently have an Office; or 	Free text	

	<ul style="list-style-type: none"> • otherwise conflicts with the requirements of question 2 (i); or • provides insufficient or unclear information that does not allow LAA to verify the accuracy of the Applicant's answer to question 2 (i) <p>the LAA may re-score the response, including re-scoring the response to 0 points for question 2 (i).</p>		
<p><u>Selection Criterion 3: Supervisors</u></p> <p>Preference will be given to Applicants that can evidence they currently employ (or have a Signed Engagement Agreement to employ) at least one Full-Time Equivalent Supervisor who meets the Supervisor Standard in the Discrimination Category and who will supervise Contract Work in the Discrimination Category from the Service Commencement Date.</p>		Response	Total Score Available
3 (i)	<p>Please select the answer from the following three options which is applicable to you:</p> <p>A. The Applicant currently employs at least one Full-Time Equivalent Supervisor who meets the Supervisor Standard in the Discrimination Category and who will supervise Contract Work in the Discrimination Category from the Service Commencement Date.</p> <p>B. The Applicant currently has a Signed Engagement Agreement to employ at least one Full-Time Equivalent Supervisor who meets the Supervisor Standard in the Discrimination Category and who will supervise Contract Work in the Discrimination Category from the Service Commencement Date.</p> <p>C. The Applicant does not currently employ (or have a Signed Engagement Agreement to employ) at least one Full-Time Equivalent Supervisor who meets the Supervisor Standard in the Discrimination Category and who will supervise Contract Work in the Discrimination Category from the Service Commencement Date but</p>	<p>A (3 points) (Answer 4 (i))</p> <p>B (1 point) (Answer 4 (i))</p> <p>C (0 points) (Answer 4 (i))</p>	3

	will employ at least one Full-Time Equivalent Supervisor who meets the Supervisor Standard in the Discrimination Category at least 4 weeks before the Service Commencement Date.		
Note	<p>Please note, where the Applicant selects answer option A or answer option B in response to Selection Criterion 3 (i), the LAA will use the information provided in the Applicant's Resourcing Plan (question 5 (i)) to validate the Applicant's answer.</p> <p>Where the details provided in the Applicant's Resourcing Plan:</p> <ul style="list-style-type: none"> • demonstrates that the Applicant does not currently employ / have a Signed Engagement Agreement to employ (as applicable) at least one Supervisor who meets the Supervisor Standard in the Discrimination Category; or • otherwise conflicts with the requirements of Selection Criterion 3 (i); or • provides insufficient or unclear information that does not allow LAA to verify the accuracy of the Applicant's answer to Selection Criterion 3 (i) <p>the LAA may re-score the response, including re-scoring the response to 0 points for question 3 (i).</p>		
<p><u>Selection Criterion 4: Telephony and IT</u></p> <p>Preference will be given to Applicants that can evidence that they currently meet the Telephony and IT requirements of the Contract including having an internet connection and two dedicated direct dial in telephone connections in place and operational.</p>		Response	Total Points Available

4 (i)	<p>Please select from the following two options which is applicable to you:</p> <p>A. The Applicant currently meets the Telephony and IT Requirements including having an internet connection and two dedicated direct dial in telephone connections in place and operational.</p> <p>B. The Applicant does not currently meet the Telephony and IT Requirements including having an internet connection and two dedicated direct dial in telephone connections in place and operational but will do so by the Service Commencement Date.</p>	<p>A (3 points) (Answer 5 (i))</p> <p>B (0 points) (Answer 5 (i))</p>	3
<p><u>Selection Criterion 5: Resourcing Plan</u></p> <p>Preference will be given to Applicants that have staff to effectively deliver CLA Contract Work in the Discrimination Category of Law and flexibility in their staffing to deal with planned and unplanned resourcing needs.</p> <p>Applicants' Resourcing Plans will be assessed on the basis of:</p> <ul style="list-style-type: none"> • staffing to deliver the service; • vacancies to fill; and • flexibility. <p>A Resourcing Plan may score up to a maximum of 3 points as follows:</p> <p>A score of 3 points will be awarded where the Resourcing Plan gives a high level of confidence that the Applicant has staff to deliver the service, including flexibility to deal with planned and unplanned resourcing needs. Factors indicative of a score of 3 points include:</p> <ul style="list-style-type: none"> - few or no Supervisors and caseworkers to recruit; - all time slots are covered by a staff member, with more than one staff member assigned to manage incoming calls across a higher number of Core Hours timeslots; - a higher number of additional staff members which are not designated as a Supervisor in the Resourcing Plan table that meet the Discrimination Supervisor Standard and could be deployed to supervise Discrimination Contract Work; and 		Response	Total Points Available

	<ul style="list-style-type: none"> - a higher number of additional staff is identified which is not included in the Resourcing Plan table but who could be deployed as caseworkers to deliver Discrimination Contract Work. <p>A score of 2 points will be awarded where the Resourcing Plan provides some confidence that the Applicant has staff to deliver the service, including flexibility to deal with planned and unplanned resourcing needs. Factors indicative of a score of 2 points include:</p> <ul style="list-style-type: none"> - some Supervisor and caseworker recruitment required; - all time slots are covered by a staff member, with more than one staff member assigned to manage incoming calls across a limited number of Core Hours timeslots; - some additional staff resource is identified which is not designated as a Supervisor in the Resourcing Plan table that meet the Discrimination Supervisor Standard and could be deployed to supervise Discrimination Contract Work; - some additional staff resource is identified which is not included in the Resourcing Plan table but could be deployed as caseworkers to deliver Discrimination Contract Work <p>A score of 1 point will be awarded where the Resourcing Plan provides limited confidence that the Applicant has staff to deliver the service, including flexibility to deal with planned and unplanned resourcing needs. Factors indicative of a score of 1 point include:</p> <ul style="list-style-type: none"> - Most or all Supervisor and caseworker posts to be recruited to; - All or most time slots are covered by a staff member who is assigned to manage incoming calls; - Little or no additional staff resource is identified which is not designated as a Supervisor in the Resourcing Plan table that meet the Discrimination Supervisor Standard and could be deployed to supervise Discrimination Contract Work; - Little or no additional staff resource is identified which is not included in the Resourcing Plan table but could be deployed as caseworkers to deliver Discrimination Contract Work. <p>A score of 0 points will be awarded where the Applicant fails to provide a Resourcing Plan or there is substantial failure to properly provide the information required in the Resourcing Plan. Factors indicative of a score of 0 points include:</p> <ul style="list-style-type: none"> - No Resourcing Plan Provided; - Few or no Core Hours are covered with a staff member who is assigned to manage incoming calls; - Substantial failure to provide the information requested within the Resourcing Plan. 		
5 (i)	Please complete and upload a Resourcing Plan pro forma.	Attachment	3

	The Resourcing Plan pro forma can be accessed and downloaded from the 'Buyer Attachments' section in the CLA Discrimination ITT.		
<u>Selection Criterion 6: Relevant Quality Standard</u>		Response	Total Points Available
Preference will be given to Applicants that can evidence they currently hold a valid relevant Quality Standard (SQM or Lexcel) that will be in force on the Service Commencement Date.			
6 (i)	<p>Please select from the following two options which is applicable to you:</p> <p>A. The Applicant currently holds a valid relevant Quality Standard (SQM or Lexcel) and can provide assurance it will continue to hold a relevant Quality Standard through the Contract Period</p> <p>B. The Applicant does not currently hold a valid relevant Quality Standard (SQM or Lexcel) but will either pass the SQM desktop audit or achieve Lexcel accreditation at least four weeks before the Service Commencement Date</p>	<p>A (3 points) (Answer 6 (ii))</p> <p>B (0 points)</p>	3
6 (ii)	<p>Please provide the date your current Lexcel Certificate or SQM Certificate expires.</p> <p>If your Quality Standard is due to expire before 30 September 2018, please additionally detail the steps you have taken to ensure you will continue to hold a relevant Quality Standard beyond this date.</p>	Free text	

SECTION B: TIE BREAK

Question: Service delivery during Extended Hours	Assessment	Points available
<p>Applicants must commit to providing services for clients during Extended Hours. Please detail how you will provide services during Extended Hours. Your response should include:</p> <ul style="list-style-type: none"> • How you will ensure you have sufficient staff to provide services during Extended Hours as well as Core Hours • How you will monitor use of Extended Hours services and effectively forecast to ensure you can meet fluctuating demand • How you will ensure clients receiving advice will receive consistently high quality advice 	<p>The answer should include:</p> <p>A description of how the Applicant will provide services during Extended Hours, including:</p> <ul style="list-style-type: none"> • Staffing during Extended Hours • Monitoring demand, including how the Applicant will forecast future service demand and use this to information to provide a service to meet demand • Evidence that advice received by clients during Extended Hours will be of equivalent quality to advice received during Core Hours <p>Extra points may be awarded where an Applicant is able to demonstrate:</p> <ul style="list-style-type: none"> • it will consistently be able to offer telephone advice appointments during Extended Hours in less than 2 Business Days of a request where there is an urgent need for an appointment or less than 5 Business Days of a request where there is no urgent need; • it has additional, appropriately skilled and trained staff that could be deployed to deliver Discrimination Contract Work during Extended Hours where required. 	<p>5</p>

SECTION C: DECLARATION

This section MUST BE COMPLETED by all Applicants wishing to bid for a CLA Contract

By completing and submitting this Tender the Applicant confirms that it will meet the following Minimum Requirements by the relevant latest date specified at paragraph 1.45 of the Supplemental CLA Procurement Process Information For Applicants:

- Will have appropriate authorisation from a Relevant Professional Body to deliver legal services; and
- Will have at least one Office that meets the relevant requirements set out in the Specification; and
- Will employ at least one Full-Time Equivalent Supervisor who meets the relevant Supervisor Standard in the Category; and
- Will have telephony and IT which meets the CLA Contract requirements in place and operational; and
- Will maintain a ratio of one Full-Time Equivalent Supervisor to four Caseworkers; and
- Will hold a relevant Quality Standard.

By completing and submitting this Tender I give my undertaking that I am either:

- the Compliance Officer for Legal Practice (COLP) or the individual intending to be the COLP where the Applicant is or intends to be authorised by the Solicitor Regulation Authority (SRA); or
- the Head of Legal Practice (HOLP) or the individual intending to be the HOLP where the Applicant is or intends to be authorised by the Bar Standards Board (BSB); or
- the Compliance Manager (CM) or the individual intending to be the CM where Applicant is or intends to be authorised by the Chartered Institute of Legal Executives (CILEx); or
- where the Applicant is not (and will not be) authorised by the SRA the BSB or CILEx, a member of Key Personnel who either (i) has decision and / or veto rights over decisions relating to the running of the Applicant; or (ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant;

and am authorised to make this submission on behalf of the Applicant and that the answers submitted in this Tender are correct. I understand that the information will be used in the process to assess the Applicant's suitability to be offered a CLA Contract. I understand that the LAA may conduct verification checks and may reject this Tender if there is a failure to answer all relevant questions fully or the information provided is inaccurate in any material way. I understand the LAA will verify my Tender and I will be required to evidence the information and warranties in the Applicant's Tender, including in this ITT Response, at least four weeks before the Contract Start Date. I confirm that this Tender is compliant with the rules in relation to Connected Entities set out in paragraphs 2.6 to 2.12 of the IFA.

	Question	Response Type
C.1	Name of individual making declaration on behalf of the Applicant	Free Text Box
C.2	Status within the Applicant organisation	COLP or intended COLP HOLP or intended HOLP CM or intended CM Key Personnel

ANNEX D: TUPE & CONFIDENTIALITY AGREEMENT

[Instructions: When requesting TUPE information, please provide a signed copy of the Confidentiality Agreement below on your organisation's headed paper filling in the relevant sections where appropriate]

CONFIDENTIALITY AGREEMENT RELATING TO WORKFORCE INFORMATION COVERED BY THE TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATIONS 2006 (TUPE).

For the attention of: Andrew Hubbard

Dear Sirs

INVITATION TO TENDER FOR PROVISION OF CIVIL LEGAL ADVICE ("CLA") TELEPHONE ADVICE SERVICES FROM 2018 – TUPE CONFIDENTIALITY AGREEMENT

The Legal Aid Agency ("**LAA**") commenced a procurement process for CLA Telephone Advice Services (the "**Contract Work**") by publishing an Information for Applicants (IFA) document entitled "Procurement of Civil Legal Aid Services in England and Wales from 1 September 2018: Civil Legal Advice Invitation To Tender Information for Applicants."

We [*insert name of Applicant*] (the "**Applicant**") wish to apply to deliver the Contract Work and are requesting further relevant (and appropriately anonymised) workforce information (to the extent required by and in accordance with applicable law) from the existing provider(s) of the CLA services in order to ensure that relevant TUPE obligations can be complied with.

This letter sets out the conditions on which such information is made available to the Applicant. In this letter "**Confidential Information**" means all information relating to persons employed by current providers of the CLA service (including, without limitation, the ages, roles, salary and benefits package and relevant employment history of such persons) which has been provided to the LAA (by existing providers of the service) in order that it may be passed on to the Applicant (in whatever medium such information is disclosed whether orally, pictorially, electronically, in writing or by any other means).

In consideration of such Confidential Information being made available to the Applicant, the Applicant undertakes to comply with the terms and conditions of this letter.

In particular, the Applicant agrees:

- (a) to hold the Confidential Information in strict confidence and will keep in safe custody all media recording the same;
- (b) except as expressly permitted by this letter, not to copy or reproduce, publish or distribute the Confidential Information or disclose the Confidential Information in whole or in part to third parties; and
- (c) to use the Confidential Information for the sole purpose of preparing its tender to deliver the Services and in accordance with all applicable laws (including the Data Protection Act 1998 and associated legislation) (the “**Purpose**”).

The Applicant may disclose the Confidential Information:

- (a) to such officers and employees of the Applicant as it reasonably considers necessary solely in connection with and in furtherance of the Purpose;
- (b) to professional advisers or consultants engaged to advise in connection with the Purpose provided the LAA has given its prior written consent (which in turn shall be dependent upon the consent of the relevant existing provider being received by the LAA);
- (c) as required by law; and/or
- (d) to anyone else whom the parties have agreed in writing may receive the Confidential Information.

Where information is disclosed to a recipient referred to in paragraph (b) or (d) the Applicant shall ensure that the recipient is informed of and agrees to the obligations of confidentiality contained in this letter and that they subsequently comply with the terms of this letter as if it were provided by them.

The restrictions on use or disclosure of the Confidential Information will not apply to:

(a) any information which is in the public domain except due to a breach of this letter by the Applicant;

(b) any information which the Applicant possessed prior to disclosure by the LAA, without restriction as to its disclosure;

(c) any information independently obtained by the Applicant or acquired by the Applicant from a third party in circumstances in which the third party is free to disclose it to others.

The obligations of this letter shall survive for so long as information disclosed under it constitutes Confidential Information.

The Applicant shall ensure that all Confidential Information and any copies made thereof, or other documents reproducing or generated from such Confidential Information, shall upon request by LAA at any time be promptly returned to LAA, or at LAA's request, destroyed. A senior officer of the Applicant shall certify in writing as to the completeness of such return and/or destruction.

The Applicant acknowledges and accepts that LAA makes no representation and provides no warranty regarding the accuracy, completeness or freedom from defects of any Confidential Information provided and any reliance placed on such information shall be entirely at the Applicant's own risk.

The Applicant further acknowledges that unless otherwise expressed by the LAA in writing, no failure or delay by the LAA in exercising any of its rights hereunder shall operate as a waiver of such rights, nor shall any single or partial exercise preclude any further exercise of such rights.

The Applicant agrees that it shall not assign this letter or any of its rights and obligations hereunder without the prior written consent of the LAA.

This letter or any part of it shall not be enforceable, by virtue of the Contracts (Rights of Third Parties) Act 1999, by any person who is not a party to this letter.

This letter shall be governed by and construed in all respects according to the laws of England and the parties hereby submit to the exclusive jurisdiction of the English courts in all matters relating to this letter.

SIGNED by [NAME])
duly authorised to sign for and on behalf)
of [**APPLICANT**] [*type of organisation*]²)

.....

Authorised Signatory

Position:³

Date:

This letter must be signed for you by a person who can bind you to it. If you are a partnership, a partner must sign. If you are a sole practitioner solicitor, the sole practitioner (principal) must sign. If you are a company, a director must sign. If you are a limited liability partnership, a designated member must sign. If you are an unincorporated charity, two trustees must sign.

² e.g. partnership, incorporated practice. limited liability partnership, public limited company, private limited company, company limited by guarantee, unincorporated charity. Where appropriate state registration number.

³ e.g. partner, designated member, director, trustees.

ANNEX E: GLOSSARY OF DEFINED TERMS

Unless otherwise expressly stated, words and expressions defined in this IFA and the ITTs shall have the same meaning as defined in the Contract Documents.

In this IFA and the ITTs the following terms shall have the meaning set out below.

Term	Definition
Alternative Business Structure (ABS)	<p>A firm where a non-lawyer:</p> <ul style="list-style-type: none"> • is a manager of the firm, or • has an ownership-type interest in the firm <p>A firm may also be an ABS where another body:</p> <ul style="list-style-type: none"> • is a manager of the firm, or • has an ownership-type interest in the firm <p>and at least 10 per cent of that body is controlled by non-lawyers.</p> <p>A non-lawyer is a person who is not authorised under the Legal Services Act 2007 to carry out reserved legal activities</p>
Applicant	A single legal entity (including an individual) tendering to deliver the advertised services
BSB	Bar Standards Board; a Relevant Professional Body
Business Day	As defined in the CLA 2018 Standard Terms
Case(s)	Contract Work provided by a Provider to a Client on a particular issue which has been assessed by that Provider as qualifying for Legal Aid following referral through a Call to them in accordance with the requirements of the Contract. For the avoidance of doubt, a Determination does not fall within the scope of a Case.
Caseworker	An employee who is not a Supervisor, but who is a fee-earner who regularly undertakes Contract Work to whom a specific caseload of Contract Work is allocated and who is responsible for the progression of those Cases, under supervision.
Category(ies) or Law or Category(ies)	As defined in the Specification
CILEx	Chartered Institute of Legal Executives; a Relevant Professional Body

Civil Legal Advice or CLA	the brand name given by the LAA to the legal advice service it offers to members of the public
CLA Discrimination ITT	Invitation To Tender for the Supplemental CLA Procurement Process in the Discrimination Category
CLA Service	Services delivered under the CLA brand
CLA Operator Service	means any call centre operation appointed by us or online system developed by us, or on our behalf to receive initial contact from a member of the public in respect of CLA to distribute the same to a Provider;
Client	As defined in the Specification
Commercial Envelope	The section in the e-Tendering system where Applicants submit the Hourly Rate they will charge for delivering the Services.
CM	Compliance Manager for an organisation authorised by CILEx
COLP	Compliance Officer for Legal Practice for an organisation authorised by the SRA.
Complaints Body	A body or organisation, which handles complaints in relation to your professional or service activities, including Ombudsmen
Connected	Has the meaning given in paragraph 2.7 – 2.8 of this IFA and “Connection” shall be construed accordingly
Connected Entity	An Applicant who is Connected to one or more other Applicants and/or the Current Provider.
Contract or CLA Contract	The 2018 Civil Legal Advice contract for delivery of Contract Work which will be awarded to each successful Applicant.
Contract for Signature	The document of that name which forms part of the Contract.
Contract Period	Has the meaning given in the Contract for Signature.
Contract Start Date	Has the meaning given in the Contract for Signature being a date as early as possible within the month of July.
Contract Work	Services to be delivered under a CLA Contract in accordance with the requirements of the CLA Contract
Controlled Work	Has the meaning given in regulation 21(2) of the Procedure Regulations;
Core Hours	Has the meaning set out at paragraph 1.9 of this IFA.
Current Provider	Has the meaning given in paragraph 1.35 of this IFA

Data Protection Legislation	As defined in the Contract.
Deadline	The deadline to submit a Tender under this process which is 5pm on Friday 1 June 2018
Determination	means the performance of the eligibility assessment and a scope and merits assessment in respect of a potential Case
Determination Fee	As defined in the Specification
Digital CLA Service	https://www.gov.uk/check-legal-aid
Discrimination	Work within the scope of publicly funded face-to-face or telephone advice and representation in the Discrimination Category as defined in the Category Definitions 2018 document
e-Tendering system	The LAA's secure Internet site at www.legalaid.bravosolution.co.uk through which Tenders and the procurement process as a whole are managed
Executive Agency	A body tasked with carrying out executive functions within government
Extended Hours	Has the meaning set out in paragraph 1.9 of this IFA
Face-to-Face Advice	As defined in the Specification.
Frequently Asked Questions (FAQ)	Frequently asked questions as provided for under this procurement process and referred to in the IFA.
Full-Time Equivalent (FTE)	<p>The equivalent of one individual working 5 days a week and 7 hours on each such day (excluding breaks). For example the following working pattern would represent one Full Time Equivalent:</p> <ul style="list-style-type: none"> - Person A – 20 hours per week - Person B - 10 hours per week - Person C – 5 hours per week <p>One FTE is based on a 35 hour working week. Applicants are not permitted to claim an individual member of staff as more than one FTE even if they work more than 35 hours per week</p>
Gateway	As set out in paragraph 1.3 of the IFA
Government Department	A body tasked with carrying out executive functions within government
HOLP	Head of Legal Practice for an organisation authorised by the BSB
Hourly Rate	The hourly payment applicable for the duration of all Cases

Information For Applicants or IFA	This document entitled “Procurement of Civil Legal Aid Services in England and Wales from 1 September 2018 Civil Legal Advice Invitation to Tender Information for Applicants”
Invitation to Tender (ITT)	CLA Discrimination ITT for a CLA Contract.
Key Personnel	Any individual who has, or is held out as having either expressly or impliedly, or exercises, (or will have, be held out as having or exercise by the Contract Start Date) powers of representation, decision, veto, influence or control in relation to an Applicant including partners, directors, trustees and other senior managers and employees of the Applicant. Where a trust or company would satisfy the above in relation to an Applicant, any individual who has the right to exercise significant influence or control over the activities of that trust or company.
Key Performance Indicators	The key performance indicators specified in the KPI Annex of the Contract Documents
Legal Aid Agency or LAA	The Executive Agency of the Ministry of Justice that is responsible for the administration of legal aid (including this procurement process).
LAA Account Number	The unique reference assigned to each provider Office from which legal aid work is undertaken
Lexcel	The Law Society’s legal practice quality mark, which is a Quality Standard under the Contract.
Licensed Work	Has the meaning given in regulation 2 of the Procedure Regulations. In general terms, it covers the legal representation element of Contract Work. There is no limit to the volume of Licensed Work a Provider can perform.
Main Civil 2018 Procurement Process	The LAA’s wider procurement process for 2018 civil legal aid contracts to award face to face advice contracts, Housing Possession Court Duty Scheme contracts and CLA specialist telephone advice contracts
Mandatory Attachment	As set out at paragraph 3.23 to 3.30 of the IFA
Minimum Requirement(s)	As set out at paragraph 1.45 of the IFA
Mobilisation Period	The period between the Contract Start Date and the Service Commencement Date, as provided for in the Contract.
New Bidder	An Applicant that: <ul style="list-style-type: none"> • did not submit a tender for a Contract as part of the Main Civil 2018 Procurement Process; or • did submit a tender as part of the Main Civil 2018 Procurement Process but was excluded at Selection Questionnaire stage; or • did submit a tender as part of the Main Civil 2018 Procurement Process but whose Previous SQ Response is no longer valid

Office	As defined paragraph 4.28-4.31 in the Specification
Peer Review	A quality assessment tool operated by or on behalf of the LAA which directly measures the quality of advice and legal work carried out by legal aid providers
Personal Data	Has the meaning ascribed to it in the Data Protection Act;
Previous Bidder	An Applicant that has previously submitted a tender for a Contract as part of the Main Civil 2018 Procurement Process
Previous SQ Response	A Previous Bidder's response to the Selection Questionnaire submitted in the Main Civil 2018 Procurement Process
Price Form	The section of the Commercial Envelope in the e-Tendering system where Applicants are required to submit their Hourly Rate in respect of the Contract Work
Procedure Regulations	The Civil Legal Aid (Procedure) Regulations 2012.
Provider	A party to a contract with the LAA in respect of the provision of Legal Aid
Quality Standard	Either the LAA Specialist Quality Mark (SQM) or the Law Society's Lexcel Practice Management Standard
Relevant Professional Body	The body or organisation which regulates or exercises control over an Applicant's professional or service activities or such activities of any of its personnel and/or any other body to whose rules it has elected to be subject to.
Remote Advice	As defined in the Specification
Remote Specialist Telephony Handbook	As defined in paragraph 1.54
Resourcing Plan	The resourcing plan which is a Mandatory Attachment to an Applicant's Tender, as required by the IFA.
Response	An Applicant's response to any of the procurement documents, including the SQ and the CLA Discrimination ITT as applicable; and which form a part of its Tender.
Rules for Connected Entities	The rules set out at paragraph 2.6 of the IFA.
Selection Criteria	Requirements Applicants will be assessed against to be shortlisted for a CLA Contract.
Selection Questionnaire or SQ	The Selection Questionnaire that forms part of this Supplemental CLA Procurement Process
Signed Engagement Agreement	A legally binding agreement between and executed by an individual and an Applicant confirming that the individual will be employed or otherwise engaged by the Applicant to conduct Contract Work for or on behalf of the

	Applicant from the Service Commencement Date in accordance with the requirements of the CLA Contract.
Service Commencement Date	1 September 2018
SRA	Solicitors Regulation Authority; a Relevant Professional Body
Specification	The Specification of the Contract Work at Annex 1 of the CLA Contract
Specialist Advisors	
Specialist Quality Mark (SQM)	The LAA's legal practice quality mark which is a Quality Standard under the CLA Contract.
Stage(s)	A reference to one or more of stages 1 – 5 of the Tender evaluation process as set out in Section 4 of the IFA.
Supervisor	As defined in the CLA 2018 Standard Terms
Supervisor Standard	As defined in the Specification.
Supplemental CLA Procurement Process	This procurement process inviting tenders for a CLA Contract to deliver Contract Work in the Discrimination Category of Law
Technical Envelope	Specific technical questions in the e-Tendering system which cover the Selection Criteria as set out in Annex C of the IFA
Tender	An Applicant's complete response to the procurement process. For New Bidders this must consist of an SQ Response and a CLA Discrimination ITT Response. For Previous Bidders whose SQ response remains valid this must consist of a CLA Discrimination ITT Response only.
Tie Break	Method that will be used to distinguish between tied bids as detailed in this IFA at Stage 3 and Stage 4 of the evaluation process