

Further Procurement Process for Face to Face Contracts from September 2018 Frequently Asked Questions (FAQ)

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

<https://www.gov.uk/government/publications/civil-2018-contracts-tender>

The deadline for questions about the IFA or the tender was **23.59 on 18 July 2018** (note this is referred to as the “End date for supplier clarification messages”) on the e-Tendering system. We are therefore unable to answer questions received after that deadline.

This FAQ document answers the questions received up to 23.59 on 18 July 2018.

Technical Questions on how to use the e-Tendering system

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

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

The helpdesk remains open until the procurement process closes. However, we recommend that you start to complete your tender early so that you identify any areas where you need technical help as soon as possible, as the helpdesk is likely to be very busy in the days leading up to the tender deadline and cannot guarantee that queries received close to the tender deadline will be dealt with in time.

The deadline for receipt of Tenders is 5pm on 10 August 2018.

Q1.1 We wish to bid for Housing, Debt and Welfare Benefits which have different Procurement Areas. Our understanding is that on the ITT we state the Housing and Debt Procurement Area not the Housing, Debt and Welfare Benefits Procurement Areas.
Please confirm.

- A. The Housing, Debt and Welfare Benefits ITT requires Applicants to select the Procurement Area for each Office from which they are tendering to deliver Housing and Debt Contract Work. Applicants must therefore select the relevant Housing and Debt Procurement Area as part of their Individual Bid(s).**

Applicants that additionally tender to deliver Welfare Benefits are not required to select a separate Welfare Benefits Procurement Area. As set out at paragraph 2.44 of the IFA, Procurement Areas for this Category are larger than those in place for Housing and Debt. Applicants that successfully tender for Welfare Benefits Contract Work will be required to deliver this Category of Law across the whole, wider, Welfare Benefits Procurement Area.

Annex A of the IFA contains a list of the Regions and Procurement Areas in the Housing and Debt Category of Law and the corresponding Procurement Areas in the Welfare Benefits Category of Law.

Q1.2 How many Categories of Law can one individual supervise?

- A. Information on supervisor requirements is provided in paragraphs 2.23 – 2.28 of the IFA.**

In Categories requiring a Full Time Equivalent Supervisor, Providers must comply with paragraph 2.10 of the Standard Civil Contract Specification. A single individual working on a full-time basis as the sole Supervisor can only satisfy this requirement in relation to one Category.

For the avoidance of doubt, a Provider can meet this requirement by having more than one individual together acting to meet the Supervisor requirement in a Category. However, a Provider may only claim an individual employee as a supervisor for a maximum total 35 hours per week as set out in the definition of Full Time Equivalent (FTE) in the glossary of defined terms at Annex E of the IFA.

Q1.3 Is there a cap on the number of areas of law our organisation can apply for?

No, there is no limit to the number of Categories of Law an organisation meeting the relevant tender requirements can bid for.

Paragraph 2.6 of the IFA sets out that an Applicant must however ensure that its entire Tender is capable of concurrent delivery. Where it submits a response to multiple ITTs it is warranting that it will be able to deliver concurrent services under all of those ITTs if successful.

Q1.4 If a bidder applied for licensed only work are they required to carry out a set amount of this work in a 12-month time span?

- A. The 2018 Standard Civil Contract operates as a licence for a Provider to undertake Licensed Work in a Category of Law so long as they have a Schedule Authorisation to do so. Funding applications need to be submitted to the LAA for each Licensed Work case and the LAA assesses whether the relevant criteria are met.**

There is no maximum or minimum volume of Licensed Work an Applicant must deliver, although in some categories, such as Immigration and Asylum, Applicants bidding in higher Lots must be willing and able to deliver Licensed Work

Q1.5 Can you confirm whether it is a requirement to have an office presence in the Procurement Area if a firm is conducting licensed only work?

- A. In addition to meeting the requirements of the SQ and the generic requirements set out in paragraphs 2.9-2.20 of the IFA, Applicants will need to meet the requirements specific to the Category of Law for which they are tendering.**

Office requirements are Category-specific and vary for each Category of Law, as set out in paragraph 2.29 of the IFA. Category-specific Office requirements apply regardless of the Lot an Applicant has submitted an Individual Bid for.

Q1.6 We have been successful in our bid for the recent Face to Face Contract ITT for Family.

However we did not submit an application to tender for Family work for our primary office previously and for commercial reasons, we would like to substitute / change our Procurement Area from the one in which we previously bid to our primary office which is in a different Procurement Area.

- A. The IFAs for the Previous Procurement Processes detail that the LAA will not consider any requests by the Applicant to amend or submit their Tender after the deadline (see paragraph 8.5 of the IFA for the Main Face to Face Procurement Process and paragraph 10.5 of the IFA for the Supplemental Face to Face Procurement Process). The deadlines for the Previous Procurement Processes have passed.**

Where an Applicant wishes to change the Categories of Law or Offices it bid for or change the Lots in which it has bid, Applicants have the opportunity to correct any errors by submitting a Tender as part of this Further Face to Face Procurement Process for the Contract Work it wishes to deliver. The Applicant must submit a SQ Response and a Response to the relevant ITT(s) for the Contract Work it wishes to tender for by the deadline of 5pm on 10 August 2018.

Q1.7 We are in the process of completing the supervisor forms for family and immigration and wanted clarification on the hours regarding external training delivery. Is this the CPD requirement or is it if an individual has provided external training elsewhere?

Q1.8 What sort of documented research is required when completing the Supervisor Declaration Form?

A. A 'Guidance on Civil Supervisor Requirements' document can be found on the LAA website <https://www.gov.uk/government/publications/standard-civil-contract-2018>.

“External training delivery” means time spent on the actual delivery of training in the relevant category of law meeting any professional development requirements of your Relevant Professional Body. The Supervisor should have documentation to confirm the work they have undertaken.

“Documented research and the production of publications” excludes time spent on research that is charged to a particular case (which may well count as personal casework). Typically, research will be towards the production of a publication that relates to the relevant category of law. We may request documentary evidence that the research has taken place.

Q1.9 Due to the shortened periods provided for in the current tender round before the tendering organisation must be ready to provide legal aid services, it is not possible for a new entity which doesn't currently exist to obtain the necessary authorisations from a Relevant Professional Body (as referred to at 2.20 of the IFA) or the necessary Lexcel/SQM accreditation (as referred to at 2.15 of the IFA). Would there be flexibility afforded to organisations who wish to tender and obtain the relevant authorisations but cannot do so prior to the 7th September 2018 due to the shortened timescales applicable to the current tender?

Q.1.10 We are a new start up venture wishing to commence trading in approximately April 2019. We would like to deliver services in the Nottingham region for immigration and asylum services under a Legal Aid Contract.

a) Can a contract be bid for with a start date of later than 1/10/18 for new ventures?

A. **No. The Contract Start Date for the 2018 Standard Civil Contract is 1 September 2018. Successful Applicants will be able to commence work from either 1 September 2018 or 1 October 2018 depending on when they complete the verification process (see page 2 of the IFA).**

The contracting entity must be fully constituted and be able to demonstrate it meets the minimum Face to Face Contract requirements at the latest by 23:59 on 7 September 2018.

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.

b) Is there a minimum controlled work matter start requirement for new contracts?

- A. Paragraphs 1.41 to 1.62 of the IFA set out the position on allocation of matter starts and the table at paragraph 1.47 of the IFA summarises matter start allocations by Category of Law (with Lot provisions, where applicable). Applicants need to refer to the specific provisions which apply to the Category(ies) of Law they wish to tender for.**

As paragraph 1.49 of the IFA sets out, Applicants are not required to stipulate a specific number of Matter Starts as part of their Tender, unless they tender for above the top Lot. Rather, Applicants must choose the 'Lot' that corresponds with the volume they expect to be capable of delivering.

In the Family Category of Law Applicants may tender in the Licensed Work only lot, however in all other Categories Applicants must bid for a Lot of matters starts and undertake Controlled Work. In the Immigration and asylum Category of Law Applicants must tender for a volume of Matter Starts for the first year of the Face to Face Contract in specific geographic areas known as 'Access Points' and Matter Starts are available in those Access Points.

Where a Provider does not use their full allocation of Matter Starts specified in their Schedule, their allocation may be reduced in the subsequent Schedule, as set out at Paragraph 1.26 of the Contract Specification.

c) What is the process for new start ventures who will be Lexcel but will not have been able to have passed a full audit at start up time to allow them to pass the initial LAA contract verification stage?

- A. Applicants (except those tendering for Family Mediation only) must be able to evidence at the latest by 23:59 on 7 September 2018 that they hold either the LAA's Specialist Quality Mark ("SQM") following audit by the LAA's SQM Audit Provider or the Law Society's Lexcel Practice Management standard ("Lexcel"). An Applicant who is not able to evidence this by the deadline will have failed to meet the minimum requirements and any Contract offer may be withdrawn.**

Further details on the quality standard requirement are contained in paragraphs 2.10 – 2.19 of the IFA.

Q1.11 We currently hold a SQM certificate valid until 29 July 2018. We are making an application for the ITT_574. As we are currently holding a valid SQM certificate, is this sufficient to send to the LAA as required?

Our current certificate will be out of date on the contract start date 1 September 2018. Are we able to provide the current SQM certificate in order to complete the ITT_574 and apply for a new SQM certificate which should be shown to the provider within six months of the contract start date?

- A. No. As detailed at paragraph 2.15 of the IFA, Applicants (except those tendering for Family Mediation only) who already hold an SQM audited by the LAA's SQM Audit Provider must hold a valid accreditation that will be in force until at least the date the Applicant commences Contract Work awarded under this procurement process.**

Applicants seeking to commence Contract Work from 1 September 2018 must provide this evidence with their ITT Response(s). Otherwise Applicants must be able to evidence at the latest by 23:59 on 7 September 2018 that they hold either the LAA's Specialist Quality Mark ("SQM") following audit by the LAA's SQM Audit Provider or the Law Society's Lexcel Practice Management standard ("Lexcel").

An Applicant who is not able to evidence this by the deadline will have failed to meet the minimum requirements and any Contract offer may be withdrawn.

Contract holders (except those delivering Family Mediation only) will be required to hold a Quality Standard throughout the Contract Period.

Q1.12 I wish to show interest in the Family and Housing and Debt areas for the Legal Aid franchise contract. I already have a criminal legal aid contract but I wish to further expand into other areas. Could you please guide me whether I have to make two separate applications or do I make one application for both areas? In addition, can you please confirm the procurement area for my Office?

- A. Applicants wishing to deliver services under a Face to Face Contract must submit a Tender which consists of:**
- i. a response to the Selection Questionnaire ("SQ Response" or "SQ"); and**
 - ii. a response to one or more ITT(s) for a Face to Face Contract ("ITT Response").**

There are 9 separate Category ITTs, as set out at paragraph 1.5 of the IFA. Applicants must bid to deliver Face to Face Contract Work in at least one Category of Law and complete the corresponding ITT(s) in addition to completing and submitting an SQ Response.

In your circumstance to tender for Family, Housing and Debt Contract Work you must therefore submit a Response to:

- i. The SQ;**
- ii. The ITT for the Family Category of Law**
- iii. The ITT for the Housing, Debt and Welfare Benefits Categories of Law**

It is the Applicant's responsibility to ensure it tenders for the correct Contract Work in the correct Procurement Area(s). As set out in paragraph 2.31 of the IFA, Applicants (except those responding to the Family Mediation ITT only) should check that they tender in the correct Procurement Area (or Access Point) for their Office(s). To do this, an Applicant must enter the postcode for their Office (or intended Office) into the 'Find your local council' tool on the Gov.uk website: <https://www.gov.uk/find-local-council>

Annex A lists the Procurement Areas for each Category (and Immigration and Asylum Access Points) and the local authorities included in each.

Q1.13 We have successfully bid for a 2018 contract (Family, Family Mediation and Clinical Negligence) at our main office and a branch office. I am currently completing the ITT response for a new office. We are in the process of securing premises for the new office. We are unlikely to be in a position to provide verification by 10th August

therefore we will be looking at providing the verification information by 7th September with a view to the contract starting in October 2018.

- a) The ITT for Family asks if we want a second office. I have said "no" on the basis that we are bidding for one (new) office as part of the Further Face to Face Procurement Process. Is this correct?

A. Yes, Applicants should only answer 'yes' to Question A.1.ii 'Is the Applicant intending to deliver Family Contract Work from another Office?' if the Applicant wishes to tender to deliver work from more than one office as part of this Further Face to Face Procurement Process.

- b) I do not yet have an LAA account number and I won't be able to obtain this until we have the new premises. Can this be dealt with as part of verification?

A. Yes. In addition to the verification process Applicants must provide a completed AC1 form and associated documentation for each new Office.

As set out at paragraph 9.15 of the IFA where Applicants intend to open an Office to deliver the Contract Work tendered for, in addition to confirming the Office address and postcode, they will be required to complete and return an AC1 form and supporting documents so the new Office can be allocated a LAA Account Number and set up on the LAA systems. Applicants cannot be issued with Contract documentation or start, or be paid for, Contract Work until a completed AC1 form has been received and processed by the LAA. The AC1 form is available at: www.gov.uk/guidance/update-your-details-with-laa.

Q1.14 Question B.1.ix of the Immigration and Asylum ITT states "The Applicant must be able and willing to conduct the full range of Licensed Work in the Immigration and Asylum Category of Law". Please provide the Authorised Litigator's name and roll number.

I cannot find this referred to in the IFA in relation to Immigration. Does this need to be an Authorised Litigator with experience of Immigration? What file do you need to upload as surely the response is simply a name and roll number rather than a file?

A. Yes, the Authorised Litigator must have experience in the Immigration and Asylum Category of Law.

Applicants bidding for Lot 2, Lot 3, above Lot 2 and above Lot 3 in the Immigration Category must be able and willing to conduct the full range of Controlled Work and Licensed Work in the category.

The requirement will be set out in the Applicant's Contract Schedule at footnote 8 as follows:

"For each Procurement Area in which you have been allocated 300 or more Matter Starts in the Immigration and Asylum Category of Law you must be able and willing to undertake the full range of Controlled Work and Licensed Work in that Procurement Area."

Applicants providing verification information as part of their Immigration and Asylum ITT Response should provide the name and roll number of their Authorised Litigator in answer to question B.1.ix.

Q1.15 We have been granted 2018 Standard Civil Contract (subject to final verification) whereby we have submitted the final requirement of the Supervisor Declaration Forms and are awaiting response from LAA. In our first contract bid for Immigration & Asylum Work, we applied for 2 IRC Centres (Harmondsworth and Brook House) which has been granted under Lot 2 in the first contract.

We wished to deliver work for the additional IRC Centres (Campsfield and Tinsley House)

Given that we are currently awaiting response from LAA to confirm the verification of the supervisor declaration being confirmed and granted, we wished to know that if we submit the further face to face contract bid for Immigration for the additional IRC centres, will we start the IRC Rota on 1st September (given that the new bid is only for the additional IRC Centres) or will it be beginning from 1st October 2018? We have checked the IFA guidelines and given that we are only applying for the additional IRC Rota, we believe that it would mean the contract will start on 1st September provided the Supervisory declaration forms have been accepted and the contract is granted for the first bid.

Can you please therefore advise us if that is correct and if we can safely apply for IRC Rota for the additional 2 locations so as for the entire contract to start from 1st September 2018?

A. There is no opportunity to tender for work at Immigration Removal Centres (IRCs) as part of the Further Face to Face Procurement Process.

On 15 June 2018 we published a 2018 Standard Civil Contract Update on the 2018 Civil Contract Tender page of LAA's website (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716704/Civil_2018_tender_update_-_15_June_2018.pdf).

This confirmed that the LAA would not be tendering for access to work at IRCs as part of the Further Face to Face Procurement Process as work at IRCs is allocated on a rota basis and we have already received bids significantly in excess of the number of slots available.

Q1.16 We have applied for a contract in Community Care under the original tender process. We have recruited a supervisor who cannot start to work for us until 1/10/18. We therefore wish to apply again under the Further Face to Face Procurement Process. Paragraph 2.54 says that we must employ a supervisor "by the Contract Start Date or, for Applicants commencing Contract Work from 1 October 2018, by the Service Commencement Date."

How do we ensure that the service commencement date is 1/10/18? Can we still verify our bid at the time of submitting it or do we have to wait until after 1/9/18 to verify our bid to avail ourselves of the 1st October Service Commencement Date?

- A. Where an Applicant does not wish to commence Contract Work from 1 September 2018 and is unable to provide compliant verification information with their Tender, e.g. by virtue of not yet employing a Supervisor, it should not provide verification information with its Tender. Rather, the Applicant should provide all compliant verification information by the final verification deadline of 23:59 on 7 September 2018. If the Applicant completes the verification process they will be able to deliver Contract Work awarded through this procurement process from 1 October 2018.**