



Legal Aid
Agency

Procurement of Police Station Telephone Advice Services from 1 June 2016 - Pre Qualification Questionnaire: Information For Applicants

The Legal Aid Agency (“LAA”) intends to procure contracts for the delivery of publically funded telephone based legal advice services to commence on 1 June 2016. Police Station Telephone Advice (“PSTA”) comprises of two services:

- 1) the Crime Defence Direct (“CDD Service”); and,
- 2) the Immigration Telephone Advice Service (“ITA Service”).

The LAA intends to enter into contracts with a minimum of two and a maximum of four Applicant Organisations in total for the provision of both services. Under this procurement process Applicant Organisations may choose to bid for a contract to provide:

- 1) Lot 1: the CDD Service only;
- 2) Lot 2: the ITA Service only; or
- 3) Lot 3: the CDD Service and the ITA Service under one combined contract for the Police Station Telephone Advice (“PSTA”) Service.

Applicant Organisations are invited to respond to this Pre-Qualification Questionnaire (“PQQ”) as the first stage in a two stage procurement process. Applicant Organisations who are notified that they have been successful at this first stage will then be invited to take part in the second stage of the procurement process.

Applicant Organisations that do not submit a response to the PQQ or are unsuccessful will be unable to take any further part in this procurement process.

The Deadline for submitting responses to this PQQ is **9.00am on 9th November 2015** (the “Deadline”)

The second stage of the process will involve submitting a response to the Invitation to Tender (“ITT”) document. As part of the second stage of the procurement process, the LAA will require Applicant Organisations to submit detailed pricing information in relation to their bid. We currently anticipate that the second stage of the procurement process will commence during November 2015.

This IFA

This Information for Applicants (“IFA”) document provides information about the first stage of the procurement process, including how Applicant Organisations should submit a response to the PQQ and the rules governing this stage of the procurement process. Applicant Organisations must read this entire document, and any other information about this procurement process which has been published on the LAA’s website <https://www.gov.uk/government/publications/police-station-telephone-advice-tender-2015>, before submitting their PQQ.

Where not defined in the body of this IFA capitalised terms are defined in the Glossary at Annex B.

The PSTA Services required are described in further detail within Section 1 below. This procurement process relates to services which are classed as “Social and Other Specific Services” and so the Public Contract Regulations 2015 (the “Regulations”) only apply in part. The LAA is not bound by any of the Regulations except those which specifically apply to Social and Other Specific Services. Applicant Organisations do not need to be current LAA contract holders to apply.

Outline Timetable

Below is a list of indicative dates for key activities in this procurement process. Where there are changes to the dates set out below, the LAA will notify Applicant Organisations through the e-tendering system as soon as possible.

Activity	Timescale
PQQ stage is opened and documentation made available via the LAA's eTendering portal	23 October 2015
Final date to submit questions about this stage of the procurement process	12 noon on 29 October 2015
Final 'Frequently Asked Questions' to be published	2 November 2015
Deadline for submission of PQQ response	9:00am on 9 November 2015
Applicant Organisations notified of the outcome of PQQ and shortlisted Applicant Organisations invited to tender.	27 November 2015
Deadline for submission of tenders	9:00am on 4 January 2015
Notification of outcome of tender	January 2016
Service Commencement Date	1 June 2016

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SECTION 1: INTRODUCTION AND BACKGROUND

The LAA and Overview of Requirement

- 1.1 The LAA, on behalf of the Lord Chancellor, is responsible for commissioning and administering legal aid services (publicly funded advice and representation) across England and Wales in accordance with the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“LASPO”) and associated legislation. All contract documentation will be issued by the LAA on behalf of the Lord Chancellor.
- 1.2 The LAA, on behalf of the Lord Chancellor, has a statutory duty to facilitate access to justice and compliance with obligations under Article 6(3) of the European Convention on Human Rights (ECHR) by ensuring that individuals detained at a Police Station receive effective legal advice and representation in criminal matters.
- 1.3 The LAA intends to contract with Providers in relation to two key service areas, namely:
 - 1) the Crime Defence Direct (“CDD”) Service; and,
 - 2) the ITA Service.
- 1.4 The CDD Service provides non means tested telephone based legal advice directly to members of the public who are suspected of certain criminal offences and who are detained at a Police Station in England and Wales.
- 1.5 The CDD Service is reserved for individuals suspected of certain non-indictable offences. A list of these offences can be found in Annex C.
- 1.6 The ITA Service provides non means tested telephone based legal advice on immigration matters to members of the public who are detained in police custody in England and Wales. Immigration advice may be provided in relation to a range of non-criminal immigration offences.
- 1.7 Depending on the nature of the alleged offence and the circumstances of the Client, legal aid representation and advice to a detained Client in police custody may currently be provided either via face to face advice by a solicitor or other accredited representative attending the Police Station (via separate contracting arrangements put in place by the LAA) or remotely by telephone (i.e. via the contracts we are seeking to enter into this procurement process).
- 1.8 For the avoidance of doubt, attendance in person for the purpose of providing advice is outside the scope of the PSTA Services. PSTA Services shall be delivered by the provision of telephone advice only.
- 1.9 The process for determining the appropriate method of delivery of legal advice begins when a Police representative submits a request to the Defence Solicitor Call Centre (“DSCC”) at the point that a member of the public is detained in police custody and has requested legal advice. The DSCC’s ECMS then allocates the matter to an appropriate Provider. The allocation process is dictated by business rules in order to ensure the Client to receive appropriate advice based on the nature of the alleged offence(s) in question.
- 1.10 If a matter is allocated to a Provider the DSCC would then transfer the following information to the Provider:
 - Client’s name and gender;

- custody number (allocated at the Police Station);
- time and date of arrival at the Police Station;
- details of any alleged offence(s);
- whether an interview or I.D. procedure is scheduled within 90 minutes of the initial call from the Police to the DSCC;
- any other comments.

1.11 Once a Provider has accepted a Case, they must then establish direct contact within the required time frame (to be specified in the ITT documentation) with the requesting Police Station where the Client is held in order to provide telephone based advice as required.

About the PSTA Contract (s)

1.12 The LAA intends to contract with between two and four Providers to deliver the PSTA Services. The final number will depend on the combination of Contracts awarded through Lot 1, Lot 2 or Lot 3. For the avoidance of doubt, Applicant Organisations should note that there is no guarantee of any individual Lot or combination of Lots being awarded. PSTA Contracts will be awarded to Applicant Organisations which submit the most economically advantageous tenders as determined by the LAA in accordance with the award criteria which will be set out in the ITT.

1.13 The LAA anticipates that the percentage of the total call volume to be allocated to a single Provider for both CDD Service and the ITA Service will be 50% of the total Cases arising. Please see paragraph 2.12 below in relation to historical case volume data. Providers will be expected to demonstrate an ability to handle an increase of up to 100% of the total call volumes if required at any point during the term of the Contract (e.g. in circumstances where another provider was unable to meet its obligations to deliver the relevant services). Further details will be provided at the ITT stage of this procurement process but the Provider would be provided with a sufficient period of notice in order to put appropriate arrangements in place to meet any such increase in demand.

1.14 The Contracts awarded will, subject to contractual termination provisions, run for three years from the Service Commencement Date. The LAA will have a contractual right to extend the Contract for a maximum of two additional years in a minimum of three month increments.

Who can submit a PQQ

1.15 This procurement process is open to Applicant Organisations which are able to meet the LAA's minimum requirements. Applicant Organisations do not need to be current LAA contract holders to submit a PQQ response.

1.16 The LAA will only contract with a single legal entity. Should organisations wish to merge or join up with others to apply for a PSTA Contract it will be necessary to form a new single legal entity. This single legal entity, in accordance with the relevant professional body's regulatory rules, will be responsible for ensuring the performance of all contractual obligations. A Client's retainer will always be with the organisation holding the Contract.

1.17 Applicant Organisations awarded a Contract must be fully constituted and have been granted appropriate authorisation by a relevant legal sector regulator. Currently the only legal sector regulators who may grant authorisation for the Contract Work are the Solicitors Regulatory Authority ("SRA") and Bar Standards Board ("BSB"). For the avoidance of doubt this does not preclude non-solicitor entities from applying, provided that they are able to form the appropriate legal entity and employ appropriately qualified and regulated advisers.

It is not necessary to have formed the entity at the time Applicant Organisations submit a formal Tender.

- 1.18 Sub-contracting may be used to deliver the ITA Service element of Lot 3. Where sub-contracting is used, the Provider will remain contractually liable to the LAA for all services provided, and any failures in performance, whether by a subcontractor or otherwise, will remain the responsibility of the Provider.
- 1.19 For the avoidance of doubt, sub-contracting will not be permitted in Contracts awarded under Lot 1 or Lot 2 or for the CDD element of a Contract awarded under Lot 3.
- 1.20 All elements of the Contract Specification apply equally to sub-contractors as quality and security of advice standards must be upheld at all times.
- 1.21 Individuals submitting a Tender must be able to demonstrate that they hold all necessary authorisations and licenses to conduct Contract Work before the Service Commencement Date.

How will the work be paid?

CDD Service Payments

- 1.22 For CDD Services Applicant Organisations will be paid a single fixed fee for each Case managed. The price will be set at the price offered in the successful Applicant Organisations Tender. Further information on this as well as the payment terms will be available in the ITT documentation.

ITA Service Payments

- 1.23 For the ITA Service, Applicant Organisations will be paid a single fixed fee for each Case managed. The price will be set at the price offered in the successful Applicant Organisations Tender. Further information on this as well as the payment terms will be available in the ITT documentation.

SECTION 2: WHAT REQUIREMENTS DO APPLICANT ORGANISATIONS NEED TO MEET TO BE AWARDED A PSTA CONTRACT?

The PSTA Tender

- 2.1 The LAA is looking for Applicant Organisations which have the experience, skills, and capability to provide a reliable, independent, quality assured telephone legal advice service. The PSTA Services provide an important role in the criminal justice system and access to these services is required every day of the year (although ITA Service Providers will alternate service provision on a weekly basis in accordance with the Rota).
- 2.2 At this PQQ stage Applicant Organisations may apply to be shortlisted to be invited to tender for a Contract for one of the following:
 - 1) Lot 1: provision of the CDD Service only;
 - 2) Lot 2: provision of the ITA Service only; or
 - 3) Lot 3: provision of the CDD Service and the ITA Service under one combined PSTA Contract.
- 2.3 Individual Applicant Organisations are only permitted to bid for one of the available Lots at the PQQ stage of the procurement. Applicant Organisations that are shortlisted to the ITT stage for Lot 3 (will have the opportunity to additionally submit Tenders for a Contract under Lot 1 and/or Lot 2 at the ITT stage).
- 2.4 If Applicant Organisations choose to apply for a Contract under Lot 1, they must meet only the requirements relating to the CDD Service. Similarly, if Applicant Organisations choose to apply for a Contract under Lot 2, they must meet only the requirements relating to the ITA Service. If Applicant Organisations choose to apply for a Contract under Lot 3 to provide both the CDD Service and ITA Service, they must meet all the requirements relating to the PSTA Services.
- 2.5 Following completion of the PQQ stage, the LAA expects to shortlist 21 Applicant Organisations that will be invited to respond to the ITT. Applicant Organisations will be required to provide details of how they will propose to deliver the relevant PSTA Service and their price per Case.

Access

- 2.6 The LAA is looking to contract with a minimum of two and a maximum of four Applicant Organisations in total. A minimum of two Providers delivering the CDD Service and two delivering the ITA Service are required to ensure sufficient resilience is present in the PSTA Services in the event that one Provider closes or has their contract terminated.
- 2.7 Given that the PSTA Services are to be entirely telephone based, there are no geographical restrictions for Applicant Organisations who wish to bid for the Contracts save that they must be based in England and Wales.

Requirements of the Service

- 2.8 All Applicant Organisations must pass the questions relating to the grounds for mandatory and discretionary rejection which test an Applicant Organisation's suitability to contract with the LAA. These questions are set out in the PQQ for this procurement process in the eTendering system and are replicated at Annex A of this IFA.

- 2.9 An Applicant Organisation must also confirm it meets the applicable criteria for the Lot it is tendering for which are set out in the service specific PQQ questions in the eTendering system and which are replicated at Forms F and G of Annex A to this IFA.

Service Hours

- 2.10 CDD Providers must be available to deliver the CDD Services twenty-four hours a day, three hundred and sixty-five days a year (three hundred and sixty-six days in a leap year).
- 2.11 ITA Service Providers must be available to deliver the ITA Services between the hours of 7am and 12 midnight, three hundred and sixty-five days a year (three hundred and sixty-six days in a leap year).

Case Volumes

- 2.12 The total historical case volumes for the PSTA Services are detailed in Annex D of this IFA. The volume of Cases per contract for the CDD Service is expected to remain at around 40,000-45,000 per year. The volume of Cases per contract for the ITA Service is expected to remain at around 4,500 – 5,000 per year. For the avoidance of doubt, there will be no guaranteed volumes under any contract. Providers will be expected to provide sufficient capacity to deal with fluctuating call volumes and differing demand throughout the period of the Contract.

Case Allocation

- 2.13 Providers of the CDD Service will be expected to operate concurrently (i.e. both Providers operating at all times). Cases will be allocated via ECMS equally to each Provider during that time.
- 2.14 Providers of the ITA Service will be required to operate on a Rota basis, with Providers delivering the ITA Service on alternate weeks. A Rota week is deemed to be a 7-day week commencing at 7am on a Monday and concluding at 12pm midnight on the following Sunday night. This will include any bank or public holidays.

Supervisor Requirements

- 2.15 All Supervisors must be present in the Office at least 35 hours a week. Outside the hours when a Supervisor is present in the Office, Supervisors must be reachable by telephone or other remote methods.
- 2.16 All Supervisors must be registered with the relevant regulatory body for inclusion on their respective list of accredited Advisers (i.e. the SRA register or the Office of the Immigration Services Commissioner (“OISC”) list of accredited advisors).
- 2.17 Applicant Organisations who intend to submit a Tender under Lot 3 must have separate Supervisors for both the CDD Service and the ITA Service.
- 2.18 A summary of the Supervisor requirements are set out below. Further information will be provided in the ITT documentation.

CDD Service Supervisor Requirements	ITA Service Supervisor Requirements
CDD Supervisors must be available to supervise CDD Advisers 24 hours a day in accordance with the service hours.	ITA Service Supervisors must be available to supervise Advisers from the hours of 7am and 12 midnight in accordance with the service hours.
CDD Supervisors must have membership of the Criminal Litigator Accreditation Scheme (CLAS).	Possess at least 3 years' experience as an Immigration Supervisor.
A current non-conditional practising certificate for the previous three years.	Have passed the Supervisor Level Assessment of the Immigration and Asylum Accreditation Scheme (IAAS).
At any time during the Contract, in the previous 12 months have undertaken a minimum of 25 crime Cases.	Level 2 or 3 of the IAAS
<p>All CDD Supervisors must meet one of the following supervisory skills standards:</p> <ul style="list-style-type: none"> • have supervised at least one Full Time Equivalent (FTE) designated fee earner or Adviser in the Crime Category of law and/or Class of work for at least one year in the previous five year period; or • have completed such training covering key supervisory skills we approve from time to time in the previous 12 month period; or • have achieved level 3 or higher National Vocation Qualification NVQ standard (or any replacement from time to time) in supervising the previous five year period 	The Supervisor must take account of any changes in legislation and case law and maintain access for the duration of the Contract Period to at least 1 nationally published specialist journal (containing updates on Immigration and Asylum case law and statutes). This may include electronic publications such as subscription case law

Adviser Requirements

- 2.19 The Provider must maintain an accurate and up to date record of all accredited Advisers that undertake Contract Work. The Provider must at our request arrange for the record to be sent to LAA within such period as we may reasonably specify.
- 2.20 Advisers must satisfy all of the requirements applicable to the service they are delivering as set out in the table below. Further information will be provided at the ITT stage:

CDD Service Adviser Requirements	ITA Service Adviser Requirements
All CDD Advisers must be Accredited Representatives; or Duty Lawyers; or Probationary Representatives; or Solicitors holding the Police Station Qualification	ITA Service Advisers must be accredited by the Law Society's Immigration and Asylum Accreditation Scheme (IAAS) to at least level 2.
All CDD Advisers must comply with the Police Station Register Arrangements 2001 (as amended)	ITA Service Advisers must be registered with the relevant body for inclusion on their respective list of accredited Advisers (i.e. the SRA register or the OISC list of accredited advisers).
All CDD Advisers must attend the Police Station other than in relation to the delivery of Contract Work for the purpose of providing legal advice at least 25 times per calendar year	
A maximum of 50% of CDD Advisers may be Probationary Representatives.	

Excluded Cases

2.21 An exhaustive list of offences which are to be covered by the scope of the CDD Service can be found in Annex C. Matters involving any other offences should be referred back to the DSCC and will be out of scope of the CDD Service.

Electronic Case Management System

2.22 All Providers will be required to access Cases via the Electronic Case Management System ("ECMS") and will have to respond to Cases that appear on the Work Queue Screen following allocation from the DSCC. This will allow Providers to view work queues, accept Cases and log any actions taken to progress or close the Case (e.g. refer the Case back to the DSCC if telephone based advice is considered unsuitable).

2.23 Providers will be required to connect to the ECMS via the internet by implementing a broadband connection of the required capacity and availability. The content of the ECMS and any entries made, are captured on a database owned by the LAA. This content, including access to historical case records, will be made available to Providers as appropriate. Providers will be required to ensure that access to this content is controlled and secure and that necessary parties have access as required. Providers will only be able to see and process Cases allocated to them, and not all Cases referred to all Providers.

Telephony

2.24 Providers must have a suitable telephone system which includes:

- Capacity to undertake a 3 way call to enable an Adviser, a Client and if necessary an interpreter to participate in the call;
- A secure telephone system capable of being able to respond to multiple calls. For example, if an Adviser is already taking a call but another call for advice is made on that number you must have a divert or messaging facility so that the call can be received and responded to in line with applicable service standards to be provided in the ITT documents.

2.25 Providers must have one central number on which its Advisers will be available. Providers must also be able to transfer calls internally between their Advisers as well as having the ability to transfer calls to DSCC when required.

2.26 Providers must have a contingency plan in place which takes into account a major failure occurring in the telephone system.

Translation

2.27 Providers must use the “Ministry of Justice Interpreting and Translation Services” contract which provides interpreting and translation services through a nominated provider and is funded by the LAA. Contact details for the service will be provided by the LAA and a PIN number provided to allow Providers access to the service. Providers will be able to access this service to enable telephone translation for Clients unable to communicate in English.

Management of Service

2.28 Providers will be required to provide a range of management functions. More details will be provided in the ITT, but a summary is set out below:

- Monitor and manage the quality of the PSTA Services provided according to the requirements set out in the Contract Specification and manage staffing of levels to ensure that there is sufficient capacity to respond to calls in order to meet applicable service levels during the service hours;
- Provide access to standard management information reports as specified by the LAA from time to time (e.g call volumes, case volumes, call response times, case outcomes, case duration);
- Attend meetings with LAA and Provider group meetings as specified by the LAA from time to time;
- To host and facilitate information and operational demonstration visits (in addition to the contract review meetings), from individuals and personnel authorised by the LAA;
- Investigate and respond to complaints according to the applicable Complaints Policy and or their own internal complaints policy. Review and analyse complaints and queries on a monthly basis and suggest appropriate remedial action from any trends identified;
- Implement action to address any identified failure against the specified Service Level Agreement within specified timescales.

TUPE

- 2.29 TUPE may apply to any transfer of these services to a new provider. Further information will be provided at the ITT stage of the procurement process. However, Applicant Organisations will need to take their own legal advice on TUPE.

Relevant Quality Standard

- 2.30 Applicant Organisations will be required to either meet the relevant requirements of the LAA's Specialist Quality Mark ("SQM") (as audited by the SQM Delivery Partnership), or hold the Law Society's Lexcel practice management standard, by the Contract Start Date. Applicant Organisations will be responsible for paying all necessary fees to the auditing organisation.
- 2.31 In April 2010, the SQM Delivery Partnership was appointed to undertake SQM audits, charging organisations for the service. All Applicant Organisations intending to meet this requirement through holding the SQM will be required to be audited by the SQM Delivery Partnership.
- 2.32 Where an Applicant Organisation already holds the SQM following an audit from the SQM Delivery Partnership or is in the process of being audited by them, it need not reapply for the SQM. Requirements according to the Relevant Quality Standard an Applicant Organisation chooses to hold are detailed below:

Applicant Organisation Type (by organisation)	Requirement
New legal entity (i.e. not currently practising) that intends to obtain SQM	Pass desktop audit by the Contract Start Date and fully pass SQM audit within 6 months of Service Commencement Date.
Organisation that intends to obtain Lexcel	Achieve Lexcel by the Contract Start Date
Organisation that intends to obtain SQM (this includes existing contract holders with an SQM but not as audited by SQM Delivery Partnership)	Fully pass the Post SQM audit by the Contract Start Date
Organisation already holding Lexcel	No further audit required
Organisation holding SQM as audited by SQM Delivery Partnership (Provider has already passed the Post SQM audit undertaken by the SQM Delivery Partnership)	No further audit required

- 2.33 It is an Applicant Organisation's responsibility to ensure that it meets these requirements by the Contract Start Date. Applicant Organisations are therefore advised to apply for the appropriate Relevant Quality Standard early as no extensions of time will be given. It is the absolute responsibility of the Applicant Organisation to contact the Auditing organisation (The Law Society or SQM Delivery Partnership) and arrange for any necessary audits. The LAA assumes no responsibility to monitor Applicant Organisations' progress towards achieving a Relevant Quality Standard.
- 2.34 Further information about the SQM and how to register with the SQM Delivery Partnership can be found at <http://www.sqm.uk.com>.
- 2.35 Further information on Lexcel can be found on The Law Society's website: <http://www.lawsociety.org.uk/productsandservices/lexcel.page>

Peer Review

- 2.36 It is a requirement that Applicant Organisations submitting a Tender in Lot 1 must not have previously received a confirmed Peer Review rating of 4 or 5 from the LAA in relation to a contract for criminal legal aid services in the preceding five years from the date of publication of this PQQ. Applicant Organisations that do not meet this requirement will not be shortlisted for the ITT stage.
- 2.37 It is a requirement that Applicant Organisations submitting a Tender in Lot 2 must not have previously received a confirmed Peer Review rating of 4 or 5 from the LAA in the Immigration Category of Law in the preceding 5 years from publication of this PQQ. Applicant Organisations that do not meet this requirement will not be shortlisted for the ITT stage.
- 2.38 Applicant Organisations submitting a Tender in relation to Lot 3 must meet the requirements detailed in both 2.36 and 2.37 above.
- 2.39 More information on Peer Review can be found on the LAA website; <https://www.gov.uk/guidance/legal-aid-agency-audits#peer-review>

Indemnities

- 2.40 It will be a condition of contract award that Applicant Organisations which operate on a limited liability basis supply us with a relevant indemnity form (unless a registered charity who will not be required to provide any indemnity or similar) by the Service Commencement Date. This must be signed by the ultimate owners of the Applicant Organisation and/or such persons as we might reasonably regard as being controllers and/or senior managers of the Applicant Organisation and/or where the Applicant Organisation is a limited company, from any company which is its holding company.
- 2.41 If the Applicant Organisation fails to provide the LAA with a completed indemnity form complying with these requirements by the specified date, the LAA will not be able to issue contract documentation. We will not contract with any Applicant Organisations who are unable to provide confirmation of this by Service Commencement Date. A copy of the required indemnity form is available at; <https://www.gov.uk/government/publications/personal-guarantee-and-indemnity>
- 2.42 At the LAA's discretion, a guarantee offering equivalent protection may be accepted from an Applicant Organisation with limited liability as an alternative to an indemnity. We will consider exercising such discretion where an Applicant Organisation is able to demonstrate that such a guarantee will protect public funds to the same extent as an indemnity would.

Electronic Working

- 2.43 The provisions of the PSTA Contract will provide that the LAA may introduce Mandatory Electronic Working during the life of the PSTA Contract on three months' notice. By submitting a PQQ you agree that such notice may be given prior to the Service Commencement Date as if it were notice under the PSTA Contract.

SECTION 3: HOW DO APPLICANT ORGANISATIONS SUBMIT A TENDER?

- 3.1 All PQQs must be completed and submitted using the LAA's eTendering system. This is a secure Internet site through which Tenders are managed. It can either be accessed through eTendering portal links on the tender pages of the LAA website or directly at www.legalaid.bravosolution.co.uk
- 3.2 Applicant Organisations must familiarise themselves with the eTendering system guides available through the 'Technical Support and Guidance' link on the eTendering system home page, which provides more detailed guidance on how to complete a Tender.
- 3.3 In order to access this procurement opportunity, Applicant Organisations must register on the eTendering system.
- 3.4 Some Applicant Organisations may have already registered on the system as part of previous LAA procurement exercises. If this is the case and the details of the Applicant Organisation remain up to date, there is no need to register again. If Applicant Organisations have forgotten their password they must click on the 'Forgotten your password?' link on the eTendering homepage to get their password reset.
- 3.5 Communication with Applicant Organisations from the LAA about this procurement process will be undertaken through the secure online eTendering system message board. The LAA highly recommend that multiple additional users are set up under an Applicant Organisation's registration (see 'Technical Support and Guidance' link) so urgent messages that may affect an Applicant Organisation's PQQ can be actioned as necessary. Applicant Organisations are advised to check the eTendering system regularly to ensure that any messages are read promptly.
- 3.6 Once registered on the eTendering system Applicant Organisations will be able to access the procurement exercise in the eTendering system:
- PQQ 63 - Procurement of Police Station Telephone Advice Contracts from June 2016
- This is available via the 'PQQ open to all suppliers' link. Applicant Organisations must ensure that they access and submit the correct PQQ for this procurement process.
- 3.7 All questions marked with a red asterisk on the eTendering system are mandatory and the eTendering system will not permit an Applicant Organisation to submit its PQQ unless answers to these questions are provided. It is the Applicant Organisation's sole responsibility to ensure that it correctly accesses, completes and submits its PQQ.
- 3.8 There is a button in the eTendering system called 'check mandatory questions'. By clicking on this the eTendering system will check that an Applicant Organisation 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.
- 3.9 When Applicant Organisations submit their PQQ for the first time they will receive an automated message that their response has been successfully submitted. This only provides an indication of whether the PQQ has been transmitted to the LAA and not whether the PQQ is fully completed and/or will be assessed as being successful.

- 3.10 The Deadline for submitting completed PQQs is **9.00am** on **9th November 2015**. PQQs submitted after the Deadline will not be accepted. It is the Applicant Organisation's sole responsibility to ensure that the LAA receives its PQQ before the Deadline.

SECTION 4: COMPLETION OF THE TENDER

- 4.1 A full breakdown of information which Applicant Organisations are required to provide (including assessed questions) is set out in Forms A-H within Annex A.
- 4.2 All fields marked with a red asterisk on the eTendering system are mandatory and the eTendering system will not permit an Applicant Organisation to submit its response unless information in these fields is provided. Once Applicant Organisations have checked that answers are accurate, they should submit their response to the PQQ.
- 4.3 In accordance with paragraph 7.35 of this IFA if the Applicant Organisation's PQQ has been assessed as successful and it subsequently changes its status or any material element of its PQQ after the Deadline and before the Service Commencement Date, the Applicant Organisation must inform the LAA. Changes that render the PQQ non-compliant will result in the LAA rejecting the PQQ.
- 4.4 Applicant Organisations must provide information covering the following areas:
- Applicant Organisation and contact details (Form A);
 - Grounds for mandatory rejection (Form B);
 - Grounds for discretionary rejection (Form C);
 - Economic and Financial Standing (Form D);
 - Bid information (Form E);
 - CDD Only Questions (Form F);
 - ITA Service Only Questions (Form G); and
 - Confirmation and Declaration (Form H).

PQQ completion

- 4.5 The PQQ is available via the eTendering home page under the PQQ open to all suppliers.
- 4.6 There are three sections of the PQQ that must be completed: the Qualification Envelope, the Service Envelope, and the Confirmation and Declaration. The Qualification Envelope assesses whether Applicant Organisations meet the minimum requirements to deliver a PSTA Contract (regardless of the Lot they are bidding for). The Service Envelope assesses the technical and professional capacity and contract experience relevant to the specific Lot being bid for.

Qualification Envelope

- 4.7 The Qualification Envelope contains;
- Form A - General Applicant Organisation information;
 - Form B - Grounds for Mandatory Rejection;
 - Form C - Grounds for Discretionary Rejection;
 - Form D - Economic and Financial standing, Insurance and Indemnities;
 - Form E - Bid Information.

- 4.8 All Applicant Organisations are required to complete Forms A- E.

Service Envelope

- 4.9 The Service Envelope contains:

- Form F - Technical and professional ability and Contract Experience to deliver the CDD Service;
- Form G - Technical and professional ability and Contract Experience to deliver the ITA Service.

4.10 Applicant Organisations bidding in relation to Lot 3 are required to complete both Forms within the Service Envelope. Applicant Organisations submitting a Tender in either Lot 1 or Lot 2 will only be required to complete the Form which corresponds to the relevant Lot within the Service Envelope.

Declarations

4.11 In Form H, all Applicant Organisations are required to confirm they meet the relevant criteria for a PSTA Contract, and the Compliance Officer for Legal Practice (COLP) for all Applicant Organisations must confirm that the information provided is accurate, that they understand the information provided will be used to assess suitability to hold a Contract and that they understand the LAA may reject their PQQ if there is a failure to answer all relevant questions fully or the information provided is inaccurate in any material way. The precise wording of the Declaration is contained at Annex A.

Grounds for Mandatory and Discretionary Rejection

4.12 If an Applicant Organisation is assessed as failing any question of the PQQ that is a ground for mandatory rejection, the whole of the Applicant Organisation's PQQ will be unsuccessful and they will not take any further part in this procurement process. For avoidance of doubt, a failure to meet the criteria in the following questions will constitute a ground for mandatory rejection:

- Questions in Form B;
- Questions F1 to F4;
- Questions G1 to G4.

4.13 Form C is comprised of questions that may result in discretionary rejection. Where an Applicant Organisation provides a response to a question in Form C that may result in rejection of the PQQ, free text boxes are provided for an Applicant Organisation to give further information setting out any exceptional circumstances that they want LAA to consider when assessing whether to reject the PQQ. Such information may include details of remedial action taken by the Applicant Organisation to prevent a repeat occurrence of an issue. LAA will consider this information before deciding whether to fail the Applicant Organisation's PQQ. In assessing whether to reject a PQQ based on a response in Form C, LAA's consideration will include the severity of the issue, the risk of repetition in future, and its relevance to the PSTA Contract. The decision whether to reject a PQQ based on the response to Form C will be at LAA's sole discretion.

PQQ submission

4.14 Before submitting the response to the PQQ Applicant Organisations must check that they have answered all questions and uploaded all requested attachments as if a PQQ is incomplete it will be unsuccessful.

4.15 An Applicant Organisation must declare in Form H that the information provided is accurate and that it accepts and will comply with the Terms and Conditions set out in this IFA. A member of the Applicant Organisation's Key Personnel must complete and submit the PQQ.

- 4.16 PQQs will not be opened by the LAA until after the Deadline and therefore if an Applicant Organisation's PQQ is incomplete, this will only be identified on assessment of PQQs.
- 4.17 Applicant Organisations can check the contents of Forms A-H that they have uploaded as part of their PQQ response. By going back to the response to the PQQ within the eTendering system (within the PQQ the response to this can be found in the "Actions" menu on the left hand side), going to the question in the PQQ against which the attachment is uploaded and selecting "Download", this will open the version of the relevant form uploaded as part of the PQQ response.
- 4.18 Once an Applicant Organisation is satisfied that its response to the PQQ is accurate and complete, it should submit it.
- 4.19 When Applicant Organisations submit a PQQ for the first time they will receive an automated message that their response has been successfully submitted. This only provides an indication of whether the response has been transmitted to the LAA and not whether the response is fully completed or successful.

SECTION 5: WHAT IF APPLICANT ORGANISATIONS HAVE QUESTIONS ABOUT THIS IFA OR PROCUREMENT PROCESS?

- 5.1 If an Applicant Organisation has a question to which they cannot find a response in this document or guidance provided in the eTendering system about the procurement process, it will be able to direct questions through two different channels depending on the nature of the query. The two different question types are:
- questions about the content of this IFA; and
 - technical questions about how to operate the eTendering system.

Questions about this IFA

- 5.2 If an Applicant Organisation has any questions about the content of this IFA, it may submit them up until **12 noon on 29th October 2015** (note this is referred to in the eTendering system as the 'End date for supplier Clarification messages') through the eTendering system.
- 5.3 All questions must be submitted using the online secure eTendering system message boards.
- 5.4 Applicant Organisations should assume that questions and answers may be published. Questions that the LAA considers to be of wider interest will be collated and answered centrally in writing to ensure that all interested parties have equal access to information. Questions and answers will be published on the tender pages of our website (Legal-aid > Contracts and Tenders > Tenders > PSTA Tender) in the 'PSTA Frequently Asked Questions (FAQ)'. An Applicant Organisation that objects to publication should expressly state this and the LAA will consider this.
- 5.5 A final version of this FAQ document will be published on 2nd November 2015, incorporating all questions received.

Technical questions about how to operate the eTendering system

- 5.6 There is a helpdesk to provide technical support to Applicant Organisations using the eTendering system. However, the helpdesk is **unable** to assist with problems with Applicant Organisations' own computer hardware or systems - for these types of issues Applicant Organisations should contact their usual IT support.
- 5.7 Questions should be emailed to the following email address: help@bravosolution.co.uk. Alternatively, the telephone number for the helpdesk is 0800 368 4850 (lines are open from 9am to 6pm Monday to Friday).
- 5.8 The LAA recommend that Applicant Organisations start to complete their PQQ early so that they identify any areas where they need 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.

SECTION 6: EVALUATION APPROACH

- 6.1 The purpose of the PQQ stage is to enable the LAA to assess Applicant Organisations in accordance with its requirements so that the top ranking Applicant Organisations that meet or exceed those requirements are taken forward to the ITT stage of the procurement process. The LAA anticipates that 21 Applicant Organisations will be shortlisted to the ITT stage. The PQQ is designed to elicit from Applicant Organisations sufficient information that will allow the LAA to make such an assessment.
- 6.2 Only the top ranking Applicant Organisations will be shortlisted for the ITT stage of the process. The assessment of the PQQ response will be in three stages as set out below.

Stage 1 – Assessment of questions applicable to all PSTA Services

- 6.3 In Stage 1, LAA will assess questions in the Qualification Envelope (Forms A-E). The information provided by Applicant Organisations identifies if they meet the minimum requirements for a PSTA Contract. A full breakdown of each of the questions and what constitutes a pass or a fail is set out in Annex A.
- 6.4 For each question, the Applicant Organisation is presented with a series of drop down options from which to select a response. For some questions a text box is also provided. The LAA will assess PQQs on the basis of information submitted by the Applicant Organisation in its PQQ response. The LAA will not consider other information it may hold about the organisation outside of the PQQ (e.g. through other contracts the Applicant Organisation may hold with LAA), unless it is believes that the information provided by the Applicant Organisation in their PQQ is inaccurate.
- 6.5 For an individual Lot, where the number of Applicant Organisations being successful at Stage 1 and having met the requirements of Form H is seven or lower, LAA will shortlist all those Applicant Organisations for the ITT stage (subject to the financial assessment at Stage 3).

Stage 2 – Assessment of Forms F and G, ranking and initial shortlist

- 6.6 Stage 2 will be used to assess Applicant Organisations ability to deliver the specific requirements of each PSTA Service through the responses they provide to Forms F and/or G. The assessment will determine which Applicant Organisations are shortlisted for the ITT stage of the procurement.
- 6.7 For questions F6 and G6 Applicant Organisations are required to select an option from a drop down box and (depending on the option chosen) provide supporting information. Where the information given in the text box conflicts with the option selected in the drop down box or if no information is given in the text box (where required) the Applicant Organisation will score 0 for that question irrespective of the answer selected in the drop-down box. For example, if in answer to question 1 the Applicant Organisation indicated “A”, indicating that their member of Key Personnel had 3 years’ experience, but in the text box gave information about a contract of only 2 years, then the answer would score zero.
- 6.8 Responses to questions F7 and G7 require Applicant Organisations to provide evidence of having successfully delivered previous contract work. Responses will be assessed using the scoring matrix in the table below. In assessing each answer we will take account of the relevance of the example provided to LAA’s requirements, and the strength of evidence to show that the Applicant Organisation delivered a high quality service against the contract described.

Score (0-4)	Scoring Criteria
0	<p>Unacceptable:</p> <p>The following is indicative of factors that would lead to a score of 0</p> <ul style="list-style-type: none"> The Applicant Organisation fails to respond with an example, or the example provided is of extremely low or no relevance.
1	<p>Poor:</p> <p>The following is indicative of factors that would lead to a score of 1:</p> <ul style="list-style-type: none"> The example is of low relevance to the requirements or provides little evidence that a quality service was provided.
2	<p>Satisfactory:</p> <p>The following is indicative of factors that would lead to a score of 2:</p> <ul style="list-style-type: none"> The example provided has some relevance to the requirements and shows some evidence that a quality service was provided.
3	<p>Good:</p> <p>The following is indicative of factors that would lead to a score of 3:</p> <ul style="list-style-type: none"> The example provided has substantial relevance to the requirements and shows significant evidence that a quality service was provided.
4	<p>Excellent:</p> <p>The following is indicative of factors that would lead to a score of 4:</p> <ul style="list-style-type: none"> The example is directly relevant to the requirements and shows excellent evidence that a quality service was provided.

6.9 In Lots 1 and 2, Applicant Organisations will be given a score out of a total possible score of 18. In Lot 3, Applicant Organisations will be given a score out of a total possible score of 36. Scores will be given by totalling the marks awarded against the scored questions in the Service Envelope. Applicants will then be ranked within the Lot they have bid for.

6.10 The top 7 Applicant Organisations for each Lot following Stages 1 and 2 will be placed on the provisional shortlist. If multiple Applicant Organisations are ranked in seventh place all the seventh placed Applicant Organisations will be placed on the shortlist.

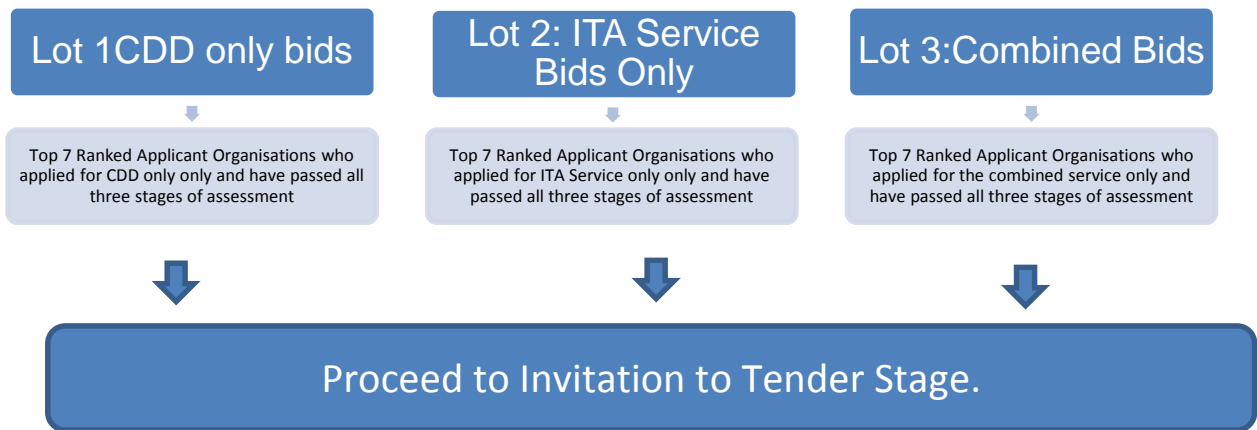
Stage 3 - Financial Assessment

6.11 Only Applicant Organisations who are provisionally shortlisted will be financially assessed. The minimum requirement is that the Applicant Organisation is solvent and is likely to remain solvent and have sufficient financial robustness to deliver the Contract and meet its liabilities under the Contract for the duration of the Contract Period. In order to assess whether this minimum requirement is met, Applicant Organisations will be allocated a risk rating of high, medium or low, using the definitions set out below. References to "the Applicant Organisation" in this test refer to any significant subcontractors.

- High risk - the Applicant Organisation is either not solvent or the LAA has significant reservations that the Applicant Organisation is likely to remain solvent and/or will have sufficient financial robustness to deliver the Contract for the duration of the Contract Period.
 - Medium Risk - the Applicant Organisation is solvent and on balance is likely to remain solvent and will have sufficient financial robustness to deliver the Contract for the duration of the Contract Period despite some minor reservations.
 - Low Risk - the Applicant Organisation is solvent and the LAA has no reservations that the Applicant Organisation is likely to remain solvent and will have sufficient financial robustness to deliver the Contract for the duration of the Contract Period.
- 6.12 In assessing responses to Form D, the LAA will consider the Applicant Organisation's proposed structure and the information provided from any relevant subcontractor and the risk rating will be allocated taking account of relevant subcontractors, as appropriate. If the Applicant Organisation is willing to offer a guarantee from a parent or group company, the minimum requirement must be met in respect of that entity.
- 6.13 The minimum requirement will be met (and a pass will be awarded) for all Applicant Organisations who are allocated a risk rating of low or medium. The minimum requirement will not be met (and a fail will be awarded) for all Applicant Organisations who are allocated a risk rating of high.
- 6.14 The risk rating will be allocated based on a review and analysis of the information provided by the Applicant Organisations in response to Form D and other publicly available information which may include:
- Ratio/turnover analysis, including gearing, interest cover, profitability, liquidity, turnover and net assets
 - Dun & Bradstreet credit rating (or another suitable ratings agency)
 - Company accounts and other publicly available information covering the last 2 years, including for example post balance sheet events, recent acquisitions or disposals, future cash commitments, contingent liabilities, obligations and off balance sheet finance
- 6.15 If any Applicant Organisations fail to pass Stage 3, their Tender will be rejected and they will be removed from the provisional shortlist. The LAA will then financially assess the Applicant Organisation which scored next highest within the relevant Lot during Stages 1 and 2 and so on until there are 7 Applicant Organisations in each Lot who meet the requirements.

Ranking of Applicant Organisations to be taken through to the ITT Stage

- 6.16 The final shortlist will comprise the top 7 ranked Applicant Organisations for each Lot which have all three stages of assessment as referred to above. Those Applicant Organisations on the final shortlist will be invited to take part in the ITT stage for that Lot as detailed in the diagram below. If fewer than 7 Applicant Organisations pass all three stages of assessment as referred to above in respect of any Lot, the LAA will shortlist all Applicant Organisations who passed all stages of assessment in the relevant Lot. If multiple Applicant Organisations are ranked in seventh place we will short list all the seventh placed Applicant Organisations.



Stage 4 – Notification of outcome of the PQQ

- 6.11 After the final shortlist of Applicant Organisations for each Lot has been identified, all Applicant Organisations will be notified through the eTendering message boards as to whether they have been successful in progressing to the ITT stage of the procurement process. For Applicant Organisations who have not made the shortlist, notifications will include details of why the PQQ response has been unsuccessful.
- 6.12 Where Applicant Organisations are notified that their PQQ response has been unsuccessful they will not be invited to take any further part in this procurement process.

SECTION 7: GENERAL RULES OF THIS PROCUREMENT PROCESS

Introduction

- 7.1 This procurement process is governed by this IFA which represents a complete statement of the rules. This IFA supersedes all prior negotiations, representations or undertakings, whether written or oral. References to 'Tender' include as applicable all or any Individual Bid submitted as part of a Tender.
- 7.2 '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. For the avoidance of doubt, Chapter 2 of the Regulations applies only to the extent detailed in this IFA.
- 7.3 This IFA and any supplementary documents issued as part of this procurement process (including the PQQ and the ITTs) are governed and construed in accordance with English Law.

Canvassing

- 7.4 The Applicant Organisation (including its employees, Key Personnel 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 in connection with 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

- 7.5 The Applicant Organisation 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 Organisation'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 Organisation's Tender;
 - (c) Entering in to 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.

Submitting a Tender

- 7.6 The Applicant Organisation agrees to comply with the rules (contained in this Section 7 and elsewhere in this IFA) of this procurement process, the terms of the user agreement

governing the use of the LAA eTendering system and any contract awarded to them by the LAA (including any conditions of contract award). If the Applicant Organisation fails to comply with the rules of this procurement process and/or the terms of the user agreement, the LAA may assess the Applicant Organisation's Tender as unsuccessful.

- 7.7 The Applicant Organisation must submit a complete Tender (in accordance with paragraph 7.10) by the Deadline. For the purposes of the Deadline, the time specified on the eTendering system shall be the definitive time. A Tender will be rejected if it is submitted by the Applicant Organisation after the Deadline. The LAA will not consider:
- (a) any requests by the Applicant Organisation to amend or submit the Tender after the Deadline; or,
 - (b) any requests by the Applicant Organisation for an extension of the time or date fixed for the submission of the Tender.

The Applicant Organisation accepts all responsibility for ensuring all parts of its Tender are submitted through the eTendering system by the Deadline.

- 7.8 The Applicant Organisation must submit a complete Tender (in accordance with paragraph 7.10) using the eTendering system at www.legalaid.bravosolution.co.uk. The LAA will not consider any Tender submitted by the Applicant Organisation in any other form, or by any other method.
- 7.9 A Tender must be authorised by the Applicant Organisation's Compliance Officer or proposed Compliance Officer for Legal Practice.
- 7.10 The Applicant Organisation must submit a complete Tender complying with paragraph 3.1 prior to the Deadline. To be considered, the Applicant Organisation must reply to every question in the Tender 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.
- 7.11 The Applicant Organisation may amend and re-submit its Tender at any time up to the Deadline for the relevant document. Only the latest version of the Tender document submitted by an Applicant Organisation prior to the relevant Deadline will be considered by the LAA.
- 7.12 The Applicant Organisation must ensure that its Tender documentation is fully and accurately completed. The Applicant Organisation 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.
- 7.13 The Applicant Organisation will not be permitted to amend or alter the Tender documentation after the relevant Deadline except in circumstances expressly permitted by the LAA.
- 7.14 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, the conflict will be resolved by accepting the information, answer or document least favourable to the Applicant Organisation. For the avoidance of doubt, in these circumstances, the LAA will not contact the Applicant Organisation.
- 7.15 Applicant Organisations 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.

- 7.16 The Applicant Organisation, by submitting a Tender, warrants to the LAA that:
- (a) it has complied with all the rules and instructions applicable to this IFA and the eTendering system in all respects;
 - (b) all information, representations and other matters of fact communicated (whether in writing or otherwise) to the LAA by the Applicant Organisation are true, complete and accurate in all respects; and
 - (c) it has capacity to concurrently deliver all of the PSTA Services it has submitted a Tender for.
- 7.17 The Applicant Organisation must keep any Tender valid and capable of acceptance by LAA up to the Contract Start Date.
- 7.18 By submitting a Tender the Applicant Organisation agrees to be bound by the Contract without further negotiation or amendment.
- 7.19 In submitting its Tender, the Applicant Organisation acknowledges that 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 Organisation as setting any precedent for the LAA's conduct in respect of this procurement process.
- 7.20 The Applicant Organisation must monitor and respond as appropriate to messages received through the eTendering system throughout this procurement process and the LAA accepts no liability where the Applicant Organisation fails to do so. All communication with Applicant Organisations through the eTendering system, including that outlined in paragraph 7.23 will be deemed to have been received by the Applicant Organisation at the time of transmission in the eTendering system. The time specified in the eTendering system shall be the definitive time.
- 7.21 Any Frequently Asked Questions published on the LAA website in accordance with section 5 of this IFA will form part of the documentation for this procurement process. Applicant Organisations should have regard to the relevant Frequently Asked Questions documents prior to submitting a Tender.
- 7.22 Without prejudice to any warranties given, these General Rules of the Procurement Process do not form a separate collateral contract between the Applicant Organisation and the LAA. The relevant parts of the Applicant Organisation's Tender may form part of any Contract subsequently awarded.

Right to Cancel or Amend the Procurement Process

- 7.23 The LAA reserves the right to amend the procurement process (including any related documentation) at any time. Any notices of amendments will be notified to individual Application Organisations through a message on the eTendering system.
- 7.24 A Tender submitted by an Applicant Organisation, which does not comply with any amendments made in accordance with 7.23 before the Deadline will be rejected.
- 7.25 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.

- 7.26 While the LAA has taken all reasonable steps to ensure, as at the date of the issue of this 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.
- 7.27 All information supplied by the LAA to the Applicant Organisation, including that within the IFA, is subject to that Applicant Organisation's own due diligence. The LAA accepts no liability to the Applicant Organisation whatsoever resulting from the use of the IFA and any associated documents, or any omissions from or deficiencies in them.
- 7.28 Without prejudice to any warranties given, these General Rules of the Procurement Process do not form a separate collateral contract between the Applicant Organisation and the LAA. The relevant parts of the Applicant Organisation's Tender may form part of any Contract subsequently awarded.

Right to Clarify / Verify

- 7.29 The LAA may at its sole discretion seek to clarify or verify the Applicant Organisation's Tender. In these circumstances, the LAA will not take into account any information provided that would result in an improvement to the Applicant Organisation's Tender.
- 7.30 Where the LAA contacts the Applicant Organisation in circumstances outlined in 7.29, the Applicant Organisation must provide the information requested by the date specified by the LAA. Any information provided by the Applicant Organisation after the specified date will not be taken into account by the LAA when evaluating the Applicant Organisation's Tender.
- 7.31 The procurement documents including the PQQ and ITT request some non-assessed information that the LAA requires to be able to manage the existing Provider base and progress the issuing of Contract documentation. This consists of the 'organisation name and the 'LAA Account Number'. Where any of this non-assessed information is not provided or is inaccurate in the Tender, the LAA may contact the Applicant Organisation for these details. If the Applicant Organisation fails to provide the accurate information requested this will not result in an Individual Bid being unsuccessful. However, this may delay the issuing of the LAA Contract documentation to an Applicant Organisation who has been successful, which may prevent the Applicant Organisation from commencing and being paid for the services carried out under the Contract.

Right to Exclude

- 7.32 If the LAA receives information to suggest that any aspect of the Applicant Organisation'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 Organisation must assist with any such enquiries.
- 7.33 The LAA reserves the right at its absolute discretion to disqualify from the procurement process any Applicant Organisation for submitting (regardless of whether done intentionally or not):
- (a) false information; and/or
 - (b) information which misrepresents the Applicant Organisation's actual position; and/or
 - (c) misleading information.
- 7.34 If the LAA reasonably believes that the Applicant Organisation has colluded with another person in any way that breaches paragraph 7.5, the LAA may (without prejudice to any

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

Award

- 7.35 If there is a change in circumstances that results in a material change to the Applicant Organisation's submitted Tender, the Applicant Organisation must inform the LAA through the eTendering system. In such circumstances, the LAA will conduct a re-assessment of the Tender. If upon re-assessment, the Applicant Organisation'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.
- 7.36 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 Organisation is found not to comply with any material elements of its Tender, the LAA will not proceed with any decision made to award a Contract.
- 7.37 The LAA reserves the right to place additional contractual conditions on the award of a Contract to an individual Applicant Organisation.
- 7.38 The award of a Contract does not guarantee any minimum amount of work.

Confidentiality, Data Protection & Freedom of Information

- 7.39 The LAA may share any information contained in an Applicant Organisation's Tender with the provider of the eTendering system for the purposes of administering the procurement process.
- 7.40 The Applicant Organisation 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.
- 7.41 If an Applicant Organisation 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 Organisation 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.
- 7.42 The Applicant Organisation 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 Organisation as confidential will not be disclosed where the public interest favours disclosure pursuant to our obligations under FOIA.
- 7.43 The LAA, will collect, hold and use Personal Data obtained from and about the Applicant Organisation and its Key Personnel during the course of the procurement process.
- 7.44 By submitting a Tender an Applicant Organisation 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 contract management of any Contract subsequently awarded.

- 7.45 The Applicant Organisation 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 Privacy and Electronic Communications (EC Directive) Regulations 2003 and any other relevant regulations 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 Organisation 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.
- 7.46 The LAA may disclose any documentation or information submitted by the Applicant Organisation 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, Applicant Organisations consent to documentation and information being held and used for these purposes.
- 7.47 The LAA will publish details of all contracts awarded in accordance with the Government's transparency standards.
- 7.48 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

- 7.49 The information contained in this IFA is subject to Crown Copyright 2014. Applicant Organisations may, subject to paragraph 7.51, re-use 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 email: psi@nationalarchives.gsi.gov.uk.
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Annex A: PQQ QUESTIONS AND ASSESSMENT
Form A – Organisation and contact details

No.	Question	Response options and assessment
A.1.i	Full name of Applicant Organisation	Free Text Box
A.2.i	Head/main Office address from which Contract Work will be delivered Where the Applicant Organisation does not yet have an Office please enter 'N/A' NOTE: This information will be used to ensure the Applicant Organisation has an Office in England & Wales	Free Text Box
A.3.i	Postcode of the head/main Office address from which Contract Work will be delivered Where the Applicant Organisation does not yet have an Office please enter 'N/A' NOTE: This information will be used to ensure the Applicant Organisation has an Office in England & Wales	Free Text Box
A.4.i	Company or charity registration number If this does not apply to the Applicant Organisation please answer "N/A".	Free Text Box
A.5.i	VAT registration number If this does not apply to the Applicant Organisation please answer "N/A".	Free Text Box
A.6.i	Predecessor bodies – has your Applicant Organisation been subject to any change to its status in the three years preceding the date of your PQQ submission? This may include (but is not limited to) merger, novation, de-merger or change in legal status such as becoming a limited liability partnership.	Options list: i) Yes ii) No
A.6.ii	If you answered "Yes" to question A.6.i, please provide details of all status changes in this time period.	Free Text Box
A.7.i	Parent companies – please list any organisation which owns more than 50 percent of the voting shares of the Applicant Organisation 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) If the Applicant Organisation does not have any parent companies please answer "N/A"	Free Text Box
A.8.i	Type of entity at Service Commencement Date (this may not be the same as currently)	Options list: i) a public limited company

	This information will be used to determine whether your Applicant Organisation has limited liability and will be required to submit an indemnity form. If you are required to submit an indemnity form, we will ask for this at verification stage.	<ul style="list-style-type: none"> ii) a limited company iii) a limited liability partnership iv) partnership v) sole trader vi) registered charity vii) other
A.9.i	Will the Applicant Organisation be delivering the Contract Work as an Alternative Business Structure?	Options list: <ul style="list-style-type: none"> i) Yes ii) No
A.10.i	Does the Applicant Organisation currently hold the necessary authorisation to provide Contract Work from one of the legal sector regulators?	Options list: <ul style="list-style-type: none"> i) Yes, currently authorised ii) No, not currently authorised
A.10.ii	If the Applicant Organisation has answered “Yes” to A.10.i please provide the authorisation number	Free Text Box
A.11.i	<p>Please indicate in the relevant boxes whether any of the following classifications apply to you;</p> <ul style="list-style-type: none"> i) Voluntary, Community and Social Enterprise (VCSE) ii) Small or Medium Enterprise (SME) iii) Sheltered workshop iv) Public service mutual 	<ul style="list-style-type: none"> i) Voluntary, Community and Social Enterprise (VCSE) ii) Small or Medium Enterprise (SME) iii) Sheltered workshop iv) Public service mutual
A.12.i	<p>Are you:</p> <ul style="list-style-type: none"> a) Bidding as a prime contractor and will deliver 100% of the key contract deliverables yourself b) Bidding as a prime contractor and will use third party subcontractors to deliver some of the services 	<ul style="list-style-type: none"> i) Delivering 100% of the key contract deliverables yourself. ii) using third party subcontractors

A.13.i	Contact details for the purposes of this Tender - Contact Name	Free Text Box
A.14.i	Contact address and postcode	Free Text Box
A.15.i	Contact email address	Free Text Box
A.16.i	Contact telephone number	Free Text Box
A.17.i	Are you a non – UK Business?	Yes No
A.17.ii	<p>If you have answered Yes to question A.17.i:</p> <p>Is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established under the conditions laid down by that member state Registration with a professional body</p> <p>If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state.</p>	Yes No
A.17.iii	<p>If you have answered Yes to A.17ii, please provide the registration number in this box.</p> <p>If your answer to question A.17.ii was 'No' please insert 'N/A'</p>	Free Text Box
A.17.iv	Is it a legal requirement in the State where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement?	Yes/No
A.17.v	<p>If Yes, please provide additional details within this box of what is required and confirmation that you have complied with this.</p> <p>If your answer to question A.17.iv was 'No' please insert 'N/A'</p>	Free Text Box

Form B – grounds for mandatory rejection

The LAA will exclude you from participating further in this procurement process if you provide the answer designated as 'fail' to any of the following questions.

B.1.i	Within the past five years, has your organisation Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	
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B.1.ii	(a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;	Yes (Fail) No (Pass)
B.1.iii	(b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;	Yes (Fail) No (Pass)
B.1.iv	(c) the common law offence of bribery;	Yes (Fail) No (Pass)
B.1.v	(d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of the People Act 1983;	Yes (Fail) No (Pass)
B.1.vi	(e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities: <ul style="list-style-type: none"> (i) the offence of cheating the Revenue; (ii) the offence of conspiracy to defraud; (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006; (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994; (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969; (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or (ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act; 	Yes (Fail) No (Pass)

B.1.vii	(f) any offence listed— (i) in section 41 of the Counter Terrorism Act 2008; or (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection;	Yes (Fail) No (Pass)
B.1.viii	(g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);	Yes (Fail) No (Pass)
B.1.viv	(h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;	Yes (Fail) No (Pass)
B.1.x	(i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;	Yes (Fail) No (Pass)
B.1.xi	(j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;	Yes (Fail) No (Pass)
B.1.xii	(k) an offence under section 59A of the Sexual Offences Act 2003;	Yes (Fail) No (Pass)
B.1.xiii	(l) an offence under section 71 of the Coroners and Justice Act 2009	Yes (Fail) No (Pass)
B.1.xiv	(m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994;	Yes (Fail) No (Pass)
B.1.xv	(n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive— (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland	Yes (Fail) No (Pass)
B.2.i	Has it 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 your	Yes (Fail) No (Pass)

	organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?	
B.2.i	If you have answered Yes to question B.2.i, please provide further details to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines.	Free Text Box

Form C – Grounds for discretionary rejection

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

In the event that an Applicant Organisation 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 question provided, outlining the circumstances including exceptional circumstances that you wish LAA to consider in assessing the response. If there is more than one incident, the Applicant Organisation must give the information about each incident. Applicant Organisations that fail to provide the required information will be excluded. Applicant Organisations must be explicit and comprehensive in responding to these questions as, subject to paragraph 6.4 of the IFA, this will be the single source of information that the LAA will use to decide whether or not exceptional circumstances (which may result in LAA deciding not to reject the bid) apply.

C.1.i	<p>From 1 April 2013 onwards, have any of your company’s tax returns submitted on or after 1 October 2012</p> <ul style="list-style-type: none"> • Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion; • Been found to be incorrect as a result of: <ul style="list-style-type: none"> • HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or • A Tax Authority in a jurisdiction in which the legal entity is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the “Halifax” abuse principle; or • the failure of an avoidance scheme which the Supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established. 	<p>Yes (Discretionary Fail)</p> <p>No (Pass)</p>
	Exceptional circumstances – if you have answered “Yes” to question C.1.i, you must give details by answering questions C.1.ii to vi below.	

C.1.ii	Please provide a brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign tax authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc.	Free Text Box
C.1.iii	Where the Occasion Of Non-Compliance (OONC) relates to a DOTAS, the number of the relevant scheme	Free Text Box
C.1.iv	Please provide the date of the original “non-compliance” and the date of any judgement against the Applicant Organisation, or date when the return was amended.	Free Text Box
C.1.v	Please provide details of the level of any penalty or criminal conviction applied.	Free Text Box
C.1.vi	Please provide details of any mitigating factors, including but not limited to: o Corrective action undertaken by the Applicant Organisation to date o Planned corrective action to be taken. o Changes in personnel or ownership since the occasion. o Changes in financial, accounting, audit or management procedures since the occasion.	Free Text Box
	Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organization;	
C2i	your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;	Yes (Discretionary Fail) No (Pass)
C2ii	If your answer to question C2i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question.	Free Text Box
C3i	your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;	Yes (Discretionary Fail) No (Pass)
C3ii	If your answer to question C3i was yes, please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C4	your organisation is guilty of grave professional misconduct, which renders its integrity questionable;	Yes (Discretionary Fail) No (Pass))
C4ii	If your answer to question C4i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box

C5	your organisation has entered into agreements with other economic operators aimed at distorting competition;	Yes (Discretionary Fail) No (Pass)
C5ii	If your answer to question C5i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C6.i	your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;	Yes (Discretionary Fail) No (Pass)
C6.ii	If your answer to question C6i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C7.i	the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;	Yes (Discretionary Fail) No (Pass)
C.7.ii	If your answer to question C.7.i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C.8.i	your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, 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;	Yes (Discretionary Fail) No (Pass)
C.8.ii	If your answer to question C.8.i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C.9.i	your organisation; (i) 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)
C.9.ii	If your answer to question C.9.i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C.10.i	your organisation has undertaken to: (i) unduly influence the decision-making process of the contracting authority, or (ii) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or	Yes (Discretionary Fail) No (Pass)

	iii) negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.	
C.10.ii	If your answer to question C.10.i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question.	Yes (Discretionary Fail) No (Pass)
C.11.i	Is any of the following true of your Key Personnel? Being an individual, is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or a debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state	Yes (Discretionary Fail) No (Pass)
C.11.ii	Please give the name and position of the person(s) involved.	Free Text
C.11.iii	Please give the date when the event(s) occurred	Free Text
C.11.iv	Please give details about the situation, including the amount of money involved	Free Text
C.11.v	Please give details about any measures you have 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.12.i	Has the Applicant Organisation or any of your Key Personnel failed to fulfil obligation(s) relating to the payment of taxes or social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established in one or more of the last three years? Please note that if your Applicant Organisation is a new organisation which does not yet have obligations relating to payment of social security and taxes, you should still answer the question above in relation to your Key Personnel.	Yes (Discretionary Fail) No (Pass)
	Exceptional circumstances – if you have answered “Yes” to question C.12.i, you must give details by answering questions C.12.ii to vi below.	

C.12.ii	If you have answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved. If the response relates to your Applicant Organisation please enter “Relates to Applicant Organisation”	Free Text
C.12.iii	Please explain what the obligation(s) was which your Applicant Organisation or any of your Key Personnel has failed to meet, including the name of the social security contribution or tax	Free Text
C.12.iv	Please give the value of unmet obligation(s)	Free Text
C.12.v	Please confirm the percentage value of the unmet obligation(s) of your annual turnover	Free Text
C.12.vi	Please give details of any written agreement or plan to fulfil the obligation(s) in the future (e.g. an agreed repayment plan) including the date by which the amount(s) will be repaid. If no agreement is in place, please write “No agreement”	Free Text
C.13.i	Has the Applicant Organisation or any of your Key Personnel been issued with a County Court Judgment (“CCJ”) under which liabilities will not be discharged by the Service Commencement Date?	Yes (Discretionary Fail) No (Pass)
	Exceptional circumstances – if you have answered “Yes” to question C.13.i, you must give details by answering questions C.13.ii to vi below.	
C.13.ii	If you have answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved. If the response relates to your Applicant Organisation please enter “Relates to Applicant Organisation”	Free Text
C.13.iii	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.13.iv	Please give details of the situation, including the amount owed, resulting in the CCJ(s) being issued	Free Text
C.13.v	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.13.vi	Please give details about any measures you have taken to ensure that similar situations will not arise in the future	Free Text

C.14.i	<p>Has the Applicant Organisation had any contract with the LAA or its predecessor body in whole or in part within the last five years (not restricted to crime contracts), or is it currently in receipt of a notice to terminate?</p> <p>You must also answer Yes to this question if any of your 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 LAA in accordance with its "no fault" termination rights.</p>	<p>Yes (Discretionary Fail)</p> <p>No (Pass)</p>
	<p>Exceptional circumstances – if you have answered "Yes" to question C.14.i, you must give details by answering questions C.14.ii to vii below.</p>	
C.14.ii	<p>Please indicate whether your 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.14.iii	Please give the date when the termination took effect/notice to terminate was received	Free Text
C.14.iv	If you have 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 your current organisation please answer "Relates to Applicant Organisation"	Free Text
C.14.v	Please tell us the reason for the termination/notice to terminate	Free Text
C.14.vi	If you have received a notice to terminate, please tell us what has happened since the notice was received, and what stage you are at in any appeal process	Free Text
C.14.vii	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.15.i	<p>Has the Applicant Organisation had a contract for the provision of legal services with any organisation, other than the LAA or its predecessor body (public or private) terminated in whole or in part within the last five years, or is currently in receipt of a notice to terminate on this basis?</p> <p>You must also answer Yes to this question if any of your Key Personnel worked as Key Personnel at another organisation that has had a contract for the provision of legal services terminated in whole or in part within the last three years, or is currently in receipt of a notice to terminate.</p>	<p>Yes (Discretionary Fail)</p> <p>No (Pass)</p>

	Exceptional circumstances – if you have answered “Yes” to question C.15.i, you must give details by answering questions C.15.ii to viii below.	
C.15.ii	Please give the name of the organisation with whom this contract was held	Free Text
C.15.iii	Please give the date on which this contract commenced	Free Text
C.15.iv	Please give the value of the contract and the time period for which the full contract was due to run	Free Text
C.15.v	Please give the date when the termination took effect/notice to terminate was received	Free Text
C.15.vi	If you have 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 your current organisation please answer "Relates to Applicant Organisation"	Free Text
C.15.vii	Please tell us the reason for the termination/notice to terminate	Free Text
C.15.vii i	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.16.i	Have any of your Key Personnel (irrespective of which organisation they were working for) received any restrictions on their practising certificates imposed by a Regulatory Body, Relevant Professional Body or Complaints Body within the last five years?	Yes (Discretionary Fail) No (Pass)
	Exceptional circumstances – if you have answered “Yes” to question C.16.i, you must give details by answering questions C.16.ii – v below.	
C.16.ii	If you have answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved.	Free Text
C.16.iii	Please give details about the nature of the event(s) leading to the imposition of the restriction(s), including the date when the event(s) occurred	Free Text
C.16.iv	Please give details of the nature of any current restrictions on practising certificates	Free Text
C.16.v	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to the imposition of restrictions	Free Text

Compliance with equality legislation

For Applicant Organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
C.17.i	Has your Applicant Organisation or any of your Key Personnel (or any organisation for whom any of the Applicant Organisation's Key Personnel are or were directors/partners/trustees or persons with power of representation, decisions or control) been the subject of findings of unlawful discrimination by an Employment Tribunal, the Employment Appeal Tribunal or any other court, or in comparable proceedings in any other jurisdiction within the last five years?	Yes (Discretionary Fail) No (Pass)
	Exceptional circumstances – if you have answered “Yes” to question C.17.i, you must give details by answering questions C.17.ii to vi below.	
C.17.ii	If you have answered “Yes” in relation to Key Personnel, please give the name and position of the person(s) involved. If the response relates to your Applicant Organisation please enter “Relates to Applicant Organisation”	Free Text
C.17.iii	Please give details about the nature of the event(s) leading to these findings	Free Text
C.17.iv	Please give details about the nature of the findings themselves	Free Text
C.17.v	Please give the date when the findings were made	Free Text
C.17.vi	Please confirm any steps taken to ensure there is no repeat of the circumstances leading to findings of unlawful discrimination	Free Text
C.18.i	In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?	Yes (Discretionary Fail) No (Pass)
C.18.ii	If your answer to question C.18.i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C.19.i	If you intend to use sub-contractors, do any of the above circumstances (C.17.i - C.18.i) apply to these other organisations?	Yes (Discretionary Fail) No (Pass) Don't know (Discretionary Fail) Not using subcontractors (Pass)
C.19.ii	If your answer to question C.19.i was yes or don't know please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question.	Free Text Box

	If your answer to question C.19.i was 'No or 'Not using subcontractors' please insert 'N/A'	
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Environmental Management

C.20.i	Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?	Yes (Discretionary Fail) No (Pass)
C.20.ii	If your answer to question C.20.i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C.21.i	If you intend to use sub-contractors, have any of these organisations been convicted or had a notice served upon them for infringement of environmental legislation?	Yes (Discretionary Fail) No (Pass) Don't Know (Discretionary Fail) Not using subcontractors (Pass)
C.21.ii	If your answer to question C.21.i was yes or Don't know please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question If your answer to question C.21.i was 'No' or 'Not using subcontractors' please insert 'N/A'	Free Text Box

Health and Safety

C.22.i	Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.	Yes (Pass) No (Discretionary Fail)
C.22.ii	If your answer to question C.22.i was no please provide details of why you do not have a compliant policy, including any exceptional circumstances which you would like LAA to consider when assessing your response to this question	Free Text Box
C.23.i	Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?	Yes (Discretionary Fail) No (Pass)

C.23.ii	If your answer to question C.23.i was yes please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question.	Free Text Box
C.24.i	If you intend to use sub-contractors, do they have a Health and Safety Policy which complies with the current legislative requirements?	Yes (Pass) No (Discretionary Fail) Don't Know (Discretionary Fail) Not using subcontractors (Pass)
C.24.ii	If your answer to question C.24.i was no or don't know please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question If your answer to C.24.i was 'Yes' or 'Not using subcontractors' please insert 'N/A'	Free Text Box
C.25.i	If you intend to use sub-contractors, have any of its Directors or Executive Officers have been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?	Yes (Discretionary Fail) No (Pass) Don't Know (Discretionary Fail) Not using subcontractors (Pass)
C.25.ii	If your answer to question C.25.i was yes or don't know please provide details of the circumstances including any exceptional circumstances which you would like LAA to consider when assessing your response to this question. If your answer to C.24.i was 'No' or 'Not using subcontractors' please insert 'N/A'	Free Text Box

Form D – Economic and Financial Standing

Financial checks will be undertaken at the PQQ stage in accordance with paragraphs 6.11 to 6.15.

D.1.i	Please attach the following documents with your PQQ response;	
D.1.ii	- A: A copy of your audited accounts for the most recent two years; and	Attachment
D.1.iii	- B: A statement of your turnover, profit & loss account and cash flow for the most recent year of trading;and	Attachment
D.1.iv	- C: A statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position	Attachment
D.1.v	Or if you have been trading for less than a year; - D: An alternative means of demonstrating financial status	Attachment
D.1.vi	If you have been trading for a year or longer and you cannot provide all of Documents A-C from question D1, please provide an explanation. If this does not apply please insert 'N/A'.	Free Text Box
D.2.i	Are you a part of a wider group (e.g. a subsidiary of a holding/parent company)?	Yes No
D.2.ii	If your answer to D.2.i is yes, please provide the name of the holding/parent company and its relationship with the Applicant Organisation.	Free Text Box
D2iii	If your answer to D.2.i is yes please provide the holding/parent company accounts	Yes (accounts attached) No (accounts unavailable)
D2iv	If your answer to D.2.i is yes would the holding/ parent company be willing to provide a guarantee?	Yes No
D2v	If your answer to D.2.i is yes, would you be able to obtain a guarantee elsewhere (e.g from a bank?)	Yes No

Form E – Bid information

Applicant Organisations need to specify which Lot they would like to bid in:

E.1.i	<p>Please confirm which of the following Services the Applicant Organisation is bidding for:</p> <ul style="list-style-type: none"> - A: Lot 1: CDD Service Only - B: Lot 2: ITA Service Only - C: Lot 3: Combined PSTA Service covering CDD Service and ITA Service 	<p>Options List</p> <ul style="list-style-type: none"> i) A ii) B iii) C
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Form F – CDD Only

Applicant Organisations must meet the requirements of questions 1 to 4 of this Form and no exceptional circumstances will be considered. Failure of one or more of questions 1 to 4 will result in the Applicant Organisation's response to this PQQ being assessed as unsuccessful.

Applicant Organisation responses to questions 5 to 7 will be scored in accordance with the criteria detailed in each question. The total score achieved will then be used to rank Applicant Organisations and will determine which get shortlisted for the ITT stage of the procurement.

CDD Grounds for Mandatory Rejection		
F.1.i	Does the Applicant Organisation confirm that they wish to submit a PQQ response to provide the CDD Service?	Yes (Pass) No (Fail)
F.2.i	By the Contract Start Date will the Applicant Organisation employ, and maintain for the Contract Period, at least one CDD Supervisor in the delivery of this Contract?	Yes (Pass) No (Fail)
F.3.i	Is the Applicant Organisation willing and able to deliver the CDD Service 24 hours a day, seven days a week and will all CDD Advisers and Supervisors involved in delivering the CDD Service comply with the requirements set out in the IFA?	Yes (Pass) No (Fail)
F.4.i	Are you willing and able to set up, maintain and cover the costs of the ECMS to deliver the CDD Service 24 hours a day seven days a week from Contract Start Date?	Yes (Pass) No (Fail)

CDD Scored Requirements		
F.5.i	<p>By Contract Start Date, the Applicant Organisation must employ a Supervisor, who will be a named Supervisor based at the Office and working as 1FTE, in the Crime Category of Law. Preference will be given to Applicant Organisations who currently employ at least one Supervisor who has experience within the last year in supervising the delivery of criminal legal advice cases.</p> <p>Please select the answer from the following three options which is applicable for your Applicant Organisation:</p> <p>- A: Currently employs at least one Supervisor who will be a named Supervisor based at the Office and working as 1FTE delivering the CDD Services and has supervised the delivery of criminal legal advice within the year preceding the date of your PQQ submission.</p> <p>- B: Will employ by Service Commencement Date a Supervisor who will be a named Supervisor based at the Office and working as 1FTE delivering the CDD Services, who has supervised the delivery of criminal legal advice within the year preceding the date of your PQQ submission.</p> <p>-C: Does not and will not employ a Supervisor who will be a named Supervisor based at the Office and working as 1FTE delivering the Services, who has supervised the delivery of criminal legal advice within the year preceding the date of your PQQ submission.</p>	<p>A (2 points) B (1 point) C (0 points)</p>
F.6.i	<p>Do you currently Employ (or have a Signed Engagement Agreement to Employ) a named individual who:</p> <ul style="list-style-type: none"> • was a member of the management team at the Applicant Organisation and/or another organisation for the entire 12 month period immediately preceding the submission of the PQQ response; and • Managed a contract for the provision of legal advisory and representation services worth at least £250,000 per annum; and • will be deployed on CDD Contract Work for at least 17.5 hours per week, should the Applicant Organisation be awarded a PSTA Contract. 	<p>Yes (2 points) No (0 points)</p>

F.6.ii	<p>If the answer to F.6.i was yes, please select the option giving the number of years of experience of managing a single contract for the provision of legal advisory and representation Services worth £250,000 per annum by this member of the Applicant Organisation's management team:</p> <p>A: Over 4 years' experience of Managing a single contract for the provision of legal advisory and representation Services worth £250,000 per annum B: 2 – 4 years' experience of Managing a single contract for the provision of legal advisory and representation Services worth £250,000 per annum C: Under 2 years' experience of Managing a single contract for the provision of legal advisory and representation Services worth £250,000 per annum</p> <p>If your answer to F.6.i was No please select 'N/A'</p>	<p>A (2 points) B (1 points) C (0 points) N/A</p>
F.6.iii	<p>If you have answered yes to question F6, please provided the information required below:</p> <ul style="list-style-type: none"> • The name of the named individual in your management team • The date their Employment commenced/will commence with the Applicant Organisation • Their status in the organisation and job title in the organisation where the legal advisory and representation services were delivered • The organisation with which the experience was gained. • The type of service and contract with start and end dates (where applicable) from which their experience was obtained. <p>If your answer to F.6.i was No please type 'N/A'</p>	Free Text Box
F.7.i	<p>Please provide details of up to three contracts delivered by the Applicant Organisation, in any combination from either the public or private sector, that are relevant to the LAA's requirements. Higher marks will be awarded for examples that involve:</p> <ul style="list-style-type: none"> • Telephone advice; • Providing advice to Clients in stressful or otherwise challenging circumstances; • Legal advice; or • Other features which make the example specifically relevant to the LAA's requirements. <p>Contracts should have been performed during the past three years.</p> <p>The named customer contact provided should be prepared to provide written evidence in the form of a reference to the authority to confirm the accuracy of the information provided below.</p> <ul style="list-style-type: none"> • Name of customer organisation • Point of contact in customer organisation 	

	<ul style="list-style-type: none"> • Position in the organization • E-mail address • Contract start date • Contract completion date • Estimated Contract Value <p>For Lot 3 Bidders it is acceptable to use the same contracts as the basis for the examples you give in response to questions F.7.i and G.7.i. However Applicant Organisations should ensure their relevance to the specific requirements of the CDD Service or ITA Service.</p>	
F.7.ii	In no more than 2,000 characters, please provide a brief description of contract 1 delivered including evidence of your technical capability in this market.	Text scored (0-4)
F.7.iii	In no more than 2,000 characters, please provide a brief description of contract 2 delivered including evidence of your technical capability in this market.	Text scored (0-4)
F.7.iv	In no more than 2,000 characters, please provide a brief description of contract 3 delivered including evidence of your technical capability in this market.	Text scored (0-4)
F.7.v	<p>If you cannot provide three examples for question F.7.i, in no more than 2,000 characters please provide an explanation for this (e.g. your organisation is a new start-up).</p> <p>Please also provide details of any relevant experience of your Key Personnel which is relevant to the LAA's requirements as referred to above. This should include the name of the Key Personnel, their role and the contracts in relation to which such experience was gained.</p> <p>The named customer contact provided should be prepared to provide written evidence in the form of a reference to the authority to confirm the accuracy of the information provided below.</p> <ul style="list-style-type: none"> • Name of customer organisation • Point of contact in customer organisation • Position in the organisation • E-mail address • Contract start date • Contract completion date • Estimated Contract Value <p>For the avoidance of doubt, if you have provided three examples to question F.7.i, your response to this question will not be marked.</p>	Text scored (0-4)
		Total Score (out of 18)

Form G – ITA Service Only

Applicant Organisations must meet the requirements of questions 1 to 4 of this Form and no exceptional circumstances will be considered in respect of questions 1 to 4. Failure of one or more of questions 1 to 4 will result in the Applicant Organisation's response to this PQQ being assessed as unsuccessful.

Applicant Organisation responses to questions 5 to 8 will be scored in accordance with the criteria detailed in each question. The total score achieved will then be used to rank Applicant Organisations and will determine which get shortlisted for the ITT stage of the procurement.

ITA Service Grounds for Mandatory Rejection		
G.1.i	Does the Applicant Organisation confirm that they wish to submit a PQQ response to provide the ITA Service?	Yes (Pass) No (fail)
G.2.i	By the Contract Start Date will the Applicant Organisation employ, and maintain for the Contract Period, at least one ITA Service Supervisor in the delivery of this Contract?	Yes (Pass) No (Fail)
G.3.i	Is the Applicant Organisation willing and able to deliver ITA Service from the hours of 7am and 12 midnight in accordance with the service hours?	Yes (Pass) No (Fail)
G.4.i	Are you willing and able to set up, maintain and cover the costs of the ECMS to deliver the ITA Service from Contract Start Date?	Yes (Pass) No (Fail)

ITA Service Scored Requirements		
G.5.i	<p>By Contract Start Date, the Applicant Organisation must employ a Supervisor, who will be a named Supervisor based at the Office and working as 1FTE, in the immigration Category of Law. Preference will be given to Applicant Organisations who currently employ at least one Supervisor who has experience within the last year in supervising the delivery of immigration related legal advice cases.</p> <p>Please select the answer from the following three options which is most applicable for your Applicant Organisation</p> <p>- A: Currently employs at least one Supervisor who will be a named Supervisor based at the Office and working as 1FTE delivering the services and has supervised the delivery of immigration related legal advice within the year preceding the date of your PQQ submission (2 points)</p> <p>- B: Will employ by Service Commencement Date a Supervisor who will be a named Supervisor based at the Office and working as 1FTE delivering the services, who has supervised the delivery of immigration legal advice within the year preceding the date of your PQQ submission (1 point)</p> <p>-C: Does not and will not employ a Supervisor who will be a named Supervisor based at the Office and working as 1FTE delivering the Services, who has supervised the delivery of immigration legal advice within the year preceding the date of your PQQ submission (0 points)</p>	<p>A (2 points) B (1 point) C (0 points)</p>
G.6.i	<p>Do you currently Employ (or has a Signed Engagement Agreement to Employ) a named individual who:</p> <ul style="list-style-type: none"> • was a member of the management team at the Applicant Organisation and/or another organisation for the entire 12 month period immediately preceding the submission of the PQQ response; and • Managed a contract for the provision of legal advisory and representation services worth at least £75,000 per annum; and • will be deployed on ITA Service Contract Work for at least 17.5 hours per week, should the Applicant Organisation be awarded a PSTA Contract. 	<p>Yes (2 points) No (0 points)</p>
G.6.ii	<p>If the answer G.6.i was yes, please select the option giving the number of years of experience of managing a single contract for the provision of legal advisory and representation services worth £75,000 per annum by this member of the Applicant Organisation's management team:</p> <p>A: Over 4 years' experience of managing a single contract for the provision of legal advisory and representation services worth £75,000 per annum B: 2 – 4 years' experience of managing a single contract for the provision of legal advisory and representation services worth £75,000 per annum C: Under 2 years' experience of managing a single contract for the provision of legal advisory and representation services worth £75,000 per annum</p>	<p>A (2 points) B (1 points) C (0 points) N/A</p>

	If your answer to G.6.i was 'No' please select 'N/A'	
G.6.iii	<p>If you have answered yes to question G.6.ii, please provide the information required below:</p> <ul style="list-style-type: none"> • The name of the named individual in your management team • The date their Employment commenced/will commence with the Applicant Organisation • Their status in the organisation and job title in the organisation where the legal advisory and representation services were delivered • The organisation with which the experience was gained. • The type of service and contract with start and end dates (where applicable) from which their experience was obtained. <p>If your answer to G.6.i was 'No' please type 'N/A'</p>	Free text box
G.7.i	<p>Please provide details of up to three contracts, delivered by either the Applicant Organisation or the subcontractor(s) identified in Form A, in any combination from either the public or private sector, that are relevant to the LAA's requirement. Higher marks will be awarded for examples that involved:</p> <ul style="list-style-type: none"> • Telephone advice; • Providing advice to Clients in stressful or otherwise challenging circumstances; • Providing advice to Clients through an interpreter; • Legal advice; or • Other features which make the example specifically relevant to the LAA's requirements. <p>Contracts should have been performed during the past three years.</p> <p>The named customer contact provided should be prepared to provide written evidence in the form of a reference to the authority to confirm the accuracy of the information provided below.</p> <p>The information requested should be provided in respect of the Provider or sub-contractor who will deliver the services.</p> <ul style="list-style-type: none"> • Name of customer organisation • Point of contact in customer organisation • Position in the organisation • E-mail address • Contract start date • Contract completion date • Estimated Contract Value 	

	For Lot 3 Bidders it is acceptable to use the same contracts as the basis for the examples you give in response to questions F.7.i and G.7.i. However Applicant Organisations should ensure their relevance to the specific requirements of the CDD Service or ITA Service.	
G.7.ii	In no more than 2,000 characters, please provide a brief description of contract 1 delivered including evidence as to your technical capability in this market.	Text scored (0-4)
G.7.iii	In no more than 2,000 characters, please provide a brief description of contract 2 delivered including evidence as to your technical capability in this market.	Text scored (0-4)
G.7.iv	In no more than 2,000 characters, please provide a brief description of contract 3 delivered including evidence as to your technical capability in this market.	Text scored (0-4)
G.7.v	<p>If you cannot provide three examples for question G.7.i, in no more than 2,000 characters please provide an explanation for this (e.g. your organisation is a new start-up).</p> <p>Please also provide details of any relevant experience of your Key Personnel which is relevant to the LAA's requirements as referred to above. This should include the name of the Key Personnel, their role and the contracts in relation to which such experience was gained.</p> <p>The named customer contact provided should be prepared to provide written evidence in the form of a reference to the authority to confirm the accuracy of the information provided below.</p> <ul style="list-style-type: none"> • Name of customer organisation • Point of contact in customer organisation • Position in the organisation • E-mail address • Contract start date • Contract completion date • Estimated Contract Value <p>For the avoidance of doubt, if you have provided three examples to question G.7.i, your response to this question will not be marked.</p>	Text scored (0-4)
		Total Score (out of 18)

Form H: Confirmation of meeting PSTA criteria, application and Declaration

Applicant Organisations must meet the following requirements by the Service Commencement Date in order to be awarded a PSTA Contract. Applicant Organisations who answer 'no' to this question will be excluded from participating further in this procurement process.

	Question	Response Type
H.1.	<p>Do you confirm that you will meet the following Criteria by the Service Commencement Date:</p> <ul style="list-style-type: none"> • Applicant Organisations must have been granted appropriate authorisation by a relevant legal sector regulator; AND • Applicant Organisations must have an Office in England and Wales that meets the requirements set out in the PSTA Contract; AND • Applicant Organisations must hold a Relevant Quality Standard; either the Law Society's Lexcel standard or the LAA Specialist Quality Mark (as audited by the SQM Delivery Partnership); AND • Applicant Organisations must have at least one operational email account, which must: <ul style="list-style-type: none"> (i) be able to send and receive emails, which may contain sensitive information, over the Government Secure Intranet; and (ii) be used by you as the address by which the criminal justice agencies (including prosecution, police and the Home Office) serve or make available evidence and communicate electronically with you. 	<p>Yes (Pass)</p> <p>No (Fail)</p>

Declaration

I give my undertaking that I am or intend to be the Applicant Organisation's Compliance Officer for Legal Practice (COLP) and so authorised to make this submission on behalf of the Applicant Organisation 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 Organisation's suitability to be offered a PSTA 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.

	Question	Response Type
H.2.	Name of person completing this Tender	Free Text Box

H.3.	Position in the Applicant Organisation	Free Text Box
H.4.	Name of COLP making declaration on behalf of the Applicant Organisation	Free Text Box

ANNEX B

Glossary of Defined Terms

“Accredited Representative” means an individual whose name is included on the Police Station Register and who is accredited by a body recognised by the LAA as competent to grant such accreditation;

“Adviser” means a person approved by the LAA who is Employed by a Provider to provide the CDD Service and or the ITA Service as applicable;

“Alternative Business Structure” means a licensable body under and in accordance with the Legal Services Act 2007;

“Applicant Organisation” means a single legal entity submitting a Tender to deliver the ITA Services and/or the CDD Services and being a sole proprietor, partnership, limited liability partnership, incorporated company, co-operative, or voluntary organisation as appropriate;

“Case” means the referral of a case to a Provider by the DSCC for the provision of advice and assistance to the Client by you in accordance with the requirements of the Contract;

“Category of Law” means as defined at Section 1.1 of the LAA’s 2015 Standard Civil Contract Standard Terms;

“Client” means a person detained at a Police Station who qualifies for the receipt of Contract Work and who is subsequently referred to the Provider by the DSCC;

“Contract” means, a contract awarded for the provision of either the CDD Services or the ITA Services or both the CDD Services and the ITA Services together.

“Contract for Signature” means the document of that name issued by us and signed by the Provider and us;

“Contract Period” means the period of three years commencing on the Service Commencement Date;

“Constable” - a police officer, a British Transport Police officer, an officer of HM Revenue and Customs and any other official with a power of arrest by virtue of his or her office. It does not include any other investigators, e.g. government departments, local authority, Post Office or Serious Fraud Office even if they have power to search premises or are required by section 66 of the Police and Criminal Evidence Act 1984 (“PACE”) to have regard to the PACE Codes of Practice;

“Contract Specification” means the specification for the PSTA Services, which forms part of the Contract;

“Contract Start Date” means the date specified as such in the Contract;

“Contract Work” means the provision of advice and assistance to Clients in accordance with the requirements of the Contract;

“Crime Category” means as defined by the published Category Definitions document available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/340269/LAA-category-definitions-2010.pdf

“CDD” means Crime Defence Direct being the service which provides non means tested telephone based legal advice directly to members of the public who are suspected of criminal offences which are outlined in Annex C and who are detained at a Police Station in England and Wales;

“DSCC” means the Defence Solicitor Call Centre, which is an existing call centre operation which allocates all requests for legal advice and assistance at a Police Station to an appropriate solicitor;

“Deadline” means the deadline for submitting a response to the PQQ, which is 9am on the 9th November 2015.

“Duty Lawyer” means a person who provides legal advice and assistance to clients under and in accordance with the terms of the LAA’s 2015 Duty Provider Crime Contract;

“ECMS” means the Electronic Case Management System which is the case management system which links the DSCC to the CDD and ITA Providers .

“Employee” means an individual engaged by a Provider who:

(a) is a director, member or partner of the organisation; or

(b) who holds a contract of employment with the Provider;

and has employment rights including but not limited to the right to claim unfair dismissal and statutory redundancy payments and who is fully integrated into the Provider’s organisation, is under the control of the organisation and mutuality of obligation is present. For the avoidance of doubt, individuals who are self-employed, independent contractors or hold a contract for services do not meet this definition.

“Employ” and **“Employed”** shall be construed accordingly;

“FTE” means “full-time equivalent”;

“ITA” means Immigration Telephone Advice being the advice service which covers the provision of non means tested telephone based legal advice in relation to a range of non-criminal immigration offences to members of the public who are detained in police custody in England and Wales;

“Key Personnel” means any person who has or is held out as having either expressly or impliedly, (or will have by the Contract Start Date) powers of representation, decision or control of an Applicant Organisation including Supervisors, partners, directors, trustees and other senior managers who are employed by the Applicant Organisation.

“Mandatory Electronic Working” means information in relation to Contract Work that you must provide to the LAA electronically through CCMS in accordance with the Contract Specification;

“Office” means a building where you have a permanent presence which is suitable to cater for the needs of your personnel, enabling you to satisfy all relevant Health and Safety legislation and to protect client confidentiality. Hotels, retail outlets and vehicles cannot count as Offices for these purposes;

“Peer Review” means 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.

“Police Station” means a police station or any other place where a Constable is present in England and Wales;

“ITA Service” – means the service providing non means tested telephone based legal

advice on immigration matters to members of the public who are detained in police custody in England and Wales.

“Police Station Qualification” – or “PSQ” means the qualification which must be obtained before a Solicitor or Accredited Representative is eligible to act as a Duty Lawyer

“Police Station Register” means the list maintained by us of all Accredited Representatives;

“Probationary Representatives” means a person (including a Solicitor or employed barrister) who is, under the LAA Police Station Register Arrangements 2001 (as amended), registered with us as a Probationary Representative and who has not yet passed the relevant accreditation tests to provide Police Station advice and assistance;

“Provider” – means an Applicant Organisation who is awarded a Contract to perform the CDD Service and/or the ITA Service;

“PSTA Contract” means a contract between the LAA and the Provider in relation to the delivery of the CDD Services and/or the ITA Services;

“PSTA Services” means the CDD Services and the ITA Services;

“Rota” means the rota compiled by LAA which sets out when Providers of ITA Services will be required to be available to perform the Contract Work, as further described in Section 2 of this IFA;

“Qualification Envelope” means as set out in Section 3 of this IFA;

“Relevant Professional Body” means the body or organisation which regulates or exercises control over your professional or service activities or such activities of any of your personnel and/or any other body to whose rules you have elected (or will elect) to be subject to;

“Relevant Quality Standard” means either the LAA Specialist Quality Mark or the Law Society’s Lexcel Practice Management Standard;

“Revenue” or “HMRC” means the Government department known as Her Majesty’s Revenue and Customs;

“Service Commencement Date” means the date that the PSTA Services are designated to start, namely 1 June 2016;

“Social and Other Specific Service” – means as defined within The Public Contracts Regulations 2015;

“Supervisor” – means a partner, principal or employee of your organisation who meets the requirements summarised in Section 2 of this IFA to be a supervisor of Advisers carrying out Contract Work;

“Service Envelope” – means specific technical questions within the PQQ which cover the criteria as set out in Section 3 of this IFA;

Supervisor means a partner, principal or employee of your organisation who meets the requirements summarised in Section 2 of this IFA and is authorized by LAA to be a supervisor of Advisers carrying out Contract Work in relation to the PSTA Services;

“Tender” – means an Applicant Organisation’s response to the PQQ and ITT stages of this procurement process;

“Terms and Conditions” –means the terms and conditions set out in Section 7 of this IFA;

“TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 2006;

ANNEX C

CDD Offences limited to telephone advice only

The following matters fall within the scope of the CDD Service:-

- (a) Client detained in relation to any non-imprisonable offence;
- (b) Client arrested on a bench warrant for failing to appear and being held for production before the court, except where you have clear documentary evidence available that would result in the Client being released from custody, in which case attendance may be allowed provided that the reason is recorded on file;
- (c) Client arrested on suspicion of:
 - (i) driving with excess alcohol, who is taken to the Police Station to give a specimen (Section 5 Road Traffic Act 1988);
 - (ii) failure to provide a specimen (Sections 6, 7 and 7A Road Traffic Act 1988);
 - (iii) driving whilst unfit/drunk in charge of a motor vehicle (Section 4 Road Traffic Act 1988).
- (d) Client detained in relation to breach of police or court bail conditions.

ANNEX D

Anticipated call volumes

Historical case volumes per year (across all contracts)

Financial year	CDD	PSITA
2011/2012	115497	8616
2012/2013	96874	5415
2013/2014	94441	11580
2014/2015	88658	12002

2014/2015 case volumes per month (across all contracts)

Month	CDD	PSITA
April	7486	888
May	7762	943
June	7384	1004
July	7837	1060
August	7662	985
September	7358	1053
October	7533	1076
November	7274	1009
December	7306	946
January	7375	1131
February	6610	907
March	7071	1000
Total	88658	12002