



Legal Aid
Agency

Procurement Process for Civil Legal Aid Face to Face Contracts from September 2023. Frequently Asked Questions (FAQ)

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

<https://www.gov.uk/government/publications/civil-tender-activity-2023>

Where not defined in this FAQ document, capitalised terms are either defined in the IFA or in the 2018 Civil Contract

(<https://www.gov.uk/government/publications/standard-civil-contract-2018>)

As set out at paragraph 2.3 of the Selection Questionnaire (SQ) IFA and 5.2 of the Invitation to Tender (ITT) IFA, the deadline for questions about the IFA or the tender was **23:59 on 15 March 2023** (note this is referred to as the “End date for supplier clarification messages” on the eTendering system). We are therefore unable to answer questions received after that deadline.

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

Technical Questions on how to use the eTendering system

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

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

The helpdesk will be accessible until the tender closes. However, we recommend that Applicants start to complete their Tender early so that they identify any areas in which they need technical support as soon as possible, as the helpdesk is likely to be very busy in the days leading up to the tender Deadline and the LAA (Legal Aid Agency) cannot guarantee that queries received close to the tender Deadline will be dealt with in time.

The Deadline for receipt of Tenders is 5pm on Friday 31 March 2023.

General

Q1 - Please can you send us a copy of the terms and conditions that we will be contracted to comply with?

The IFA, at page 3, states:

“Applicants must also read the 2018 Contract (available at Standard Civil Contract 2018 - GOV.UK (www.gov.uk)) in full to ensure that they understand the full nature and extent of the obligations they are committing to accept.”

Q2 - Where a firm has previously held a Legal Aid contract (prior to the 2018 Contract) but has not undertaken Legal Aid work for several years can it utilise its previous Legal Aid account or does it need to complete an AC1?

You must use your previous Legal Aid account number.

Q3 - We are applying for a new Office but have an existing 2018 Contract for other offices. In the event we are not successful in our tender for the new office what, if any, impact does this have in relation to our existing 2018 Contract?

None, outcomes under this Tender will have no impact on 2018 Contract(s) previously awarded.

Q4 - We already have legal aid contracts in other parts of the country. Please confirm that this submission only relates to getting a contract for being able to run legal aid funded cases out of a new office rather than include information about the work we deliver out of our other offices? We want to understand what level of detail you want us to include in our response especially in relation to questions where the response applies nationally.

Existing Providers seeking to deliver publicly funded civil legal aid services from additional office(s) or Procurement Areas, and/or additional Category(ies) of Law must only provide information of direct relevance to their Tender. Existing Providers who hold a 2018 Contract are not required to provide any information regarding Contract Work currently being delivered.

Q5 - We hold a 2018 Contract in a procurement area but have taken on an additional fee earner and therefore would like to bid for a bigger Lot rather than the Lot we have currently. Please can you kindly confirm that we will be able to do so as part of this tendering process?

This Procurement Process is open to existing Providers who hold a 2018 Contract and who are seeking to deliver publicly funded civil legal aid services in additional Categories of Law; and existing Providers who hold a 2018 Contract and who are seeking to deliver publicly funded civil legal aid services from additional offices / Procurement Areas. It is not open to existing Providers wishing to bid for a different Lot only. Providers should refer to the terms and conditions in the 2018 Contract regarding the process, subject to Contract Manager confirmation, to self-grant up to an additional 50% of their Matter Start allocation at that Office within the Contract Period, if required. This self-grant facility will not apply in respect of any Miscellaneous Matter Start allocation. Providers must apply to their Contract Manager for Supplementary Matter Starts in the Miscellaneous Category.

Q6 - As a company limited by guarantee - do we have to provide a completed personal guarantee and indemnity form?

Yes, if you do not have an existing indemnity form you will need to submit one.

Selection Questionnaire

Q7a – My company is registered at one address and my office will be located at a second address. Do I need to give details of both addresses in my tender?

Q7b - A.2.iii on the SQ asks for details of the Registered or head/main office address. The next opportunity we have to provide an address appears to be within the ITT at A.1.ii which asks, “Is the Applicant intending to deliver Contract Work in this Category of Law from another Office?.” We intend to only do legal aid work from “another Office” and not at our registered or head/main office address. Should still we tick Yes to A.1.ii as this would not technically be a Second Office? Is there anywhere we can make clear we do not wish to do legal aid work from the registered or head/main office address?

Yes. Applicants will be required to provide the registered address for their company in the Selection Questionnaire and the address of the office (where known) in response to any Invitation to Tender that is completed for each Category of Law applied for.

See **Annex A** of the Procurement of Civil Legal Aid services in England and Wales from 1 September 2023 Selection Questionnaire Information for Applicants and **Annex B** of the Procurement of Civil Legal Aid Services in England and Wales from 1 September 2023 Invitation to Tender Information for Applicants.

Q8a - Where we already hold a civil contract at multiple offices in multiple disciplines of law, but we wish to tender for services in one of those disciplines at a new office, do we need to complete the ITT for that discipline for all our offices, or just the new one?

You just need to complete the details for the new office in that Category of Law.

Q8b - And at the same time as doing this, do we also accept the extension offer which of course covers multiple disciplines? The third example in the IFA simply says that the firm must complete "a response to the Family ITT", without specifically stating it is only for the new office or otherwise.

Yes, you must accept the offer of extension sent on 2 March if you wish to continue to deliver your existing services from 1 September 2023. Only complete the tender in relation to a new office not covered by your existing contract.

Q9 - A.5 We are a limited company the largest shareholder owns 15.7%. Would it be correct therefore that we do not have a person with significant control and all shareholders details would therefore be provided.

Yes, where Applicants are companies or LLPs but do not meet the criteria to have a People of Significant Control register because none of the owners have more than 25% of shares and/or voting rights, they will still be required to provide details of individuals who will sign the personal guarantee and indemnity agreement. They should use their response to question A.5 to provide those details.

Q10 - In relation to question A.8 of the Selection Questionnaire. Our organisation is a limited company wholly owned by myself with no others having voting rights. Details provided on the SQ at question A.5 re PSC.

Do I need to complete question A.8 (in relation to ultimate owners)?

If the Applicant does not have an ultimate owner, please answer "N/A."

Q11a - At 1.7.1., question A.9.ii, the Selection Questionnaire asks for the professional registration organisation, but only gives the options of SRA, Bar Council, or CILex. For Applicants bidding for Family Mediation Contract Work how do we record Family Mediation Council as the answer?

At A.9.i please select option iii) N/A, exempt (answer question A.10). At A.10, please select the option that best describes the category of organisation or, if none of these apply, please select d) None of the above.

Q11b Contrary to A.9.ii, page 23 of Civil Contracts (from September 2023) SQ IFA v.1 guidance, A.9.ii of actual online SQ form does NOT allow for us to select OISC as an option.

The option to select OISC as a regulatory body at A.9.ii, whilst clearly stated in the Selection Questionnaire Information for Applicants ("SQ IFA"), is not available in the dropdown list of options available at 9.i in the eTendering system. Where this applies to your tender, please select option iii) **N/A, exempt at A.9.i**. Selecting this option will permit progression to A.10 and the remainder of the Selection Questionnaire in the

eTendering system. Applicants who wish to provide verification of their OISC Reference with their Invitation to Tender (“ITT”) Response should record the OISC Reference in the Free Text box in C.1.(ii).

Q12 – I am the sole Fee Earner in the Family Department and intend to undertake a supervisor course to meet the criteria. Before I do so, could you confirm that the firm will be considered for a contract if I am the only person practicing Family.

Yes – this is acceptable subject to meeting the criteria set out in the Selection Questionnaire IFA and Invitation to Tender IFA in the Family Category of Law.

Q13 - I don't have an external Supervisor in place yet. When do I need to have one in place? Can I nominate myself as I meet the Family Mediation supervisor standard?

The Supervisor must be in place by the Contract Start Date. Yes, it is acceptable to nominate the same individual as the Supervisor subject to that person meeting the criteria set out in the Selection Questionnaire IFA and Invitation to Tender IFA for the relevant Category of Law.

Q14 - The SQ states ‘The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used)’. However, my company was not created until 2020 and I became a PSC on 24 June 2020.

Do I use the 2016 default date of the actual 24 June 2020 date in my response?

Where an individual became a PSC prior to 6 April 2016, they should provide this date (6 April 2016).

Where an individual became a PSC after 6 April 2016, they should provide the date they became a PSC.

Q15 - Name of the individual making declaration on behalf of the Applicant – does this have to be a lawyer or can I as Practice Director sign the declarations.

Please refer to the Selection Questionnaire IFA where it states

“Section D – Declaration

4.14 A declaration in the form set out at Section D of the SQ (see Annex A) must be provided by an individual who has sufficient authority to bind the Applicant.”

Q16 - Under Details of PSC, we do not meet the criteria to have a PSC register but I note you still require the information that a PSC Register would include.

Procurement Process for Civil Legal Aid Face to Face Contracts from September 2023 (FAQ)_March 2023

We have 14 Directors. As the Nationality, Country and service address is the same for all are we able to just add that in once and just have the name of birth separately. Conscious of the limit of 2000 characters.

Yes, this is acceptable, please confirm in the response that the Nationality, Country and service address are the same for all named PSC.

Invitations to Tender

Family

Q17 - we are seeking a contract for 2 new offices each in a different procurement area. Is an ITT required for each office as I can't see how we add 2 procurement areas on the drop-down menus.

Once the Applicant has answered 'Yes' to question A.1.ii - Is the Applicant intending to deliver Contract Work in this Category of Law from a second Office? and has answered the remaining questions for the first Office, a section called '1.3 Section A - Office 2 - Question Section' would have opened underneath. This is where the Applicant is then able to answer the questions for the second office.

Q18 - We are an existing provider who wants to deliver from a branch office therefore I have put the details of the branch office and Lot 1 for 20 MS. 1.3.1. refers to a second office so I have repeated the information.

Can you clarify as it seems you want the same information twice?

You should only provide the details of the additional office once.

Immigration

Q19 - If bidding in Lot 2a, (for 300 matter starts but no DDAS) does the solicitor have to also be IAAS accredited, or can the work be delegated to the IAAS accredited caseworkers?

The caseworker who has conduct of the case as well as anyone working on the matter must have IAAS accreditation.

Q20 - For Lot 2b bids:

does the Advanced Caseworker have to be an employee, or can they be a self-employed Consultant who only works for one firm?

They can be a consultant however must be available during business hours for consultation by caseworkers.

does the Advanced Caseworker have to work full time?

Yes, please see Section 2.46 of the ITT IFA.

does the Advanced Caseworker have to work physically in the office full time, or can they also work remotely?

The 2018 Contract (General Specification) sets out that the Advance Caseworker must be in the office one day a month at the same time as the caseworker.

Q21 - please clarify what the 'additional accreditation' you refer to is?

Please refer to Section 2.46 of the ITT IFA.

Q22 - As a new organisation, are we required to register potential trainees ahead of submitting the ITT? Or is there a grace period between the ITT and the contract commencement date for us to register trainees?

There is no requirement as part of this tender to register trainees.

Q23 - Can an existing 2018 Contract holder who has accepted the extension bid but does not currently have a contract for any IRC work now bid for IRC DDAS and DAC work?

Yes

Q24 - Can one supervisor supervise two offices which each have two Senior Caseworkers based there?

Yes

Q25 - Is a Supervisor included in the 1:4 ratio?

No

Q26 - For firms with existing DDAS contracts, can we bid to provide services at other IRC's?

Yes

Q27 - Where is the nearest IRC to Portsmouth?

The IRCs are listed in Annex A of the ITT IFA.

Q28 - Are travel costs to IRC's covered by the LAA

Travel costs are covered, travel time is not.

Q29 - In question number A.9.i reference 'relevant professional body' - what registrations are required to deliver lot 1, 2a & 2b in the immigration ITT? We are currently registered with the OISC - do we need to register with any additional regulating bodies for any of these lots?

No, you do not.

Q30 - If we are applying as an Alternative Business Arrangement - do we need to provide a quality standard Lexcel or SQM certificate?

Yes. You must comply with the requirements set out at sections 2.11 to 2.20 of the ITT IFA.

Verification

Q31 - We selected 'No' when asked if we wanted to submit verification documents:

- i. Will our application be rejected for selecting 'No' or not submitting relevant verification documents with our submitted application even though we intend to submit the required verification document before 10 May?
 - ii. Can we submit the verification documents using this same medium (i.e., attaching them to our message on this platform) when they all become available?
 - iii. Can we submit a supervisor declaration with the name of a supervisor who has not been mentioned in our ITT?
-
- i. Please refer to Section 7 of the Procurement of Civil Legal Aid Services in England and Wales from 1 September 2023 Invitation to Tender Information for Applicants and specifically section 7.3.
 - ii. All verification information must be submitted through the eTendering system message board.
 - iii. Yes. Section C for each Category of Law's Questions and Assessments ITT Section in Annex B sets out the required verification information.

Q32a - Does the power to exercise discretion for documents received after this date extend to New Entrants that have authorisation still pending? The SRA (Solicitors Regulation Authority) authorisation procedure for example can take 90 days which is less time than that which exists between the tender start date and 10 May 2023.

Q32b - All Applicants tendering for a (Immigration and Asylum) 2018 Contract must be able to provide evidence by 23:59 on 10 May 2023 as to how they meet the relevant Quality Standard. The timeframe to apply for and achieve either of the two quality standards is not achievable by 10 May 2023. Will time be extended/amended to provide verification to 1 September 2023?

Q32c - the ITT requires the applicant to hold a relevant Quality Standard. For Applicants who intend to hold Lexcel, we are required to achieve Lexcel accreditation and provide compliant verification evidence of this by 23.59 on 10 May. We note that 7.5 of the ITT IFA states: “The LAA may accept compliant verification information after the deadline of 23:59 on 10 May 2023 where Applicants have tendered to deliver Contract Work in any other Category of Law (including Immigration and Asylum but not including IRC Contract Work) at its discretion”. In the event that we have started the Lexcel accreditation process, but this has not been achieved by 10 May, will you accept this at a later date provided it is before the Contract start date. If you cannot confirm this now, please can you explain how the LAA will exercise its discretion in these circumstances and what factors it would apply.

Q32d - What steps has the LAA/MOJ taken to ensure that New Entrants seeking to apply for a legal aid contract can secure SQM accreditation within the very short period given since the announcement of tender date on 7 March to validation date on 10 May 2023?

Section 7.5 of the Invitation to Tender Information for Applicants states:

The LAA may accept compliant verification information after the deadline of 23:59 on 10 May 2023 where Applicants have tendered to deliver Contract Work in any other Category of Law (including Immigration and Asylum but not including IRC (Immigration Removal Centre) Contract Work) at its discretion.

The LAA is seeking to encourage new and/or additional capacity so will exercise its discretion reasonably.

Q33 - We have had no change in our membership since submission of criminal tender and rule 7.14 in IFA confirms that: “applicants with limited liability must supply the LAA with a properly completed indemnity, where they are new entrants”. We are not a new entrant, and our members remain the same. Are we required to submit a freshly completed indemnity and guarantee form?

Only new entrants must submit an indemnity form. If you are an existing provider and you have had no change in membership you do not have to submit a new indemnity form.

Q34 – What do we supply as verification information for our SRA Number?

You must provide your SRA number in answer to questions in both the Selection Questionnaire and the Invitations to Tender for each Category of Law that you apply for. The LAA will verify that number with the SRA.

Q35 - Do we just need to submit one completed supervisor form by the verification date of the 10 May? We will be applying for four additional offices, so will need a minimum of 2 supervisors (depending on staff numbers) but may not have both supervisors in place until the contract goes live in September.

Section C.3.ii states:

The Applicant must employ at least one FTE (Full Time Equivalent) Supervisor that meets the requirements of the Contract and the Supervisor Standard in the [relevant] Category of Law.

Please provide at least one compliant Supervisor Declaration Form for each Supervisor in the [relevant] Category of Law.

Where an Applicant wishes to submit more than one Supervisor Declaration Form for one or more of its Individual Bids, the completed Supervisor Declaration Forms must be merged into a single document and the single document uploaded as an attachment.

Q36 In relation to Professional Indemnity (PI) Insurance. Our PI Insurance expires on 31st August 2023. Do I upload our existing PI Policy now even though it will be out of date when the new contract commences?

You will need to submit evidence of PI Insurance if you are a New Entrant seeking to deliver publicly funded civil legal aid services or an existing Provider who hold a 2018 Contract and are seeking to deliver publicly funded civil legal aid services from additional offices / Procurement Areas. Please submit evidence of the PI Insurance with your AC1 form for any new office(s) you are tendering for. Your current PI Certificate or, alternatively, a quotation from a provider of PI Insurance will suffice for submission with your tender however evidence of valid PI Insurance in place from the Contract Start Date must be provided as soon as the Insurance Policy comes into effect.

AC1

Q37A - At the end of the AC1 Form under Explanatory Notes it states the following: -

"If your firm has multiple offices carrying out Legal Aid work a separate form should be completed for each of the offices with an indication on Page 1 to which is the firm's head office".

Can you confirm whether, if we already have offices with a contract and its own Legal Aid Account Number, forms must be done for those existing offices.

You do not need to complete additional AC1s for any offices that already have legal aid account numbers.

Q37B - Under the Declaration there is a declaration that "I certify that I am an Alternative Business Structure". Do we cross this out as we are not an ABS?

Yes, please delete this line.

Q38 - Please could you clarify the meaning of 'new office' with reference to the need to complete a AC1 form?

If your office has an existing legal aid account number an AC1 is not required. If the office does not have a legal aid account number, then an AC1 must be completed.

