

**2024 Standard Civil Contract Procurement Process:  
Award Criteria Invitation to Tender (“Award ITT”)**

**Introduction**

The Legal Aid Agency (“LAA”) is inviting Tenders to deliver the publicly funded civil legal aid services from 1 September 2024 under the 2024 Standard Civil Contract (“2024 Contract”).

**The Tender Deadline is 17:00 on 17 October 2023.**

**Late submissions will not be considered under any circumstances.**

**It is the Applicant’s sole responsibility to ensure that it submits a Complete Tender before the Tender Deadline.**

**It is the Applicant’s sole responsibility to ensure its Tender has been correctly completed to fully and properly represent its tender for the 2024 Contract.**

Organisations that meet the Tender Requirements to hold a 2024 Contract and successfully Tender will be awarded a 2024 Contract.

There is no limit to the number of 2024 Contracts that may be awarded under this process, however, the LAA will award a single Schedule to deliver each of the Housing Loss Prevention Advice Service (“HLPAS”) Areas.

**Future procurement opportunities**

The LAA intends to offer opportunities at regular intervals for new entrants to tender to deliver Contract Work under the 2024 Contract and for existing Providers to tender for additional work in Categories of Law or from additional Offices. More details will be provided on those opportunities after the 2024 Contract has commenced.

**Timetable**

For guidance purposes only, a list of indicative dates for key activities as part of this procurement process for 2024 Contracts is set out below. These dates may be subject to change and the LAA will notify Applicants of any significant changes through the eTendering system.

<b>Activity</b>	<b>Timescale</b>
2024 Contract procurement ITTs open on eTendering system	13 September 2023

Final date for submission of questions about this procurement process	23:59 on 26 September 2023
Final 'Frequently Asked Questions' to be published	Week commencing 2 October 2023
<b>Tender Deadline:</b> for submission of Tenders including 2024 Contract ITT Responses	17:00 on 17 October 2023
Outcome of Tenders notified	From 22 January to 9 February 2024
<b>Verification Date:</b> for submitting Tender verification information for all Individual Bids	23:59 on 15 March 2024
<b>HLPAS Verification Deadline:</b> final date by which the Applicant must provide compliant Housing and Debt verification information and complete the LAA Administrative Processes to be eligible for a HLPAS Schedule (subject to outcome of competitive tender)	23:59 on 3 June 2024
<b>Immigration Removal Centre ("IRC") Verification Deadline:</b> final date by which the Applicant must provide compliant Immigration and Asylum verification information and complete the LAA Administrative Processes to be eligible for inclusion in IRC rotas from 1 September 2024	23:59 on 3 June 2024
2024 Contracts and Schedules sent to successful Applicants for execution	From 15 July 2024
Contract Start Date	1 September 2024

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## **SECTION 1: INTRODUCTION AND BACKGROUND**

1.1 This Award ITT explains:

- the rules governing this element of the 2024 Contract procurement process; and
- how you must submit an Award ITT Response.

### **About the 2024 Contract**

1.2 Before submitting a Tender you must review the following documents which set out the complete rules of the 2024 procurement process and should be read in the following order:

- SQ ITT;
- Award ITT;
- Category-Specific Information;
- HLPAS ITT (if you wish to tender for HLPAS Contract Work);
- HLPAS-Specific Information Document (if you wish to tender for HLPAS Contract Work);
- 2024 Contract; and
- Frequently Asked Questions.

1.3 Successful Applicants will be awarded a 2024 Contract to provide applicable Contract Work subject to meeting all necessary verification requirements (see Section 7).

1.4 Contract Work awarded under this 2024 Contract procurement process will start on 1 September 2024 (the Contract Start Date) and will run until 31 August 2025 (subject to rights of early termination and the LAA's right to extend for up to a further three years).

1.5 Each 2024 Contract consists of:

- Contract for Signature;
- 2024 Standard Terms (Applicable to all contracts irrespective of the specific services to be provided);

- Specification (governs how Contract Work must be delivered and includes Key Performance Indicators); and
- Schedules (set out the Categories of Law you are authorised to undertake work in, the volume of work and any bespoke terms relevant to the delivery of services from a particular Office).

1.6 Organisations may have one or more 2024 Contract Schedules (i.e. one Schedule for each Office). Each Schedule details the Contract Work (including Categories of Law and Matter Start allocations) authorised at the Office.

### Illegal Migration Act

1.7 The Illegal Migration Act (IMA) gained Royal Assent on 20 July 2023 and we anticipate that work under IMA will commence in early 2024. As a result the LAA is currently unable to provide detailed information with regards to its impact on the 2024 Contract, however, we anticipate that there will be an impact on the volume, scope and delivery of Contract Work in IRCs. Contract amendments and publications with regard to IM will be published on the LAA website when available.

### About 2024 Contract Work

1.8 Contract Work is divided into two broad areas:

- Controlled Work: generally basic levels of advice and assistance prior to issue of proceedings; and
- Licensed Work: generally representation – issue and conduct of proceedings and advocacy.

1.9 Controlled Work cases are known as ‘Matters’ or ‘Matter Starts’. Controlled Work permits Providers with available Matter Starts to assist clients directly without prior authority. Except in relation to the Clinical Negligence and Family Mediation Categories, a certain number of Matter Starts will be allocated to Providers and then set out in the applicable 2024 Contract Schedule. Providers in the Clinical Negligence and Family Mediation Categories of Law may use an unlimited number of Matter Starts, reflected on a Provider’s 2024 Contract Schedule by a notional allocation of 1 Matter Start.

1.10 There is no limit to the volume of Licensed Work that a Provider may undertake in any Category of Law. However, funding applications must be submitted for each Licensed Work case.

1.11 Notwithstanding the volume of Matter Starts allocated, no guarantee is provided in relation to the volume or value of work Applicants will receive/be paid for under any 2024 Contract. Services are provided under open market conditions and clients are free to choose from those Providers holding a 2024 Contract.

1.12 Payments under all 2024 Contracts will be at the rates set out in Legal Aid Legislation and are subject to change from time to time. By submitting a Tender you acknowledge that payment rates may vary during the term of the 2024 Contract.

1.13 Contract Work will be delivered from individual Offices (including Outreach in the case of Family Mediation) in each Category of Law which is organised by geographic areas referred to in the Tender documentation as Procurement Areas.

#### IRCs

1.14 There are two types of work conducted in an IRC setting:

- **Detained Duty Advice Scheme (DDAS);** and
- **Detained Asylum Casework (DAC).**

1.15 The delivery of DDAS and DAC Contract Work at IRCs is subject to Exclusive Schedule Arrangements. This means that, subject to the limited exceptions at Paragraph 8.6 of the Immigration and Asylum Category Specification, only Applicants awarded an IRC Exclusive Schedule will be permitted to deliver DDAS and/or DAC services in the applicable IRC(s) from 1 September 2024. Contract holders who do not hold an IRC Exclusive Schedule to deliver DDAS and/or DAC may provide Contract Work to individuals in IRCs that is not restricted to holders of Exclusive Schedule Authorisations.

1.16 Applicants tendering to deliver DDAS/DAC Contract Work must tender to do so as part of their Award ITT Response for Immigration and Asylum Contract Work. DDAS/DAC Rota members must be awarded and continue to hold a 2024 Contract from 1 September 2024 to deliver Immigration and Asylum Contract Work. Applicants who tender to deliver services at IRCs must meet the specific IRC requirements in addition to the requirements for Immigration and Asylum Contract Work. The Immigration and Asylum Category-Specific Information document (see paragraph 2.31 for hyperlink) includes information on requirements to deliver services at IRCs and on how IRCs operate.

1.17 Applicants who successfully tender for

- Immigration and Asylum Contract Work; and
- one or more IRC DDAS/DAC Rotas

will be awarded an IRC Exclusive Schedule, subject to verification.

1.18 Applicants may only tender for each IRC once. The following eligibility criteria also apply:

- Applicants who tender for Immigration and Asylum in Lot 1 only will **not** be eligible to tender for IRC Contract Work;
- Applicants who tender for Immigration and Asylum and submit at least one Lot 2 Individual Bid will be eligible to tender to deliver DDAS Contract Work and/or DAC Contract Work; Applicants who tender for Immigration and Asylum and submit at least one Lot 3 Individual Bid will be eligible to tender to deliver DDAS Contract Work and/or DAC Contract Work; and
- Applicants who tender to deliver DAC Contract Work in either Lot 2 or Lot 3 must employ an Advanced IAAS Accredited Caseworker at the relevant Office.

- 1.19 Where Applicants submit more than one tender for the same IRC, the LAA will consider one Individual Bid only and where the Individual Bids differ it will act in accordance with paragraph 6.13 of the SQ ITT.
- 1.20 There is no limit to the number of Applicants that can be awarded an IRC DDAS/DAC Exclusive Schedule. Rota work for an IRC will be divided equally between all successful Applicants. If there is a single tender for DDAS/DAC Contract Work at an IRC that Applicant will be awarded all the Matter Starts for that IRC and be required to deliver the entire Rota. IRC Matter Starts will be added to the Schedule for the Office relating to the Individual Bid in the relevant Lot. If you submit more than one Individual Bid in one Lot (for example, you submit two successful Lot 2 Individual Bids and also bid to join DDAS), you will be asked to choose which Office Schedule you wish the IRC allocation to be attached to.

### DDAS Tenders

- 1.21 Applicants must be able to deliver advice through DDAS face to face and remotely at the designated IRC.
- 1.22 DDAS surgeries are likely to operate as follows (though this may vary in each IRC):
- Clients who wish to attend DDAS will go to the IRC library to have their name added to the IRC list to receive advice; and
  - the IRC staff generally email the Provider the day before the DDAS detailing the number of Client appointments required and the Client's language needs (in order that, if necessary, the Provider can arrange any translation services).
- 1.23 DDAS Providers must offer each Client a 30-minute advice session (regardless of the Client's means or the merits of their cases). The purpose of the advice session is to ascertain the basic facts of the Client's case and to make a decision as to whether it requires further investigation or whether further action can be taken. Clients should also receive advice in relation to immigration bail where relevant.
- 1.24 Following the DDAS surgery, and subject to both the means and merits test where applicable, further services may be provided to eligible Clients and in accordance with the terms of the Specification and relevant regulations which govern this level of service.
- 1.25 The volume of work through DDAS is variable. Some Rota slots may not be full and may not take place due to lack of demand. However, it is a requirement of the 2024 Contract that DDAS Providers must ensure they have sufficient numbers of caseworkers available each Rota slot to meet their obligations to deliver all DDAS slots allocated to them.
- 1.26 The available Rota work will be divided equally between all successful Applicants. Rotas are scheduled on a daily basis.
- 1.27 In a Rota day the maximum number of clients that a Provider will see is 10.

### DAC Tenders

- 1.28 The information below applies to all IRCs.

- 1.29 For each IRC the contract year is divided into 52 Rota weeks. The Rota week is then divided into 5 Standby Days (Monday through to Friday). Each Standby Day is divided into Rota slots. Each Rota slot equals one or more clients that the IRC is likely to receive to process through the DAC scheme.
- 1.30 Where known, estimates based on historical usage figures have been provided in the Immigration and Asylum Category-Specific Information document (see paragraph 2.31) but the actual number of Clients each week will depend on the Client demand for services at the particular IRC. Therefore, a Provider may not always receive a Client for each Rota slot that is allocated on a Standby Day.
- 1.31 DAC Rotas are run by United Kingdom Visas and Immigration (UKVI). Providers allocated Rota slots on a Standby Day will receive calls from UKVI based on the number of Rota slots it has been allocated. The calls from UKVI will refer DAC Clients who require advice and assistance in preparation for the substantive asylum interview, which is usually conducted the following day (the “Attendance Day”) to the Provider.
- 1.32 It is a requirement of the 2024 Contract that Providers **must** have capacity to allocate each client a caseworker to contact the client on the Standby Day and attend the IRC at the subsequent Attendance Day when the substantive interview will take place.
- 1.33 Once a Client has been referred to a Provider on a Standby Day they must contact the Client to assess their eligibility for legal aid and to advise them accordingly.
- 1.34 In addition to Rota slots, successful Applicants will be awarded additional Matter Starts in the Immigration and Asylum Category of Law to cater for any Controlled Work cases required as a result of assisting clients obtained through either Rota arrangements. The total number for each IRC are set out in the Immigration and Asylum Category-Specific Information document (see paragraph 2.31). This volume will be divided equally between the successful Applicants at each IRC and will be reflected separately from other Immigration and Asylum Contract Work on a Provider’s Schedule.

#### Miscellaneous Work

- 1.35 Applicants awarded a 2024 Contract to undertake Contract Work in any Category of Law (except Family Mediation) will receive an additional allocation of 5 Miscellaneous Work Matter Starts included on each Schedule. This number applies irrespective of how many Categories of Law a Provider is authorised to deliver under a Schedule.
- 1.36 Detail on the work classified as ‘Miscellaneous Work’ for the purposes of the 2024 Contract is included in the Category Definitions.
- 1.37 Applicants wishing to deliver more than 5 Miscellaneous Work Matter Starts to assist victims of human trafficking and modern slavery will have the opportunity to do so as part of the relevant Category ITT (except the Family Mediation ITT) and will be awarded a total of 75 Miscellaneous Work Matter Starts which will be attached to the Schedule for the Applicant’s Lead Office for the year of the Contract. Whilst the Schedule will reflect an allocation of 75 Matter Starts, 70 of these will be exclusively for use in undertaking compensation claims for victims of human trafficking and / or modern slavery.

- 1.38 Applicants are only required to indicate they wish to assist victims of human trafficking and modern slavery in one Award ITT Response and not in every Award ITT Response.

## **SECTION 2: THE PROCUREMENT PROCESS AND REQUIREMENTS**

### **What is a Complete Tender?**

- 2.1 A Complete Tender is defined at paragraph 4.1 of the [SQ ITT](#). Please refer to Section 4 for information about the Complete Tender.

### **What is an Individual Bid?**

- 2.2 A Tender to deliver Contract Work in a specific Category of Law from a particular Office is known as an “Individual Bid”. Consequently, the Award ITT Response of Applicants tendering to deliver Contract Work from multiple Offices will comprise of an Individual Bid for each Office in each applicable Category of Law, except for Family Mediation. In Family Mediation, Applicants will tender for a single Office only to which their Schedule will be attached, and any additional Outreach locations will be collected as part of the verification process.
- 2.3 There is no limit to the number of Matter Starts in any Procurement Area. Successful Applicants will be awarded the volume of work relevant to the Category of Law.
- 2.4 Where an Applicant submits more than one Award ITT Response for the same Category of Law, the LAA will assess only the last Award ITT Response submitted prior to the Tender Deadline.

### **Lots**

- 2.5 Lots will apply to the following Categories of Law:
- Family;
  - Immigration and Asylum;
  - Mental Health;
  - Community Care;
  - Public Law; and
  - Claims Against Public Authorities.
- 2.6 Lots will not apply to the following Categories of Law:
- Housing and Debt and Welfare Benefits;
  - Education;
  - Discrimination;
  - Clinical Negligence; and
  - Family Mediation.



Applicants will not be required to tender for a specific Lot. All successful Individual Bids within these Categories of Law will be awarded a fixed allocation of Contract Work as specified in this Award ITT.

- 2.7 In the Clinical Negligence and Family Mediation Categories of Law, Applicants are not required to tender for a volume of Matter Starts.
- 2.8 Lots will not apply to Immigration and Asylum Contract Work at IRCs. Successful Individual Bids for Contract Work at an IRC will be awarded an equal share of Matter Starts available. Matter Starts awarded for use at an IRC may be used only in the delivery of Immigration & Asylum Contract Work at the IRC for which they have been awarded.
- 2.9 In all Categories of Law (except Clinical Negligence and Family Mediation), successful Applicants may deliver up to the volume of Matter Starts awarded, subject to 2024 Contract rules on the award of Supplementary Matter Starts.

#### Categories where Lots apply

- 2.10 You must choose the Lot that corresponds with the volume of Contract Work you expect to be capable of delivering. A successful Applicant will be authorised to deliver up to the volume of Matter Starts associated with the Lot in which it tenders, subject to meeting any Lot-Specific Requirements and verification.
- 2.11 If an Applicant is unable to evidence that they meet the requirements of the Lot for which they have tendered, that Individual Bid will be re-classified in accordance with the evidence supplied. For example, if the Applicant tendered in Lot 2 for Immigration and Asylum (which requires the employment of a Senior and/or Advanced Caseworker) and is unable to provide the necessary evidence, the Individual Bid is re-classified to Lot 1 (for which there is no Lot-Specific Requirement) and be allocated a Lot 1 Matter Start allocation.
- 2.12 If an Applicant wishes to bid for multiple Offices within a Category ITT (and therefore submits multiple Individual Bids) it may submit Individual Bids for different Lots. For example, it may submit one Family Individual Bid from Office A for Lot 1 (up to 20 Matter Starts) and another Family Individual Bid from Office B for Lot 2 (up to 100 Matter Starts). Further detail on how to complete Individual Bids is contained at Section 3 of the [SQ ITT](#).
- 2.13 You must ensure you tender for the correct Lot corresponding to the number of Matter Starts you reasonably consider you can realistically deliver.

#### Submission of Tenders

- 2.14 The eTendering system can be accessed either through a link on the tender pages of the LAA website or directly at <https://legalaid.bravosolution.co.uk>
- 2.15 Applicants must review the information regarding the operation of the eTendering system which is set out in Section 3 of the [SQ ITT](#).

#### Tender Requirements

2.16 All Applicants must meet the Tender Requirements as follows:

- Generic Tender Requirements;
- Category-Specific Requirements; and
- any Lot-Specific Requirements.

### **Generic Tender Requirements**

#### Quality Standard

- 2.17 Contract holders (except those delivering Family Mediation only) will be required to hold a Quality Standard throughout the Contract Period.
- 2.18 Family Mediation Providers must meet the standards set out by the Family Mediation Council (FMC) and the Family Mediation Standards Board.
- 2.19 Applicants (except those tendering for Family Mediation only) must be able to evidence by 23:59 on 15 March 2024 that they comply with the requirements set out in paragraph 2.22.
- 2.20 Applicants are solely responsible for paying all necessary fees to the Quality Standard auditing organisation.
- 2.21 Where an Applicant already holds the SQM following audit by the LAA's SQM Audit Provider or is in the process of being audited by them, it need not reapply for the SQM, unless it must do so to continue to hold the SQM.
- 2.22 Requirements according to the Quality Standard an Applicant chooses to hold are detailed below:

<b><i>Applicant Type</i></b>	<b><i>Requirement</i></b>
Applicants who intend to hold the SQM	- Pass desktop audit and provide evidence of this - Fully pass the Pre-QM audit within six months of the Contract Start Date
Applicants who intend to hold Lexcel	- Achieve Lexcel accreditation and provide evidence of this
Applicants who already hold Lexcel	- Must hold a valid accreditation that will be in force until at least the Contract Start date.
Applicants who already hold an SQM audited by the LAA's SQM Audit Provider	- Must hold a valid accreditation that will be in force until at least the Contract Start date.

- 2.23 It is an Applicant's responsibility to ensure it meets the LAA's requirements and provide verification evidence by 23:59 on 15 March 2024. Applicants are therefore advised to apply for their chosen Quality Standard as early as possible.

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

#### Authorisation by a relevant legal sector regulator

- 2.27 The required services include "reserved legal activities" which can only be carried on by authorised persons, exempt persons, or certain non-commercial organisations which are subject to transitional provisions, as defined within the Legal Services Act 2007. Applicants for a 2024 Contract must, therefore, ensure that they have all necessary licences and authorisations from a Relevant Professional Body to conduct Contract Work by the Contract Start Date, unless the Applicant is submitting Individual Bid(s) in Category(ies) where the HLPAS or IRC Verification Deadline of 23:59 on 3 June 2024 applies.
- 2.28 In respect of Immigration and Asylum Contract Work, organisations solely regulated by the Office of the Immigration Services Commissioner ("OISC") are not eligible to bid in this procurement process for Contract Work in Lot 2 or Lots 3 unless they are permitted to carry out "reserved legal activities" under the Legal Services Act 2007. This is because one of the requirements of this procurement process is that Applicants are able and willing to undertake the full range of Licensed Work in the Immigration and Asylum Category of Law and as such employ an Authorised Litigator. OISC registered individuals are not necessarily permitted to undertake the full range of activities required during litigation.

#### **Category-Specific Requirements**

- 2.29 Applicants warrant at the time of submitting their Award ITT Response that they will meet all applicable Tender Requirements.
- 2.30 Applicants intending to submit Individual Bid(s) to deliver HLPAS Contract Work must refer to the HLPAS ITT and HLPAS-Specific Information Document.
- 2.31 Category-Specific Information can be found at:
- [Family Category-Specific Information](#)
  - [Housing and Debt and Welfare Benefits Category-Specific Information](#)
  - [Immigration and Asylum \(inc DDAS and DAC\) Category-Specific Information](#)
  - [Mental Health Category-Specific Information](#)
  - [Community Care Category-Specific Information](#)
  - [Claims Against Public Authorities Category-Specific Information](#)
  - [Public Law Category-Specific Information](#)
  - [Clinical Negligence Category-Specific Information](#)
  - [Education Category-Specific Information](#)
  - [Discrimination Category-Specific Information](#)

- [Family Mediation Category-Specific Information](#)

#### Supervisor requirements

- 2.32 Supervisor Standards are set out at Paragraphs 2.10 – 2.25 of the General Specification and the Legal Competence Standards set out in detail in the relevant Category Specification. Minimum Supervisor ratios are detailed at Paragraphs 2.26 – 2.28 of the General Specification.
- 2.33 In all Categories except Family Mediation, for the purposes of obtaining a 2024 Contract, use of external (i.e. non-employed) Supervisors is not permitted.
- 2.34 To evidence that an Applicant employs an individual who (1) meets the Supervisor Standard and (2) works at the Office from which it has submitted an Individual Bid, the Applicant must provide a Supervisor Declaration Form for every Supervisor the Applicant intends to use, in all Category(ies) in which they are awarded a Schedule.

#### Offices

- 2.35 Office requirements vary for each Category of Law and are set out in the Category-Specific Information documents, see paragraph 2.31 for hyperlinks to each document.
- 2.36 As part of each Award ITT Response (except for the Family Mediation ITT) Applicants must confirm the specific Procurement Area in which each Office they intend to deliver services in the relevant Category of Law is located.
- 2.37 Applicants (except those responding to the Family Mediation ITT only) should check that they tender in the correct Procurement Area for their Office(s). To do this, an Applicant must enter the postcode for their Office (or intended Office) into the 'Find your local council' tool on the Gov.uk website: <https://www.gov.uk/find-local-council>. The Category-Specific Information documents include the Procurement Areas and the local authorities included in each Procurement Area. There are significant differences in the Procurement Areas and the local authorities included, for each Category. It is the Applicants' responsibility to submit their Individual Bid(s) in the correct Procurement Area for the Category(ies) they are tendering.
- 2.38 In all Categories except Family Mediation Applicants may enter details of multiple Offices in the eTendering system as part of an Award ITT Response as follows:
- Family – up to 15 Offices
  - Housing, Debt and Welfare Benefits – up to 15 Offices
  - Immigration and Asylum – up to 10 Offices
  - Mental Health – up to 5 Offices
  - Community Care – up to 10 Offices
  - Claims Against Public Authorities – up to 5 Offices
  - Clinical Negligence – up to 5 Offices
  - Public Law – up to 5 Offices
  - Education – up to 5 Offices
  - Discrimination – up to 5 Offices
- 2.39 For Family Mediation, Applicants are required to tender for a single Office in England or Wales through which all Family Mediation Contract Work will be reported.

Applicants responding to the Family Mediation ITT must state the town or city in England or Wales in which their Office is or will be based. If their Tender is successful, Applicants may additionally confirm when submitting verification information any Outreach locations in England and Wales from which they wish to deliver Family Mediation Contract Work and, subject to validation of address details, these will be added to the Schedule.

- 2.40 For Mental Health, Applicants may only bid once per Procurement Area. Applicants must have at least one Permanent Presence Office in England and Wales. Where an Applicant bidding for Mental Health Contract Work has multiple delivery locations within a Procurement Area, they only need to provide the address and postcode of the primary location for the purposes of the Tender. However, this does not preclude Applicants from delivering from additional locations within the Procurement Area. Details of additional locations must be provided as part of verification and, subject to validation of address details, will be added to the relevant Schedule. Providing that they have tendered from at least one Permanent Presence Office in England and Wales, Applicants only need to have an Alternative Arrangement to bid in other Procurement Areas. Further details can be found in the Category-Specific information for Mental Health.
- 2.41 Applicants are not required to have operational Offices (or Family Mediation Outreach locations) at the point of submitting a Tender. Applicants are required to confirm they will meet the relevant Office requirements as part of their Tender. As part of an Award ITT Response Applicants should provide the address(es) of where they intend to deliver Contract Work where known at the time of tender, together with the relevant LAA account number where the Applicant is a current LAA contract holder. An Applicant's Office must be in the Procurement Area for which it tenders. The LAA will validate address details provided.
- 2.42 Where an Applicant's Individual Bid includes an Office which is not in the Procurement Area stated in their Individual Bid, the LAA will not reject the Individual Bid outright. Rather, the LAA will inform the Applicant at the point of notification that their Office is not in the Procurement Area tendered for. Where an Applicant is unable to evidence at the point of verification that they have an Office which is in the Procurement Area tendered for as part of the Individual Bid the LAA will reject the relevant Individual Bid.

### **Lot-Specific Requirements**

- 2.43 In the Categories of Family, Immigration and Asylum and Mental Health, Applicants bidding in some Lots will need to meet specific additional quality requirements. Applicants should refer to the Category-Specific Information documents, see paragraph 2.31 for hyperlinks to each document.

## **SECTION 3: COMPLETION OF INDIVIDUAL BIDS**

- 3.1 With the exception of SQ and HLPAS ITTs, the 2024 Contract ITTs can be found in the eTendering system as follows:
- itt\_888 – Family ITT
  - itt\_890 – Immigration and Asylum ITT
  - itt\_891 – Mental Health ITT

- itt\_892 – Community Care ITT
  - itt\_893 – Claims Against Public Authorities ITT
  - itt\_894 – Clinical Negligence ITT
  - itt\_895 – Public Law ITT
  - itt\_896 – Family Mediation ITT
  - itt\_897 – Education ITT
  - itt\_898 - Discrimination ITT
  - itt\_899 – Housing, Debt and Welfare Benefits ITT
- 3.2 Applicants must complete an Award ITT Response for each Category of Law they wish to deliver. Applicants must submit an SQ ITT Response before the eTendering system will allow them to submit an Award ITT Response.
- 3.3 Each Category ITT contains a series of questions covering the following areas:
- Bid Details (Section A)
  - Miscellaneous Contract Work (Section B)
  - Warranties and Declarations (Section C)
- 3.4 A full breakdown of the questions for each Category of Law is included in the relevant Category ITT and is replicated in the Category-Specific Information documents identified with hyperlinks at paragraph 2.31.
- 3.5 Applicants must respond to each question in the relevant Category ITT by selecting the correct drop-down option or by providing a typed answer in the free text box provided. Each free text box is limited to 2000 characters (including spaces).
- 3.6 Where a question requires a response from a drop down menu, Applicants may either select an option from the drop-down list or, if they know the answer option they wish to select, use the quick search functionality by typing in the 'response' box in the eTendering system.
- 3.7 For all Categories of Law (except Family Mediation and Mental Health) where an Applicant wishes to tender from more Offices as part of an Award ITT Response than is catered for in an ITT, the Applicant must send a message to the LAA via the eTendering messaging portal no later than 23:59 on 26 September 2023 requesting a form on which they can provide details about additional offices. The LAA will then supply a form which the Applicant must complete and save it to their own computer before attaching it to a message in the eTendering system and sending this to the LAA before the Tender Deadline.
- 3.8 Where an Applicant wishes to tender for Matter Starts to undertake compensation claims for victims of human trafficking and/or modern slavery the Applicant may do so in Section B of its Award ITT Response.
- 3.9 Before submitting its Award ITT Response an Applicant must check that it has answered all questions correctly. If an Award ITT Response is incomplete it may be assessed as unsuccessful.
- 3.10 Tenders, including Award ITT Responses, will not be opened by the LAA until after the Tender Deadline. If an Applicant's Tender is incomplete this will only be identified on assessment, at which point it shall be too late for Applicant to submit any further information.

## SECTION 4: APPLICANTS' QUESTIONS

- 4.1 Information about the process to follow if an Applicant has a question about the procurement process to which they cannot find a response in this document or in the guidance provided in the eTendering system, is contained in Section 2 of the [SQ ITT](#).

## SECTION 5: AWARD ITT RESPONSE ASSESSMENT

- 5.1 ITT Responses will be assessed in the following stages:
- Stage 1 – SQ ITT assessment
  - Stage 2 – Award ITT assessment
  - Stage 3 – Contract award (subject to verification)
  - Stage 4 – Verification

### Stage 1 - SQ ITT assessment

- 5.2 The SQ ITT contains the rules governing the SQ element of this procurement process.
- 5.3 Applicants that are assessed as having passed the SQ will process to Stage 2 for the applicable ITT(s).

### Stage 2 – Award ITT assessment

- 5.4 The LAA will conduct an assessment of:
- any address and postcode details provided as part of an Individual Bid; and
  - the declarations and warranties provided as part of an Award ITT Response.

#### *Address and postcode assessment*

- 5.5 The LAA will review any address and postcode details provided as part of an Individual Bid for an Office. For Family Mediation the LAA will check the Office is in England or Wales. For all other Categories, the LAA will check the Office is in the relevant Procurement Area.
- 5.6 Where an Applicant is assessed as having provided the address of an Office which is not in the Procurement Area stated in the corresponding Individual Bid, the LAA will act in accordance with paragraph 2.42. This will also apply in the event that an Applicant for Family Mediation provides details of an Office which is not in England or Wales.
- 5.7 Where no address details are submitted as part of an Individual Bid, an address check will be conducted as part of verification (Stage 4). Applicants must be able to evidence an Office in the relevant Procurement Area (or in England and Wales in the case of Family Mediation) by the Verification Date of 23:59 on 15 March 2024.

### Stage 3 – Contract award (subject to verification)

- 5.8 All Applicants will be notified of the outcome of their Tender through the eTendering message board. Notifications to Applicants whose Tender is unsuccessful will include details of why their Tender is unsuccessful.

- 5.9 The LAA intends to notify Applicants of the outcome of their Tender from week commencing 22 January 2024. Priority will be given to notifying the outcome of Tenders in the Housing, Debt and Welfare Benefits as this will enable the assessment of corresponding HLPAS ITT Response(s) where Applicants have successfully tendered for Housing and Debt Contract Work (subject to verification).
- 5.10 This may mean that Applicants who have tendered for Housing and Debt Contract Work alongside other Categories of Law receive notification of the outcome of the Tender in two parts.
- 5.11 Where an Applicant's SQ ITT Response is assessed as unsuccessful the Applicant's Award ITT Response will not be assessed, unless any appeal made by the Applicant is successful.
- 5.12 There is no right of appeal against the LAA's assessment of Award ITT Responses.

#### Stage 4 – Verification

- 5.13 Applicants who are notified that they have been successful in this procurement process will be required to verify their Tender following the verification process detailed at Section 6 of this Award ITT.

### **SECTION 6: VERIFICATION AND CONTRACT DOCUMENTATION**

- 6.1 Successful Applicants will be required to verify each Individual Bid submitted and all contract awards will be conditional on satisfactory verification.
- 6.2 Where Applicants are notified of the LAA's intention to award it a 2024 Contract subject to verification it is the Applicants' sole responsibility to ensure it provides all necessary verification information by the deadlines in the Award ITT (or such other later date as we may specify).
- 6.3 Failure to provide verification information by any deadline given may result in the rejection of the Tender or any specific element of that Tender. Requirements are contained in the Category-Specific Information documents, links to which can be found at paragraph 2.31.
- 6.4 Applicants are strongly advised to engage with the verification process as soon as possible and submit verification information at the earliest opportunity.
- 6.5 Subject to the express provisions in paragraphs 6.6 – 6.7, 6.11 – 6.14 and 6.15 – 6.18 of this Award ITT, Applicants should submit verification for Individual Bids by the Verification Date.
- 6.6 At our absolute discretion and where it is practical and feasible to do so we may, but are under no obligation to, accept verification information submitted after the Verification Date subject to the conditions outlined in this Section 6 and our obligations to comply with relevant legal principles.
- 6.7 Where the LAA accepts verification information submitted after the Verification Date we cannot guarantee contract documentation will be issued by 1 September 2024.
- 6.8 Applicants that do not successfully complete the verification process prior to 1 September 2024 will not be able to undertake Contract Work at the Contract Start



Date and the Contract award may be withdrawn at our discretion.

- 6.9 The LAA will not issue contract documentation to, or contract with, any Applicant which does not complete the verification process including:
- verification of Tender Requirements;
  - evidence of professional indemnity insurance;
  - fully completed indemnity documentation; and
  - issuing LAA Account Number(s) where applicable.

#### Failure to verify

- 6.10 If it becomes necessary for the LAA to withdraw any Contract award relating to an Individual Bid or an entire Tender as a consequence of their failure to satisfactorily verify any aspect of the Tender, the LAA shall have no responsibility whatsoever to the Applicant (or any related party) for any cost, expense or any other liability they have incurred or may incur in the course of submitting their Tender.

#### HLPAS Tenders

- 6.11 Applicants that tender to deliver HLPAS Contract Work **must** successfully complete verification of the Housing and Debt Individual Bid(s) by the HLPAS Verification Deadline of **23:59 on 3 June 2024**.
- 6.12 HLPAS Schedules are awarded on an exclusive basis to a single Provider and the LAA must have certainty that successful Applicants meet the HLPAS Tender Requirements in sufficient time to put arrangements in place for delivery of the service.
- 6.13 Applicants that do not successfully complete verification and where applicable, LAA Administrative Processes by the HLPAS Verification Deadline may not be eligible for the award of a HLPAS Schedule.
- 6.14 HLPAS Schedules will not be issued until verification of an Applicant's Housing and Debt Individual Bid is also concluded.

#### IRC Tenders

- 6.15 Applicants that tender to deliver Contract Work in IRCs and wish to be included in IRC rotas from 1 September 2024 **must** successfully complete verification of the Individual Bid(s) by the IRC Verification Deadline of **23:59 on 3 June 2024**.
- 6.16 IRC Rotas will commence on 1 September 2024 and the LAA must have certainty that successful Applicants meet the relevant Tender Requirements in sufficient time to put arrangements in place for the delivery of the service.
- 6.17 Failure to successfully complete verification and where applicable, LAA Administrative Processes by the IRC Verification Deadline may result in exclusion from Rotas commencing on the Contract Start Date. Applicants who successfully complete verification and where applicable, LAA Administrative Processes after this date will be eligible for inclusion in future Rotas.

- 6.18 Applicants cannot be included on IRC Rotas until verification of an Applicant's Immigration & Asylum Individual Bid is also concluded and a 2024 Contract has been issued and executed by the Applicant.

#### Immigration and Asylum accreditation

- 6.19 We are aware of The Law Society's 2024 timetable for Immigration and Asylum Accreditation and recognise that it may not be possible to provide evidence of accreditation by the Verification Date of 23:59 on 15 March 2024.
- 6.20 Applicants affected by this **must** notify us of this when submitting your verification information and provide evidence of accreditation as soon as it is available and no later than the IRC Verification Deadline for inclusion in IRC Rotas from 1 September 2024.

#### Verification of Lot-Specific Tender Requirements

- 6.21 The LAA will reclassify an Individual Bid in the Family, Immigration and Asylum, Mental Health, Community Care, Public Law and Claims Against Public Authorities Categories of Law where an Applicant is unable to provide satisfactory evidence that they meet the requirements of a higher Lot but is able to provide satisfactory evidence that they meet the requirements of a lower Lot.

#### LAA Administrative Processes

##### Indemnity

- 6.22 By submitting a Tender, Applicants with limited liability (unless a registered charity) expressly agree that they **must** submit a properly completed indemnity agreement even if submitted under a previous procurement exercise or under a current or previous contract with the LAA to be awarded a 2024 Contract.
- 6.23 The indemnity agreement must be signed by the individuals who are the ultimate owners of the bidding entity and/or such persons as the LAA might reasonably regard as being controllers and/or senior managers of the Applicant.
- 6.24 A copy of the indemnity form is available at:  
<https://www.gov.uk/government/publications/personal-guarantee-and-indemnity>
- 6.25 Where an Applicant fails to provide a properly completed indemnity by the Contract Start Date, the LAA may withdraw the Contract award.

##### AC1 form

- 6.26 If your Tender relates to any Office(s) which does not hold a current LAA Account Number, in addition to confirming the Office address and postcode, you will be required to complete and return an AC1 form and supporting documents so this Office can be allocated a LAA Account Number and set up on the LAA systems. This will include evidence of Professional Indemnity Insurance and may be either a certificate of insurance or a quote for insurance valid from the Contract Start Date. If you provide a quote for insurance, you will be unable to commence work until this

insurance is in place and you must provide a certificate upon our request. We cannot issue contract documentation and you may not start, or be paid for, Contract Work until a completed AC1 form has been received and processed by the LAA. The AC1 form is available at: [www.gov.uk/guidance/update-your-details-with-laa](http://www.gov.uk/guidance/update-your-details-with-laa).

- 6.27 Where an Applicant fails to provide a completed AC1 form and associated documentation by the Contract Start Date the LAA may withdraw its offer of Contract Work to the relevant Office(s).

#### Contract documentation

- 6.28 Where verification is successfully concluded an Applicant's contract documents will be made available for execution in advance of the Contract Start Date of 1 September 2024. Further details about this process will be provided to Applicants nearer the time.

#### 2024 Contract documentation

- 6.29 Applicants that satisfactorily verify Individual Bids through the verification process will be notified when 2024 contract documentation is available to view and execute online.
- 6.30 2024 contract documentation will be issued and executed electronically in the LAA's Controlled Work and Administration ("CWA") system. Applicants will need to access this system to execute the 2024 Contract by clicking the "Accept Contract" button within the system. By doing this Applicants expressly agree to comply with and be bound by the terms of the 2024 Contract in full.
- 6.31 To execute a 2024 Contract Applicants must have been set up on the LAA systems and issued with an LAA Account Number for each Office.
- 6.32 Applicants must have set up the requisite number of 'Designated Signatories' on CWA before they can execute the 2024 Contract. Guidance on how to do this will be provided at the verification stage. Guidance on allocating the Designated Signatory role in CWA can be found on our website.
- 6.33 Contracts that have not been executed two weeks after the Contract Start Date may be withdrawn at our sole discretion. We will have no liability to an Applicant whatsoever as a consequence of any such withdrawal.

### **SECTION 7: GENERAL RULES OF THIS PROCUREMENT PROCESS**

- 7.1 The rules of this procurement process are set out in Section 6 of the [SQ ITT](#).
- 7.2 Applicants must read the rules of the procurement process in full.