Legal Aid Agency

Procurement of Civil Legal Aid Services in England and Wales from 1 September 2024
2024 Standard Civil Contract Application Guide

OUTLINE DESCRIPTION OF TENDER ACTIVITY

The Legal Aid Agency (LAA) is inviting Tenders for contracts to deliver civil legal aid services under the 2024 Standard Civil Contract ("**2024 Civil Contract**") which runs from 1 September 2024 to 30 June 2028 (subject to the rights of early termination and the LAA's right to extend by up to a further 2 months).

This document, the "**Application Guide**", sets out the process and rules for applying for a 2024 Standard Civil Contract under the procurement process that opened on 4 December 2024. Applicants must read this Application Guide, and the additional information provided in the linked documents in full before submitting a Tender.

There are an unlimited number of 2024 Standard Civil Contracts available.

The LAA intends to award contracts under this process to commence as soon as possible after the Verification process, as described in this Application Guide, is complete. Depending on the circumstances, the date on which an individual Applicant, where its Tender is successful, may commence work under the 2024 Standard Civil Contract ("**Service Commencement Date"**) may be several months from the date of Tender submission and relies on the provision of timely and accurate information by Applicants. Inaccurate or incomplete evidence may delay the issuing of a contract.

Application Period

The LAA intends that the Application Period will remain open until, or around, 31 March 2027 and organisations may tender at any point within this period. The LAA reserves the right to amend the Application Period, including closing the procurement opportunity, at its sole discretion.

Rejections

Where Applicants are rejected from the procurement process, they can generally submit an amendment to their original tender at any point whilst the Application Period remains open. This may include where:

- The Applicant's circumstances change;
- It is able to provide further information or evidence sufficient to demonstrate that any applicable grounds of mandatory or discretionary rejection should be reconsidered;
- Time limits for notification of rejection criteria events have expired.

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SECTION 1: INTRODUCTION AND BACKGROUND

About the 2024 Standard Civil Contract

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

- Selection Questionnaire Invitation to Tender **(**SQ ITT);
- 2024 Standard Civil Contract Application Guide
- Category Specific Information;
- 2024 Standard Civil Contract;
- Frequently Asked Questions (FAQ) – published periodically (see paragraph 24.4)

1.2 Successful Applicants will be awarded a 2024 Standard Civil Contract to provide applicable Contract Work subject to meeting all necessary Verification requirements (see Section 14).

1.3 Each 2024 Standard Civil Contract (Standard civil contract 2024 - GOV.UK) consists of:

- Contract for Signature;
- 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).

1.4 Organisations may have one or more 2024 Standard Civil 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.

About 2024 Standard Civil Contract Work

1.5 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.

1.6 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 Standard Civil 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 Standard Civil Contract Schedule by a notional allocation of 1 Matter Start.

1.7 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.

1.8 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 Standard Civil Contract. Services are provided under open market conditions and clients are free to choose from those Providers holding a 2024 Standard Civil Contract.

1.9 Payments under all 2024 Standard Civil 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 Standard Civil Contract.

1.10 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

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

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

1.12 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 under the 2024 Standard Civil Contract. 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.

1.13 Applicants tendering to deliver DDAS/DAC Contract Work must tender to do so as part of their 2024 Standard Civil Contract (Re-Opening) Immigration and Asylum ITT Response. DDAS/DAC Rota members must be awarded and continue to hold a 2024 Standard Civil Contract 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 2.18 for hyperlink) includes information on requirements to deliver services at IRCs and on how IRCs operate.

1.14 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.

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

- Applicants who tender for Immigration and Asylum Contract Work in Lot 1 only will **not** be eligible to tender for IRC Contract Work;
- Applicants who tender for Immigration and Asylum Contract Work 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 Contract Work 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.

1.16 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 Application Guide.

1.17 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

1.18 Applicants must be able to deliver advice through DDAS face to face and remotely at the designated IRC.

1.19 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).

1.20 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.

1.21 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.

1.22 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 Standard Civil 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.

1.23 The available Rota work will be divided equally between all successful Applicants. Rotas are scheduled on a daily basis.

1.24 In a Rota day the maximum number of clients that a Provider will see is 10.

DAC Tenders

1.25 The information below applies to all IRCs.

1.26 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.

1.27 Where known, estimates based on historical usage figures have been provided in the Immigration and Asylum Category-Specific Information document (see paragraph 2.18) 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.

1.28 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.

1.29 It is a requirement of the 2024 Standard Civil 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.

1.30 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.

1.31 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 is set out in the Immigration and Asylum Category-Specific Information document (see paragraph 2.18). 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

1.32 Applicants awarded a 2024 Standard Civil 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.

1.33 Detail on the work classified as 'Miscellaneous Work' for the purposes of the 2024 Standard Civil Contract is included in the Category Definitions.

1.34 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.

1.35 Applicants are only required to indicate they wish to assist victims of human trafficking and modern slavery in one 2024 Standard Civil Contract (Re-Opening) ITT Response and not in every 2024 Standard Civil Contract (Re-Opening) ITT Response.

SECTION 2: PROCUREMENT PROCESS AND REQUIREMENTS

What is a Complete Tender?

2.1 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 2024 Standard Civil Contract (Re-Opening) 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 2024 Standard Civil Contract (Re-Opening) ITT Response for the same Category of Law, the LAA will assess only the last 2024 Standard Civil (Re-Opening) ITT Response submitted prior to the tender opening period at the start of each month.

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 the relevant 2024 Standard Civil Contract (Re-Opening) 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 Standard Civil 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 reclassified to Lot 1 (for which there is no Lot-Specific Requirement) and will 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 in Section 4.

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 Tender

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 4.

Tender Requirements

2.16 All Applicants must meet the Tender Requirements as follows:

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

Category-Specific Requirements

2.17 Applicants warrant at the time of submitting their 2024 Standard Civil Contract (Re-Opening) ITT Response that they will meet all applicable Tender Requirements.

2.18 Category-Specific Information can be found at:

- Family Category-Specific Information
- Housing and Debt and Welfare Benefits Category-Specific Information
- Immigration and Asylum (including IRC's) 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

Lot-Specific Requirements

2.19 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 2.18 for hyperlinks to each document).

SECTION 3: TIMETABLE

Application Process

3.1 Tenders will be opened on the first working day of each month following their submission commencing on 4 December 2024. These are the indicative timescales for this process.

Activity	**Timescale**
Applicant submits Tender	Tender is opened on the first working day of the month following the submission of the Tender.
Notification of Selection Questionnaire (SQ) Fails (where applicable)	From two weeks after the Tender is opened
Deadline for submission of SQ Appeals	Two weeks after notification
Outcome of Tenders notified	From three weeks after the Tender opened
Verification submission	Process commences the following working day after notification outcome
Contracts awarded and Service Commencement Date	To commence as soon as possible after the Verification process is complete.
IRC Duty Rota admission where applicable	To join the next IRC Duty Rota available following contract award

3.2 The LAA intends to award contracts under this process to commence as soon as possible after the Verification process is complete. Inaccurate or incomplete evidence may delay the issuing of a contract.

3.3 Once a Provider has successfully completed the tender verification process, they will be contacted to confirm their preferred Service Commencement Date, which must be the first day of a calendar month. Providers must respond within five working days. If no response is received, the Service Commencement shall be the first day of the month after the contract has been executed.

3.4 Where Applicants tender to deliver Contract Work in IRCs and wish to be included in IRC rotas, they will be included on rotas from the month following the Service Commencement Date. Applicants joining during an active rota period may be contacted by the IRC queries team to accept backfill DDAS/DAC rota slots whilst awaiting their allocated rota slots

3.5 An example in practice is detailed below, this is indicative ONLY:

Example	Contract execution date	Service Commencement Date	Rota Inclusion
1	20 December 2025	1 January 2026	1 February 2026
2	6 January 2026	1 February 2026	1 March 2026
3	10 February 2026	1 March 2026	1 April 2026

3.6 Where not defined in the body of this Application Guide, capitalised terms are either defined in the Glossary of Defined Terms at the end of this document or on the Standard civil contract 2024 - GOV.UK page.

SECTION 4: WHAT CONSTITUTES A TENDER AND HOW TO APPLY FOR A 2024 STANDARD CIVIL CONTRACT?

Selection Questionnaire & Invitation to Tender

4.1 A complete Tender will consist of:

- a response to the 2024 Standard Civil Contract Selection Questionnaire ("**SQ**"); **and**
- at least one response to the category specific 2024 Standard Civil Contract Invitation To Tender ("**ITTs**").

4.2 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 2.18.

4.3 Where Applicants submit an SQ Response but do not submit an ITT Response the Tender will be considered incomplete in accordance with paragraph 4.1. The Applicant will be permitted to submit one or more ITTs to complete its Tender.

4.4 Applicants must submit an SQ ITT Response before the eTendering system will allow them to submit a 2024 Standard Civil Contract (Re-Opening) ITT Response. Applicants

must complete a 2024 Standard Civil Contract (Re-Opening) ITT Response for each Category of Law they wish to deliver, including all scenarios defined below:

- the Applicant has not previously tendered for a 2024 Standard Civil Contract;
- the Applicant has previously submitted a Tender for a 2024 Standard Civil Contract and been notified of an unsuccessful Tender;

4.5 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)

4.6 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 2,000 characters (including spaces).

4.7 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.

4.8 For all Categories of Law (except Family Mediation and Mental Health), where an Applicant wishes to tender from more Offices as part of a 2024 Standard Civil Contract (Re-Opening) ITT Response than is catered for in an ITT, the Applicant must send a message to the LAA via the eTendering messaging portal within four weeks of the notification outcome requesting a form on which they can provide details of additional offices. The LAA will then supply a form, which the Applicant must complete and save to their own computer before attaching it to a message in the eTendering system and submitting this to the LAA within 10 working days.

4.9 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 2024 Standard Civil Contract (Re-Opening) ITT Response.

4.10 Before submitting its 2024 Standard Civil Contract (Re-Opening) ITT Response, an Applicant must check that it has answered all questions correctly. If a 2024 Standard Civil Contract (Re-Opening) ITT Response is incomplete, it may be assessed as unsuccessful.

4.11 Tenders, including 2024 Standard Civil Contract (Re-Opening) ITT Responses, will not be opened by the LAA until the first working day of the month following submission of the Tender. If an Applicant’s Tender is incomplete, this will only be identified during assessment, at which point it will be too late for the Applicant to submit any further information.

E-Tendering System

4.12 Tenders must be completed and submitted using the e-Tendering system. This can be accessed either through a link on the tender pages of the LAA website or directly at https://legalaid.bravosolution.co.uk. Organisations who have not yet registered must do so before they can submit a Tender and should click "Register here" on the home page to complete the registration process.

4.13 Applicants who are already registered on the eTendering system and whose registration details remain up to date do not need to register again. **It is, however, recommended that Applicants with an existing registration review their contact details in the eTendering system to ensure that these remain current.** Applicants must remove access to the system for any individual who is no longer engaged by the Applicant or who no longer has the authority to submit Tenders or information on its behalf and accept responsibility for the consequences of failing to do so.

4.14 Where an Applicant already has multiple registrations on the eTendering system it must ensure that it uses the registration which matches the name and trading status of the organisation on whose behalf the Tender is submitted.

4.15 There are eTendering system guides available to Applicants through the 'Technical Support and Guidance' link on the eTendering system home page. These provide detailed guidance on how to use the eTendering system. There is also a helpdesk to provide technical support to Applicants using the eTendering system. However, Applicants should note that the helpdesk is unable to assist with problems relating to the Applicants' own computer hardware or systems. For these types of issues Applicants should contact their usual IT support. Where Applicants have questions for the helpdesk they should complete the online support form, which can be found at https://jaggaer.my.site.com/suppliersupportrequestmessaging/s/. Alternatively, the telephone number for the helpdesk is 0800 069 8630 and lines are open from 8am to 6pm Monday to Friday.

4.16 The LAA will only communicate with Applicants through the eTendering system message boards for this procurement process via **itt 1043 to itt 1054 ONLY**. Applicants should check the message boards regularly to keep up to date with any messages received. It is also advised that Applicants consider adding additional users under their eTendering system registration (see 'Technical Support and Guidance' link) to ensure that any urgent messages, which may affect an Applicant's Tender, can be picked up quickly.

SECTION 5: WHO CAN TENDER FOR A 2024 STANDARD CIVIL CONTRACT?

5.1 This procurement process is open to any organisation able to meet the requirements set out in this Application Guide and the 2024 Standard Civil Contract.

5.2 The LAA will only contract with single legal entities (including individuals who are sole traders). Should existing organisations wish to merge or join with others to apply for a 2024 Standard Civil Contract, they must form a single legal entity. That entity would be

responsible for performing all provider obligations under the 2024 Standard Civil Contract.

5.3 It is **not** necessary for the contracting entity to have been formed at the time an Applicant submits its Tender, however, where this is the case the LAA will require confirmation that the contracting entity has been formed as part of its Verification process and prior to any contract documentation being issued.

5.4 Applicants may only tender for and, if successful, be party to a single 2024 Standard Civil Contract.

5.5 Applicants must be able to demonstrate that they hold all necessary authorisations and licences to conduct Contract Work.

5.6 By submitting a Tender, Applicants commit to meeting the 2024 Standard Civil Contract requirements at the point the contract is awarded.

5.7 The 2024 Standard Civil Contract requirements and criteria are detailed further in sections 7 – 12 of this document.

SECTION 6: COMPLETING THE SQ & ITT

6.1 The SQ can be found in Project 177 at ITT 1043 – 'Selection Questionnaire – 2024 Standard Civil Contract (Re-Opening)' in the e-Tendering system.

6.2 The SQ contains a series of questions covering the following areas:

- Section A - Organisation and contact details
- Section B - Grounds for mandatory exclusion
- Section C - Grounds for discretionary exclusion
- Section D – Declarations

6.3 A full breakdown of each of the questions and what would constitute a 'pass' or a 'fail' can be found within the SQ ITT.

6.4 Sections B and C of the SQ cover the grounds for mandatory and discretionary exclusion. For each question the Applicant is presented with a series of drop-down options from which to select a response.

6.5 Where a requirement is not met outright, the Applicant will be provided with a series of 'free text' boxes in which to give further details (known as '**exceptional circumstances'**). These will be used by the LAA to consider whether those exceptional circumstances are deemed to be satisfactory for the Applicant to meet the SQ requirement.

6.6 Where the opportunity to provide exceptional circumstances is given, specific details in response to the supplemental questions are requested within the SQ. Applicants **must** provide a full response to these questions to allow for an effective assessment of the exceptional circumstances detailed. However, this should not be used as an

opportunity to provide other supplementary information to an Applicant's SQ Response. Any information provided here that is not relevant to the particular SQ requirement and explanation of exceptional circumstances will not be considered.

6.7 A declaration in the form set out at Section D of the SQ must be provided by an individual who has sufficient authority to bind the Applicant.

6.8 Applicants can use the 'check mandatory questions' button in the eTendering system to ensure that they have provided a response to all mandatory questions as this will flag where a response to a mandatory question has not been given. For the avoidance of doubt, this does not provide an assessment of the responses to those questions or confirmation that they have been answered correctly.

6.9 The ITT can be found at ITT 1043 – '2024 Standard Civil Contract (Re-Opening) Invitation To Tender' in the eTendering system. 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 2.18.

6.10 See paragraph 10.4 for the permitted office numbers for each category of law. **The eTendering system will allow Applicants to tender for up to 15 Offices from which to undertake Contract Work.** Any Applicant who is tendering to undertake Contract Work from more than 15 Offices or more Offices than the permitted office numbers set out in paragraph 10.4, must submit details of these additional Offices in the Additional Office Information Form.

6.11 Applicants must click 'Edit response' to be able to complete their responses to the questions asked. Applicants must also click the 'Save Changes' or 'Save and Exit Response' buttons to ensure information inputted is saved. Where Applicants do not correctly save changes to their Tender Responses, these may be lost and cannot be retrieved.

6.12 Once Applicants have completed their SQ and/or ITT Response, they must submit it by clicking on the "Submit Response" button.

6.13 Applicants can check whether they have successfully submitted an SQ and/or ITT Response by going to the 'My ITTs' screen, to view the 'Response status'. The registered email address will also receive confirmation when the Applicant submits its SQ and/or ITT Response for the first time. Applicants can amend and re-submit their response at any time. However, they must be aware that once amended and re submitted, it is only the last response that will be assessed.

6.14 Applicants should note that the LAA will not view submitted SQ and ITT responses prior to the monthly tender opening schedule (this will be the first of the month or the closest working day during Public Holidays). As such the LAA will not be able to confirm receipt of a SQ and/or ITT Response or Tender, nor can it confirm if an SQ and/or ITT Response or Tender has been completed correctly until stage 1 commences (please refer to section 13 for definition of all stages).

6.15 The SQ Response will be assessed as set out in SQ ITT. Applicants who pass this stage of the process will proceed to the ITT Response assessment.

6.16 The sole right of appeal against assessment decisions relates to failure to pass the SQ Response assessment. This applies where an Applicant believes that the LAA has made an error in its assessment of the SQ Response based solely on the information contained within it. Any appeal must be focused exclusively on the reason for failure as set out in the notification letter. Applicants wishing to submit an appeal must use the appeal pro-forma accompanying the notification letter and submit it by the specified date.

6.17 Appeals submitted on any other grounds will be rejected. Applicants are reminded that the procurement process allows for the resubmission of Tenders and for the correction of errors or omissions at any point; however, exercising these options may result in delays to the issue of contract documentation or in joining Duty Schemes.

6.18 Where an Applicant fails the SQ Response assessment and is unsuccessful in any subsequent appeal, their ITT Response will not be assessed.

6.19 Where an Applicant does not complete the Verification process within twelve months of the date of Tender submission, the Applicant will be required to confirm that the original SQ submission remains unchanged. Any material change will require a reassessment of the SQ in accordance with Section 6.

SECTION 7: OPERATION OF THE PROCUREMENT PROCESS

7.1 The procurement process allows Applicants to tender at any point in the Application Period.

New Entrants

7.2 Applicants can tender for a 2024 Standard Civil Contract at any point during the Application Period. Verification accuracy and timeliness of submission will determine when they may commence Contract Work and, if applicable, the first Duty Rota that they can join (see paragraph 3.2).

Existing 2024 Standard Civil Contract Holders: New Offices and Office Moves (same Category of Law)

7.3 Where an existing 2024 Standard Civil Contract holder wishes to add a further Office(s) after their 2024 Standard Civil Contract has commenced, they are required to contact their Contract Manager.

7.4 Where a 2024 Standard Civil Contract holder wishes to change the location of an existing office after their 2024 Standard Civil Contract has commenced, they should refer to Clause 13.14 of the Standard Terms and inform their Contract Manager including the provision of a three-month notice period.

Existing 2024 Standard Civil Contract Holders: New Categories

7.5 Where an existing 2024 Standard Civil Contract holder wishes to add additional Category of Law after their 2024 Standard Civil Contract has commenced, they are required to complete an additional Tender through the procurement process via the eTendering System.

Existing 2024 Standard Civil Contract Holders: Changes of Organisational Structure

7.6 Where a 2024 Standard Civil Contract holder is considering a change in their organisational structure after the 2024 Standard Civil Contract has commenced, they should speak to their Contract Manager to identify if it (or any successor practice or similar) must tender for a new 2024 Standard Civil Contract. For the avoidance of doubt, no fresh application is required for a change in partnership, changes involving sole practitioners and any move from limited companies to limited liability partnerships or vice versa.

7.7 Please note; where a change of organisational structure or similar necessitates the submission of one or more new Tenders the continuity provisions contained in clause 1.28 of the 2024 Standard Civil Contract Standard Terms may apply.

SECTION 8: QUALITY MARK VERIFICATION REQUIREMENTS

Quality Standard

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

8.2 Family Mediation Providers must meet the standards set out by the Family Mediation Council (FMC) and the Family Mediation Standards Board.

8.3 Applicants (except those tendering for Family Mediation only) must be able to evidence that they comply with the requirements set out in the relevant category specific ITT (see paragraph 2.18 for hyperlinks to each document).

8.4 Applicants are solely responsible for paying all necessary fees to the Quality Standard auditing organisation.

8.5 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.

8.6 Requirements according to the Quality Standard an Applicant chooses to hold are detailed below:

Applicant Type	***Requirement***
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 Service Commencement 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 Service Commencement 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 Service Commencement Date.

8.7 It is an Applicant's responsibility to ensure it meets the LAA's requirements and provide Verification evidence. Applicants are therefore advised to apply for their chosen Quality Standard as early as possible.

8.8 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.

8.9 Further information about the SQM and how to register with the LAA's current SQM Audit Provider can be found at https://www.recognisingexcellence.co.uk/sqm/

8.10 Further information on Lexcel can be found on The Law Society's website: http://www.lawsociety.org.uk/productsandservices/lexcel.page.

SECTION 9: AUTHORISATION BY A RELEVANT PROFESSIONAL BODY

9.1 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 Standard Civil Contract must, therefore, ensure that they have all necessary licences and authorisations from a Relevant Professional Body to conduct Contract Work by the Service Commencement Date.

9.2 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.

SECTION 10: OFFICES

10.1 Office requirements vary for each Category of Law and are set out in the Category Specific Information documents (see paragraph 2.18 for hyperlinks to each document).

10.2 As part of each 2024 Standard Civil Contract (Re-Opening) 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.

10.3 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.

10.4 In all Categories except Family Mediation Applicants may enter details of multiple Offices in the eTendering system as part of 2024 Standard Civil Contract (Re-Opening) 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

10.5 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.

10.6 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 document for Mental Health.

10.7 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 a 2024 Standard Civil Contract (Re-Opening) 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.

10.8 Where an Applicant's Individual Bid includes an office that is not located within the Procurement Area specified in the Individual Bid, the LAA will notify the Applicant and confirm the correct Procurement Area applicable to that office. Subject to the LAA's discretion, the Applicant will be afforded an opportunity to amend the Procurement Area specified in their Individual Bid where this is applicable.

10.9 Applicants must, as part of the Verification process, complete and submit an AC1 form for any office included in their Tender which is not currently allocated a LAA account number. Without an AC1 form the LAA will be unable to allocate an account number and set the Office up in our systems. This will delay the issue of contract documentation and will mean that Applicants may not be able to start work and receive payment as soon as may otherwise have been possible.

10.10 Existing Providers who already have an account number for the offices they are tendering for do not need to submit an AC1 form. However, where existing Providers are seeking to open any new offices, an AC1 form for each new office must be submitted alongside their Verification documentation.

10.11 Applicants can find the AC1 form here.

10.12 Alongside their AC1 form Applicants must also submit a copy of their VAT certificate and either a copy of their current indemnity insurance, or a quote for indemnity insurance valid from the Service Commencement Date. Where a quote is provided LAA Contract Management will undertake further checks to ensure that this is in place following the Service Commencement Date.

10.13 Failure to submit all the relevant documentation may lead to a delay in issuing Contract documentation and could result in Applicants being unable to start work under the Contract on the Service Commencement Date.

SECTION 11: SUPERVISION

11.1 Supervisor Standards are set out at Paragraphs 2.10 – 2.25 of the 2024 Standard Civil Contract Specification: General Rules, found here and the Legal Competence Standards set out in detail in the relevant Category Specification.

11.2 Minimum Supervisor ratios are detailed at Paragraphs 2.26 – 2.28 of the 2024 Standard Civil Contract Specification: General Rules.

11.3 In all Categories except Family Mediation, for the purposes of obtaining a 2024 Standard Civil Contract, use of external (i.e. non-employed) Supervisors is not permitted.

11.4 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. Applicants must ensure they are using the latest version of the Supervisor Declaration Form. Category-specific Supervisor Declaration Forms can be found here.

SECTION 12: INDEMNITIES

12.1 All Applicants who are an LLP or limited company must complete and submit the appropriate indemnity form for their organisational structure.

12.2 The indemnity agreement must be signed by the individuals who are the ultimate owners of the tendering entity and/or such persons as the LAA might reasonably regard as being Controllers and/or senior managers of the Applicant.

12.3 The LAA will not enter into any 2024 Standard Civil Contract until such time as an Applicant has provided a fully completed indemnity.

12.4 LAA Contract Management will review all indemnities within 3 months of the Service Commencement Date. Where an indemnity is found to be defective Applicants may be subject to Contract Sanctions. Indemnity forms can be found here.

12.5 Where LAA Contract Management identify that not all individuals required under the terms of the 2024 Standard Civil Contract to provide guarantees and indemnities have done so during this procurement process they will require all such persons to provide these without delay.

SECTION 13: SQ & ITT Assessment Process

13.1 ITT Responses will be assessed in the following stages:

- Stage 1 – SQ ITT assessment
- Stage 2 – 2024 Standard Civil Contract (Re-Opening) ITT assessment
- Stage 3 – Contract award (subject to Verification)
- Stage 4 – Verification

Stage 1 - SQ ITT assessment

13.2 The SQ ITT contains the rules governing the SQ element of this procurement process.

13.3 Applicants that are assessed as having passed the SQ will progress to Stage 2 for the ITT(s).

Stage 2 – 2024 Standard Civil Contract (Re-Opening) ITT assessment

13.4 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 2024 Standard Civil Contract (Re-Opening) ITT Response.

Address and postcode assessment

13.5 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.

13.6 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 10.8. 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.

13.7 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) between the period of the following working day after notification outcome and no later than eight weeks afterwards. Failure to provide the correct information within this period may delay the Service Commencement Date.

Stage 3 – Contract award (subject to Verification)

13.8 All Applicants will be notified of the outcome of their Tender through the eTendering message board.

13.9 The LAA intends to notify Applicants of the outcome of their Tender as soon as possible after the Verification process is complete until the Tender Submission Deadline.

13.10 For notifications to Applicants whose Tender is successful, it is the Applicant's responsibility to ensure they provide us with all the necessary information to evidence they meet the relevant Verification requirements. An outcome notification does not constitute a contract award. Applicants must complete Verification to be awarded a Contract (see section 14).

13.11 Notifications to Applicants whose Tender is unsuccessful will include details of why their Tender is unsuccessful.

13.12 Where an Applicant's SQ ITT Response is assessed as unsuccessful the Applicant's 2024 Standard Civil Contract (Re-Opening) ITT Response will not be assessed, unless any appeal made by the Applicant is successful.

13.13 There is no right of appeal against the LAA's assessment of 2024 Standard Civil Contract (Re-Opening) ITT Responses.

Stage 4 – Verification

13.14 Applicants who are notified (via the e-tendering system) that they have been successful in this procurement process will be required to verify their Tender following the Verification process detailed at Section 14.

SECTION 14: NOTIFICATION AND VERIFICATION

14.1 Successful Applicants will be required to verify each Individual Bid submitted and all contract awards will be conditional on satisfactory Verification.

14.2 Where Applicants are notified of the LAA's intention to award them a 2024 Standard Civil Contract subject to Verification it is the Applicants' sole responsibility to ensure it provides all necessary Verification information in the 2024 Standard Civil Contract (Re-Opening) ITT.

14.3 Failure to provide Verification information 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 2.18.

14.4 Applicants are strongly advised to engage with the Verification process as soon as possible and submit Verification information at the earliest opportunity.

14.5 Applicants must complete Verification to be awarded a Contract. The LAA will continue to accept and verify information however this may delay the issuing of contract documentation.

14.6 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.

14.7 Some passported elements of Verification are subject to expiry dates (e.g. Case examples required for Supervisor forms, Quality Standard or Accreditation certification will need to be valid at the Service Commencement Date relevant to the applicant). Applicants may be required to re-submit some evidence where any relevant time period has expired. This will be managed on a case-by-case basis and Applicants will be informed directly where this applies and whether updated, current evidence is required for completion of Verification.

Failure to verify

14.8 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.

IRC Tenders

14.9 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.

14.10 Failure to successfully complete Verification and where applicable, LAA Administrative Processes, may result in exclusion from Rotas. Applicants who successfully complete Verification and where applicable, LAA Administrative Processes will be eligible for inclusion in future Rotas.

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

Immigration and Asylum Accreditation

14.12 We are aware of The Law Society's timetable for Immigration and Asylum Accreditation and recognise that it may not be possible to provide evidence of Accreditation at time of your bid.

14.13 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. This may

delay the Service Commencement Date and this may impact inclusion in IRC Rotas. Applicants who then successfully complete Verification and where applicable, LAA Administrative Processes will be eligible for inclusion in future Rotas.

Verification of Lot-Specific Tender Requirements

14.14 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.

SECTION 15: ISSUE OF CONTRACT DOCUMENTATION

15.1 Applicants will be issued with their contract documentation to execute electronically via AdobeSign. Contracts will be issued via email to the named contact as specified in the Applicant's Tender.

15.2 The Service Commencement Date shall be the first day of the month after the contract has been executed. This will apply unless the Provider has requested a later Service Commencement Date.

SECTION 16: CHANGES TO ORGANISATIONAL STRUCTURE DURING THE PROCUREMENT PROCESS

16.1 Applicants must tender as the contracting entity that will be delivering the Contract Work. However, the LAA understands that organisations and corporate structures may be subject to change during the procurement process.

16.2 Applicants who intend to change the legal status and/or corporate structure of their organisation following the submission of their Tender must notify the LAA via the eTendering message boards for this procurement process as soon as reasonably practicable. At a minimum, Applicants must notify us on, or within 14 days of any material constitutional change that affects or might affect them, to request the LAA's consideration of the same.

16.3 Without limitation, examples of material constitutional change are:

(a) where the Applicant is an unincorporated Not For Profit Organisation, any change (including any change of chairman or treasurer or any change of 75% or more of the membership) in the composition of its management committee;

(b) if the Applicant is a sole principal (sole trader), any creation of a partnership;

(c) any change in, or any changes which in aggregate result in the identity of more than one third in number of:

(i) the persons comprising the partnership
(ii) the individual Members of LLPs of the limited liability partnership; or
(iii) the individual directors of the company;

(d) any change in the legal status; and

(e) any intended sale, merger, acquisition, or transfer of, or by, the Applicant.

16.4 Applicants that may be subject to a material constitutional change following submission of their Tender should note that such requests may delay:

- notification of contract award; and/or
- confirmation that the Applicant has successfully verified its Tender; and/or
- upload of contract documentation onto the CWA system; and/or
- eligibility to join Duty Schemes.

16.5 Applicants notifying the LAA of changes to their organisation's status must also review their original SQ Response and notify the LAA of any changes since their original submission through the eTendering message boards for this procurement process.

16.6 Whilst it is not necessary for the contracting entity to have been formed at the time an Applicant submits its Tender, it must be clear in the Tender which organisation will hold the Contract for which it tenders.

16.7 The contracting entity must be fully constituted and be able to demonstrate it meets the minimum 2024 Standard Civil Contract requirements to verify its Tender and be issued with a 2024 Standard Civil Contract.

SECTION 17: RULES OF THIS PROCUREMENT PROCESS

17.1 This procurement process is governed by this Application Guide which represents a complete statement of the rules of the procurement process. This Application Guide supersedes all prior negotiations, representations or undertakings, whether written or oral. References to 'Tender' include, as applicable, any submission forming part of a Tender such as the Response to the SQ, ITT and Verification information.

17.2 '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.

17.3 This procurement process commences on 4 December 2024, and it is envisaged that it will remain open until or around 31 March 2027 and, therefore, the Regulations will continue to regulate all Tenders submitted under the procurement process regardless of the actual date of submission.

17.4 This Application Guide and any supplementary documents issued as part of this procurement process are governed and construed in accordance with English and Welsh Law.

17.5 The Applicant agrees to comply with the rules (contained in this section and elsewhere in this Application Guide) 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).

17.6 The Applicant must submit a complete Tender (in accordance with paragraph 4.1) using the eTendering system at www.legalaid.bravosolution.co.uk. The LAA will not consider any Tender submitted by the Applicant in any other form, or by any other method.

17.7 A Tender comprising of a Response to the SQ and the relevant Category-Specific ITT(s) must be authorised by one of the following:

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

(i) has decision and / or veto rights over decisions relating to the running of the Applicant; or
(ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant.

17.8 The Applicant must submit a complete Tender (i.e. a SQ Response and an ITT Response) to participate in the relevant Stage of the procurement process.

17.9 The Applicant must reply to every question in the SQ and ITT and upload all requested documentation, even if it has previously provided this information or believes that the LAA is already aware of such information.

17.10 The Applicant may only submit one Tender (i.e. maximum of one response to the SQ and/or ITT). Where an Applicant submits more than one SQ Response and/or ITT Response, the LAA will assess only the last SQ and/or ITT Response. Where an Applicant wishes to change any element of their Tender after it has opened, they must contact the LAA using the eTendering message boards and must not attempt to make any amendments to their tender in the eTendering system. The outcome may be a new SQ ITT submission is required which will be opened the first working day of the following month.

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

17.12 The Applicant, by submitting a Tender, warrants to the LAA that:

(i) it has complied with all the rules and instructions applicable to this Application Guide and the eTendering system in all respects;
(ii) all information, representations and other matters of fact communicated (whether in writing or otherwise) to the LAA by the Applicant are true, complete and accurate in all respects; and

(iii) it has the capacity to concurrently deliver all of the services it has submitted a Tender for.

17.13 By submitting a Tender, the Applicant agrees to be bound by the 2024 Standard Civil Contract without further negotiation or amendment.

17.14 In submitting its Tender, the Applicant acknowledges the fact that they may be party to no more than one 2024 Standard Civil Contract. The Applicant also 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 as setting any precedent for the LAA's conduct in respect of this procurement process.

17.15 The Applicant must monitor and respond as appropriate to messages received through the eTendering system throughout this procurement process. The LAA accepts no liability where the Applicant fails to do so. All communication with Applicants through the eTendering system will be deemed to have been received by the Applicant at the time of transmission in the eTendering system. The time specified in the eTendering system shall be the definitive time.

17.16 Any Frequently Asked Questions published through the eTendering system will form part of the documentation for this procurement process. Applicants should have regard to the relevant Frequently Asked Questions documents prior to submitting a Tender.

SECTION 18: RIGHT TO CANCEL OR AMEND THE PROCUREMENT PROCESS

18.1 The LAA reserves the right to amend the procurement process (including any related documentation) at any time. Any notices of amendments will be published on the LAA's website and notified to individual Applicants through a message on the eTendering system.

18.2 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.

SECTION 19: RIGHT TO CLARIFY/VERIFY

19.1 The LAA may seek to clarify or verify the Applicant's Tender. Where it does exercise its discretion to seek clarification or Verification the LAA will not consider any information received which falls outside of the scope of the specific clarification or Verification it is seeking.

19.2 The SQ and ITT request some information that the LAA requires in order to issue contract documentation. Where this information is either not provided or is found to be inaccurate the LAA may contact the Applicant to request these details. If the Applicant fails to provide this information it will not automatically result in a Tender being unsuccessful, but subsequent failure or refusal to provide this information when requested to do so may result in rejection from the procurement process. However, it

may delay the issuing of contract documentation which in turn may prevent the Applicant from commencing and being paid for services under the 2024 Standard Civil Contract.

SECTION 20: RIGHT TO REJECT

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

20.2 The LAA reserves the right at its absolute discretion to reject from the procurement process any Applicant for submitting:

(i) false information; and/or
(ii) information which misrepresents the Applicant's actual position; and/or
(iii) misleading information.

20.3 Paragraph 20.2 applies regardless of whether the information concerned was submitted with the intention of misleading the LAA or misrepresenting the Applicant's actual position or whether it was submitted recklessly, negligently or innocently.

SECTION 21: AWARD

21.1 Where a material change occurs to the Tender information submitted by an Applicant, including issues relating to any current contract the Applicant holds, the Applicant must inform the LAA using the eTendering message boards for this procurement process (https://legalaid.bravosolution.co.uk). The LAA will conduct a re-assessment to ensure the Tender is not adversely impacted. A material change includes but is not limited to:

(a) change in the legal status of the Applicant; and
(b) any event which would, had it occurred prior to the Service Commencement Date would have resulted in differences in the Applicant's SQ Response.

21.2 Failure to notify the LAA of a material change may result in rejection from the procurement process and/or termination of any 2024 Standard Civil Contract awarded.

21.3 The LAA reserves the right, prior to any execution of a contract, to carry out further due diligence checks as it deems necessary or appropriate. Where an Applicant is found not to comply with any of the minimum contract requirements the LAA will not proceed with any decision made to award a contract. The Applicant will then remain in the Verification stage until such time as they can either demonstrate that they meet the necessary requirements, or they withdraw their application.

21.4 The LAA reserves the right to place additional contractual conditions on the award of a contract to an individual Applicant.

21.5 The award of a contract does not guarantee a minimum amount of work for the Applicant or that a minimum level of income will be generated for the Applicant as a result of that contract.

SECTION 22: APPEALS AND COSTS/EXPENSES OF THE TENDER

22.1 The Applicant's sole right of appeal is as set out in paragraph 6.16 of this Application Guide. There is no other right of appeal including, but not limited to, in respect of any mistakes, inaccuracies or errors made by the Applicant in its Tender. Where an Applicant seeks to appeal on other grounds not covered by this paragraph, any such appeal will be rejected.

22.2 Appeals must relate to the specific grounds of failure set out in the notification letter received from the LAA and should be submitted using the appeals pro-forma which will be provided with the notification letter.

SECTION 23: QUESTIONS

23.1 If an Applicant has a question about the procurement process to which they cannot find a response in this document or the guidance provided in the eTendering system, they will be able to direct it through two different channels depending on the nature of the query. The two different question types are:

- Questions about the content of this document
- Technical questions about how to operate the eTendering system

23.2 If an Applicant has any questions about the procurement process, they may submit them through the eTendering system. All such questions must be submitted using the eTendering system message boards for this procurement process. The LAA will not be able to provide responses to questions about this procurement process through any other method.

23.3 Because of the way the LAA downloads messages from the eTendering system, it may appear that Applicants' messages have not been read. Applicants should not assume that this is the case and re-send messages to the LAA. All messages will be responded to, however, during peak periods of activity it may take the LAA longer to respond due to the increased volumes of messages received.

23.4 Applicants should assume that any questions and answers may be published. Questions that the LAA considers to be of wider interest may be collated and answered centrally as part of the FAQ document to ensure that all potential Applicants have equal access to information. Applicants may continue to ask questions throughout the Application Period. These will be included in an updated FAQ document which will be published at regular intervals throughout the lifetime of this procurement process. Applicants are advised to consult the most current version of this document when tendering.

23.5 Where Applicants have questions regarding the E-Tendering system they should complete the online support form, which can be found at https://jaggaer.my.site.com/suppliersupportrequestmessaging/s/. Alternatively, the telephone number for the helpdesk is 0800 069 8630 and lines are open from 8am to 6pm Monday to Friday.

SECTION 24: CANVASSING

24.1 The Applicant (including its employees and agents) must not, whether directly or indirectly:

a) Canvass, or attempt to obtain any information from, any Ministers, officers, employees, agents or advisers of the LAA 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.

SECTION 25: COLLUSION

25.1 The Applicant must not collude with any other person or organisation in any way during this procurement process. This would include, but not be limited to, the following examples:

a) Fixing or adjusting any element of its Tender by agreement with any other person, unless such an act would reasonably be permitted as part of this procurement process;

b) Communicating to any other person any information relating to any fees or rates contained in the Applicant's Tender which will be competitively assessed as part of the procurement process, unless such communication is with a person who is a participant in the Applicant's Tender;

c) Entering into any agreement with any person for the purpose of inciting that person to refrain from submitting a Tender;

d) Sharing, permitting or disclosing access to any information relating to its Tender.

25.2 If the LAA reasonably believes that the Applicant has colluded with another person in any way that breaches paragraph 25.1, the LAA may (without prejudice to any other criminal or civil remedies available to it) immediately reject the Applicant from any further involvement in this procurement process.

SECTION 26: CONFIDENTIALITY, DATA PROTECTION & FREEDOM OF INFORMATION

26.1 The LAA may share any information contained in an Applicant's Tender with the provider of the eTendering system for the purposes of administering the procurement process.

26.2 The Applicant should note that under the Freedom of Information Act 2000 (the "FOIA") the LAA may be required to disclose details of its Tender in response to a request from third parties, either during or after the procurement process. The LAA can only withhold information where it is covered by a valid exemption as set out in the FOIA.

26.3 If an Applicant is concerned about possible disclosure, it should contact the LAA and clearly identify the specific parts of the Tender that it considers commercially sensitive or confidential (within the meaning of the FOIA), the harm that disclosure may cause and an estimated timescale for that sensitivity. The Applicant must familiarise itself with the Information Commissioner's current position on the disclosure and non-disclosure of commercially sensitive information and accordingly should not notify the LAA of a blanket labelling of its entire Tender as confidential.

26.4 The Applicant must be aware that the receipt by the LAA of information marked 'confidential' does not mean that the LAA accepts any duty of confidence in relation to that marking. Neither does the LAA guarantee that information identified by the Applicant as confidential will not be disclosed where the public interest favours disclosure pursuant to the LAA's obligations under FOIA.

26.5 The LAA, will collect, hold and use Personal Data obtained from and about the Applicant and its Key Personnel during the course of the procurement process.

26.6 By submitting a Tender an Applicant consents and confirms that they have obtained all necessary consents from the relevant Data Subject to such Personal Data being processed and used in accordance with and/or for the purposes of administering the procurement process as contemplated by the ITTs, the Tender and for the management of any contract subsequently awarded.

26.7 The LAA and the Applicant anticipate that the LAA shall act as a Controller and Processor in respect of any Personal Data provided to it by the Applicant as a requirement of the Tender.

26.8 The Applicant warrants and undertakes, as a condition of the Tender, to the LAA, 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 Laws and shall not disclose, transfer or

otherwise process Personal Data outside the UK without the prior written agreement of the LAA;

b) otherwise fully complied with all of its obligations under the Data Protection Legislation, in order to disclose to the LAA the Personal Data and allow the LAA to carry out the procurement process. The Applicant shall immediately notify the LAA if any of the consents are revoked or changed in any way which affects the LAA's rights or obligations in relation to such Personal Data.

26.9 The Applicant agrees that it shall notify the LAA immediately if any Data Subject revokes, withdraws and/or changes their consent to the disclosure of the Personal Data to the LAA in connection with the Tender.

26.10 The LAA shall implement and maintain appropriate technical and organisational security measures to comply with the obligations imposed on the LAA by the Security Requirements.

26.11 The LAA may disclose any documentation or information submitted by the Applicant as part of a Tender, whether commercially sensitive or not, for the purposes of complying with any control and/or reporting obligations, to any other central Government Department or Executive Agency. For the avoidance of doubt, information will not be disclosed outside Government for these purposes. By submitting a Tender, Applicants consent to documentation and information being held and used for these purposes.

26.12 The LAA will publish details of all 2024 Standard Civil Contracts awarded in accordance with the Government's transparency standards.

26.13 Following completion of this procurement process, the LAA will retain copies of the Tender in accordance with the LAA's retention policy.

SECTION 27: COPYRIGHT & INTELLECTUAL PROPERTY RIGHTS

27.1 The information contained in these ITTs are subject to Crown Copyright. Applicants may, subject to paragraph 27.2, 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: https://www.nationalarchives.gov.uk/doc/open-governmentlicence/version/3/ or write to the Information policy team, The National Archives, Kew, London, TW9 4DU, complete the online enquiry form: https://www.nationalarchives.gov.uk/contact/contactform.asp?id=8

27.2 If an Applicant uses the ITTs under the Open Government Licence v3.0, it should include the following attribution: "2024 Standard Civil Contract Procurement Process, Legal Aid Agency, Licensed under the Open Government Licence v3.0."

GLOSSARY OF DEFINED TERMS

Term	Definition
AC1 form	The form that must be used for an Applicant to apply for a LAA account number for an Office
Additional Office Information Form	The form Applicants must submit with their ITT Response where they wish to deliver Contract Work from more than the number of Offices that are catered for in the eTendering system or permitted for each specific category outlined in section 10.4. The Applicant must send a message to the LAA via the eTendering messaging portal within four weeks of notification outcome requesting a form on which they can provide details about additional offices
Appeals and Reviews	As defined in the 2024 Standard Civil Contract
Applicant(s)	The single legal entity tendering for a 2024 Standard Civil Contract under the procurement process described in this Application Guide
Application Guide	This Application Guide (in its entirety) describing the procurement process for the award of 2024 Standard Civil Contracts
Application Period	The time from which this procurement process opens on 4 December 2024 to the final date on which an Applicant may submit a tender
Associated Civil Work	As defined in the 2024 Standard Civil Contract
Caseworker	As defined in the 2024 Standard Civil Contract
Classes of Work	As defined in the 2024 Standard Civil Contract
CM	Compliance Manager for an organisation authorised by CILEx
2024 Standard Civil Contract Holder(s)	A legal entity that will hold a 2024 Standard Civil Contract
LAA Contract Management	A department within the LAA, responsible for managing relationships with Providers and their performance under contracts
Contract Manager	An individual employed within LAA Contract Management with responsibility for managing relationships with Providers

Contract Work	As defined in the 2024 Standard Civil Contract
COLP	Compliance Officer for Legal Practice for an organisation authorised by the SRA

Controlled Work and Administration ('CWA')	A digital platform that links to any contracts with the LAA that a Provider may hold
Controller	As defined in the 2024 Standard Civil Contract
Data Subject	As defined in the 2024 Standard Civil Contract
Designated Signatories	The user 'role' within the CWA system which is able to accept, reject or query contract offers
Duty Scheme	As defined in the 2024 Standard Civil Contract
Engaged	As defined in the 2024 Standard Civil Contract
eTendering system	The LAA's secure internet site at LAA eTendering portal (bravosolution.co.uk) through which Tenders and the procurement process as a whole are managed
Executive Agency	A body tasked with carrying out executive functions within government
Frequently Asked Questions (FAQ)	Questions with corresponding responses as published by the LAA and termed 'Frequently Asked Questions'
Government	The Government of the United Kingdom
Government Department	Departments that have responsibility for putting Government policy into practice
HOLP	Head of Legal Practice for an organisation authorised by the BSB
Invitation to Tender ('ITT')	That part of the procurement process containing Category-specific award criteria
ITT Response	A response to the 2024 Standard Civil Contract (Re-Opening) Invitation To Tender
Key Personnel	Any person who has or is held out as having either expressly or impliedly, (or will have by the Service Commencement Date) powers of representation, decision or control of an Applicant including partners, directors, trustees and other senior managers and who are employed by the Applicant. This includes Persons with Significant Control

Lexcel Practice Management standard ("Lexcel")	As defined in the 2024 Standard Civil Contract
Not for Profit Organisation	As defined in the 2024 Standard Civil Contract
Office(s)	As defined in the 2024 Standard Civil Contract
Passporting	Organisations that previously tendered for 2024 Standard Civil Contract but were unsuccessful and offered "passporting" opportunities where rejection related solely to a failure to provide compliant tender Verification information by the relevant deadline. Passported applicants only need to complete the Verification process.
Personal Data	As defined in the 2024 Standard Civil Contract
Processor	As defined in the 2024 Standard Civil Contract
Provider(s)	As defined in the 2024 Standard Civil Contract
Quality Standard	As defined in the 2024 Standard Civil Contract
Relevant Professional Body	As defined in the 2024 Standard Civil Contract
Selection Questionnaire (SQ)	The Selection Questionnaire for this procurement process asks for information about the Applicant, mandatory and discretionary grounds for exclusion and declarations
SQ Response	An Applicant's response to the Selection Questionnaire for 2024 Standard Civil Contract and which forms a part of its Tender
Service Commencement Date	The date on which a successful Applicant may first undertake Contract Work under the 2024 Standard Civil Contract
Specialist Quality Mark (SQM)	As defined in the 2024 Standard Civil Contract
Supervisor	As defined in the 2024 Standard Civil Contract
Supervisor Standard	As described in Section 2 of the 2024 Standard Civil Contract
Tender	An Applicant's complete response to this procurement process.
Tender Submission Deadline	Any relevant deadlines specified within this Application Guide in relation to the 2024 Standard Civil Contract

Verification	The provision of evidence by an Applicant to demonstrate to the LAA's reasonable satisfaction that its Tender is accurate and meets the requirements of this procurement process