

# INVITATION TO SUBMIT AN EXPRESSION OF INTEREST

## CDS DIRECT

### Introduction

The Legal Services Commission invites Expressions of Interest from organisations which wish to bid to provide the Criminal Defence Service Direct telephone advice service ("CDS Direct") from October 2007.

CDS Direct will provide a national legal telephone helpline for non means tested legal advice direct to members of the public suspected of criminal offences and detained at a police station in England and Wales.

The LSC is looking for organisations which have the experience, skills, and capability to provide a reliable, independent, quality assured telephone advice service. The service will be available 24 hours a day, every day of the year from office locations and will be linked into the Duty Solicitor Call Centre's current computer system.

We are inviting organisations to submit Expressions of Interest in bidding for the CDS Direct service only at this stage, not full bids. Your Expression of Interest should cover information about your organisation, including your technical experience of providing this sort of work and your resources. Full details of how to submit your Expression of Interest, and the application form, are set out here.

We expect to shortlist approximately 15 organisations which will be invited to submit a full tender application including full details of how they propose to deliver the service and their proposed price per case.

**Please note: if you wish to participate in the CDS Direct Tender you must put in an Expression of Interest – if you do not, you will not be allowed to join the bidding process at a later date.**

<b>Contents of this Invitation for Expressions of Interest</b>	
A	Introduction to the Legal Services Commission and the Criminal Defence Service
B	Police Station Telephone Advice and the CDS Direct Pilot
C	The CDS Direct tender
D	The CDS Direct Service – key and basic points
E	The tender process
F	Stage 1: Expressions of Interest
G	What criteria will we apply at the Expressions of Interest stage?
H	How to submit an Expression of Interest
I	Questions and more information
J	Conditions of the tender
Appendix A	Information on call volumes, staffing and breakdown of cases from the Pilot

Appendix B	Flow chart for CDS Direct service
Appendix C	Estimated call volumes from October 2007
Appendix D	Diagram of network arrangements between DSCC and CDS Direct providers

## **A. The Legal Services Commission (“LSC”) and the Criminal Defence Service**

The Legal Services Commission (LSC) is responsible for legal aid in England and Wales. We work in partnership with solicitors, not-for-profit organisations and commercial providers to help people in need get the information, advice and legal help they need to deal with a wide range of problems. Our work is fundamental to social and legal justice. Our clients are often vulnerable and socially excluded people who may have a variety of problems in areas such as benefits and tax credits, debt or crime. Through the provision of information, advice and legal representation, we help around two million people each year to get access to justice.

Further information can be found on the LSC web site at [www.legalservices.gov.uk](http://www.legalservices.gov.uk).

The Criminal Defence Service (“CDS”) ensures people under police investigation or facing criminal charges can get legal advice and representation. It is run by the LSC in partnership with criminal defence lawyers and representatives.

## **B. Police Station Telephone Advice and the CDS Direct Pilot**

A key element of the CDS is the provision of advice to people detained at police stations. For certain, less serious, offences (such as driving with excess alcohol or disorderly conduct) publicly funded legal advice is limited to telephone advice only. The main offences covered are set out at Appendix A. This is covered by Part B, para 3.7 of the Specification to our General Criminal Contract and is referred to in this document as “Police Station Telephone Only Advice”.

Prior to October 2005, Police Station Telephone Only Advice was provided by our suppliers who had a contract with us to provide publicly funded criminal defence services. Detained persons who requested telephone advice either received it from a duty solicitor (nominated by us to provide coverage for that police station) or from a solicitor of their own choice (provided that solicitor held a contract with us). The former is referred to as “Duty Solicitor work” and the latter as “own client work”.

In October 2005 the LSC decided to pilot the provision of Police Station Telephone Only Advice via a call centre, staffed by appropriately trained advisers.

The pilot was limited to providing advice requested through the duty solicitor scheme. The pilot has demonstrated a number of benefits including:

- Duty solicitors were not called out in the middle of the night when a client requested telephone legal advice and there was no need for attendance at the police station (i.e. the police did not plan to interview the client or conduct an identity parade)
- Increased value for taxpayers’ money

- The provision of significant management information about the operation of police station and custody arrangements that will assist the smooth running of the Criminal Justice System

Lord Carter of Coles' Review of Legal Aid Procurement ("Legal Aid, A Market Based Reform" at <http://www.legalaidprocurementreview.gov.uk/>) endorsed making the pilot a permanent arrangement by conducting a competitive tender, and expansion of the scope of CDS Direct to own client work as well as duty solicitor work. The LSC announced its intention to expand the CDS Direct service in "Legal Aid Reform, The Way Ahead".

### **C. The CDS Direct tender**

We are now running an open competitive tendering process, inviting solicitors' practices, commercial organisations and not for profit agencies to apply to provide the CDS Direct service in England and Wales from October 2007. The contracts for the service will cover all Police Station Telephone Only Advice, including that previously given by "own solicitors" as well as duty solicitors.

Full details of the requirements of the CDS Direct service will be set out in the Information for Applicants which will be issued at Stage 2 (see "The Tender Process" below).

The nature of the work means that we will be seeking to award contracts to providers which are able to offer (a) a quality service to clients through having skilled and experienced staff and effective supervision arrangements; (b) the ability to be flexible in managing the service (c) commitment to working with the LSC in developing CDS Direct (d) value for money and (e) (where relevant) a good track record with the LSC.

Bidders do not necessarily need a track record of running a call centre or experience of delivering a criminal legal advice service, although both of these will be regarded positively. They must however be prepared to commit to running a dedicated telephone advice service on a 24 hours a day, every day of the year, basis. The service must be provided using our computer based system, from a properly equipped, secure office, even during the night and at weekends.

Before outlining the Tender Process and explaining how to make an Expression of Interest, we have set out below basic key information about how the CDS Direct service will operate and the requirements we will have of providers, to assist organisations in deciding whether they wish to submit an Expression of Interest. You may also like to look at information about the service and tender from the CDS Direct Open meeting displayed on the LSC website at [http://www.legalservices.gov.uk/criminal/tendering/tender\\_cdsdirect.asp](http://www.legalservices.gov.uk/criminal/tendering/tender_cdsdirect.asp).

### **D. The CDS Direct service – key basic points**

#### ***How will the CDS Direct service work?***

Step 1: All requests for publicly funded Police Station Telephone Only advice by people detained at the Police Station will be passed by the Police to the Duty Solicitor Call Centre (the "DSCC"). This is an existing call centre operation which currently handles all requests for advice at the police station for duty solicitors.

Step 2: The DSCC will take case and client details and ascertain whether the case is Police Station Telephone Advice only and potentially suitable for CDS Direct. If attendance by a solicitor at the Police Station is required in the next 90 minutes (because an ID parade or an interview is planned, or because the client is vulnerable or has a particular need for advice in person) then the case will not be passed to CDS Direct, but passed straight to a duty solicitor so they can attend the police station. If the case is Police Station Telephone Advice Only and no attendance is necessary in the next 90 minutes, it will be passed onto one of the organisations which have won contracts through this bidding process. This will be done electronically through a private network, not by a telephone call.

Step 3: The CDS Direct Advisers will contact the clients by telephone and provide telephone advice as appropriate. This may lead to the conclusion of the legal advice service. Alternatively they may refer the case back to the DSCC because attendance at the Police Station is required (for example, if an interview is planned, or because there are multiple offences under consideration, some of which are more serious and do not fall into the Police Station Telephone Advice Only categories).

Please see the flow chart at Appendix B.

### ***What will be the requirements for staffing the service?***

The service must only be provided by CDS Direct Advisers, who:

- (a) Must be current Accredited Police Station Representatives under the LSC's scheme governed by the Police Station Register Arrangements 2001; or
- (b) Current Duty Solicitors; or
- (c) Solicitors holding the Police Station Qualification; and
- (d) They must pass an additional legal test set by us; and
- (e) They must comply with the Police Station Register Arrangements 2001 (as amended); and
- (f) They must attend the Police Station on non CDS Direct work at least 25 times a year.
- (g) Up to 50% of the CDS Direct Advisers may be Probationary Police Station Representatives who must also meet the requirements at (d) to (f) above.

### ***The Electronic Case Management System***

The cases will be allocated to providers electronically through the DSCC's Electronic Case Management System ("ECMS"). The ECMS will be maintained by the DSCC and will be accessible on a private network. The LSC will provide a data connection from the DSCC to a single point in each provider. The provider will then provide an internal network from this single point to each PC used by the CDS Direct Advisers.

CDS Direct Advisers will be required to access and use the ECMS at all stages when handling the case. The ECMS has been designed to suit the demands of delivering police station advice by telephone and to record case notes, client details, times and dates of telephone calls made, advice given and other relevant information by the CDS Direct Advisers. Further details of the ECMS are set out below under "What are the IT requirements?"

## ***Immigration cases***

Another role we will require the providers to undertake will be dealing with clients who have been detained by the Police in relation to an immigration matter.

The Police and other agencies have powers of arrest in relation to both immigration linked criminal offences (such as destroying a passport) and non criminal matters (such as overstaying). The Police, and the clients, are often unaware whether the client has been detained in relation to a criminal or a non-criminal matter. As part of the current pilot the CDS Direct Advisers are allocated these cases as well as Police Station Telephone Advice Only cases.

The role of the CDS Direct Adviser is simply to liaise with the Police and the clients to ascertain the reason for detention. If it is a criminal matter, the CDS Direct Adviser will refer the case back to the DSCC for attendance by a solicitor. If it is a non-criminal matter, the CDS Direct Adviser will refer the case back to the DSCC so that the client can receive advice from a specialist in civil immigration law.

This CDS Direct tender will cover these cases as well.

## ***How much work will there be?***

Cases will be allocated according to the percentages of the overall volume of work each provider has contracted to provide. Bidders will bid for a percentage of the overall calls received in England and Wales for CDS Direct advice. If you are successful we will allocate you a set percentage of the overall calls, which may be less than you bid for. We will commit to allocating you with at least this percentage of the calls (subject to continued compliance with standards and requirements in the contract) but we will not guarantee a minimum volume of calls or hours of work.

Our indication of the likely number of CDS Direct calls, based on the Pilot, is 17,000 calls a month or 204,000 a year (see Appendix C below). We cannot guarantee that this figure is an accurate prediction although it is based on historic levels of work.

We will require all providers to have the CDS Direct service available 24 hours a day on every day of the year (including weekends and public holidays). They must have sufficient CDS Direct Advisers working to meet the volume of calls represented by the percentage they have contracted for.

We will ask organisations at the Expressions of Interest stage to give a rough indication of the percentage of the overall work they are likely to bid for, if they are invited to bid. This should be based on the assumption that the CDS Direct Service will handle 204,000 calls per year. We are asking this at this stage only so that we ensure we invite a sufficient number of organisations to submit full tenders. We will NOT hold you to the figure you give, and an approximate figure is all that we request at this stage.

## ***How long will the contracts be?***

Bidders will be asked to bid for both 3 and 5 year contracts. We will select the contract length preferable to us primarily on which offers the greater value for money. Both length contracts will include the power by us to extend the contract for a further 2 years.

Both providers and the LSC will have the right to terminate before the expiry of this period on notice. Full details will be set out in the Invitation to Tender.

### ***How will the work be paid?***

Providers will be paid on a price per case handled basis. Organisations invited to bid will be asked to state the price they are willing to accept. We will not necessarily accept the lowest bids, but price will be taken into account in assessing the value for money provided by the bid.

It is unlikely we will accept bids higher than £30 per case (plus VAT if payable).

Providers will be paid monthly, in arrears for cases handled.

In addition to the price per case, providers will be able to claim for the costs of telephone call charges made by the CDS Direct Advisers when speaking to their clients and the Police. Interpreting services for appropriate CDS Direct clients will be provided without charge to providers.

### ***How many contracts will the LSC award?***

We do not have any set minimum or maximum number of contracts we propose to award.

However, we are unlikely to award just one contract (because of the problems with relying on just one supplier for a crucial service). We will also be looking for a manageable overall number of contracts.

### ***Will there be a minimum size for bids?***

There will be no minimum size for a bid, although as we will require 24 hour a day coverage on every day of the year, from all providers, and we will require CDS Direct Advisers to be dedicated to this work (rather than undertaking other work at the same time) this is likely to mean that there is a minimum contract size which is economically viable for bidders.

In addition, we are looking for value for money in the bids, and this may be easier within large services able to offer or take advantage of economies of scale.

### ***Are there any limitations on where providers may be based?***

Providers may be based in any location, provided that they are able to meet the contractual requirements for the service (to be set out in full in the Invitation to Tender) including an appropriate office environment with each CDS Direct Adviser having a computer link to the ECMS and a direct dial telephone, and their location does not present any issues about security and confidentiality of client data or telephone calls.

CDS Direct Advisers must work in a secure, office environment. We will not permit working from home, because of the risk of breaching client confidentiality.

### ***What are the IT requirements?***

Each provider will need to connect to the DSCC network in order to receive and process CDS Direct cases via the ECMS. This will be achieved via a dedicated connection from their offices to a DSCC Internet protocol virtual private network with multiple label switching (IP VPN MPLS).

Each firm will require their own individual connection. Selection of suitable line speed (2Mb, 4Mb or possibly higher) will depend on the location of the provider.

Connection costs are dependant on the provider's postcode however current estimated prices for a connection to an IP VPN MPLS based at DSCC's Purley office are:

- For a 2Mb fixed speed line, installation is £8,500 and annual rental is £12,000
- For a 4Mb Flex line, installation is £14,000 and annual rental is £14,000

These prices are based on a 3 year contract and are inclusive of equipment costs. Further information on costs will be set out in the information given to organisations invited to bid, and these costs will need to be built into bidder's prices.

In addition to the above costs is a management fee estimated at £3,000 per annum, per connection. The management fee covers maintenance, configuration changes and fault and status monitoring 24 hrs a day, 365 days a year.

Appendix D contains a simplified diagrammatic representation showing the IP VPN MPLS.

### ***Workstation Information***

The ECMS has been designed for Intranet deployment using Oracle Internet Application Server, to be accessed by any workstation with a suitable web browser, e.g. Microsoft Internet Explorer 6, using the Oracle Jinitiator Java Virtual Machine (JVM).

The following items detail the basic requirements for workstations required to use the ECMS:

1. A Windows based PC. The application is known to work under Windows XP, NT4, and Windows 2000. There may be compatibility issues with other Operating Systems.
2. Internet Explorer 6 (IE6) installed as the web browser.
3. Ability to download, install and run Oracle Jinitiator software.
4. The necessary internal network, communications software and configuration such that the firms PC's can connect to the DSCC provider's LAN via the IP VPN MPLS.

Providers will need to make sure you have sufficient PC's to accommodate the maximum amount of CDS Direct advisers on duty at any one time.

### ***What are the telephony requirements?***

Incoming calls for CDS Direct from the police will be handled by the DSCC and distributed by the ECMS system to the CDS Direct providers. This means that no specialist call management equipment is required to distribute incoming calls.

To operate effectively firms will need the following basic telephony requirements:

- A phone for each adviser on duty with the ability to make outgoing calls.
- A dedicated direct dial contact number to be used by the DSCC or LSC.

- A Fax machine.
- A CDS Direct email address.

### ***What quality and performance standards will be applied to organisations delivering the service?***

A range of quality and performance standards will be applied to providers of the service. The key requirements will be:

The CDS Direct Advisers' legal advice and service to clients must be rated as "Excellence" or "Competence Plus" (Ratings 1 and 2) under the LSC's independent peer review process within 6 months of commencing the service, and annually thereafter. More information about our peer review process can be found at

[http://www.legalservices.gov.uk/criminal/contracting/mq\\_peerreview.asp](http://www.legalservices.gov.uk/criminal/contracting/mq_peerreview.asp)

The providers must ensure that CDS Direct Advisers respond to 90% of requests for advice within 15 minutes, and 95% within 30 minutes. If providers fail to meet these response time targets we will regard this as a breach of contract and will have the right, in exceptional cases, to take requests off one provider and give them to another provider to ensure that clients receive prompt advice.

All CDS Direct Advisers must be supervised by a supervising solicitor, who must be employed by the provider or a subcontractor and be either:

(a) a Police Station Duty Solicitor under the LSC's Duty Solicitor Arrangements 2001 (as amended in October 2006)

[http://www.legalservices.gov.uk/criminal/stat\\_material/directions.asp](http://www.legalservices.gov.uk/criminal/stat_material/directions.asp) or

(b) acceptable to the LSC as meeting the Crime category supervisor standard as set out in the LSC's Specialist Quality Mark

[http://www.legalservices.gov.uk/criminal/contracting/specialist\\_qm.asp](http://www.legalservices.gov.uk/criminal/contracting/specialist_qm.asp) ) .

The supervising solicitor must be available at the provider's premises to provide supervision for at least 35 hours a week (which must include some time outside 9am to 5pm Monday to Friday). The supervising solicitor may also act as a CDS Direct telephone adviser and undertake other work provided this does not impinge on their ability to supervise effectively.

Outside the hours when the supervising solicitor is present, supervision from a supervising solicitor must be available by telephone at all times.

### ***What will happen to the CDS Direct Advisers working on the pilot?***

There are a number of CDS Direct Advisers working on the CDS Direct pilot. It is possible that their employment may transfer to successful bidder(s) under The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE").

Should TUPE apply to a bidder winning a CDS Direct contract then the successful bidder will need to consider whether it has positions available for the CDS Direct Advisers who transfer to it or whether it will be necessary to make redundancies from within its workforce. You will need to take legal advice if appropriate as to whether any employees transfer and with regard to the redundancy rights of any such employees. If it is the case that any employees transfer to the employment of a successful bidder who are then made redundant, then the LSC will reimburse the costs of redundancy payments to the bidder. However, the LSC will not reimburse the applicants for any other costs which they incur as a result of TUPE

applying, nor for any costs which result from any claims of unfair dismissal or any other employment related claims which arise in relation to such employees.

***What other key requirements of the service are there?***

CDS Direct Advisers will not be permitted to work on other work while being available to provide the CDS Direct service. For example, a CDS Direct Adviser contracted for 30 hours to work on CDS Direct will not be permitted, during these hours, to also work on other matters. The CDS Direct Adviser could however work on other matters outside their 30 CDS Direct hours.

Providers must give each of their CDS Direct Advisers at least 6 hours training on police station representation annually.

We will also require you to provide data on cases when you have had problems with the Police and help us analyse this data.

Providers must be able to cope with peaks and troughs in demand. Information will be given to organisations invited to bid indicating the patterns during the pilot. We expect these to be replicated from October 2007.

Providers will be required to have back up arrangements if the office from which the service is being delivered is not usable.

**E. The tender process**

***How will the tender work?***

The tender for CDS Direct will have 6 stages:

Stage	Details	Likely timescale
Stage 1: Expressions of Interest (this stage)	We invite potential bidders to express an interest in being invited to tender for CDS Direct. They must give us information about their organisation, their experience in this type of work and their capability to undertake CDS Direct. We are not requesting details of how they would provide the CDS Direct service at this stage.	1 Feb – 9 March 2007
	We expect to shortlist a maximum of 15 organisations who will then be invited to put in full bids.	9 March – 30 March 2007
Stage 2: Submission of full bids	The organisations selected at Stage 1 will be invited to put in full bids covering how they would propose to provide the CDS Direct service and their price per case for undertaking work. There will be an application form and each bid will be assessed against set criteria, including value for money. The criteria will be listed in the Invitation to Tender.	2 April – 21 May 2007
Stage 3: Open day for bidders	As part of Stage 2 we will invite all selected bidders to an open day at the CDS Direct Pilot.	Early April 2007

Stage 4: Shortlisting of bids	We will shortlist the best bids submitted at Stage 2. The shortlisted bidders may be invited to an interview to clarify their bids.	Mid June 2007
Stage 5: Award of bids	We will award contracts to the bidders who best meet the criteria overall and can provide the capacity required by the service.	1 July 2007
Stage 6: Service preparation	The selected bidders will make preparations for providing the service, including working with us on training and assessing staff, systems testing, and assessing readiness of the service	1 July 2007 – 31 October 2007
Stage 7: Service commences		End October 2007

This document covers Stage 1 only, Expressions of Interest. Further, full details of the rest of the process will be issued at Stage 2 to all organisations who are selected to submit full bids.

The full rules and draft contract for the CDS Direct service will be set out in the Invitation to Tender.

Bids must comply with all professional rules which apply to you, including the Law Society's Guide to Professional Conduct for Solicitors. Although it is the bidders' responsibility to assess and ensure compliance, we draw your attention to the effect of Solicitors' Practice Rules 1990, and in particular Rule 4 and the Employed Solicitors Code which can be found at <http://www.lawsociety.org.uk/professional/conduct.law> .

A guidance note on the Solicitors Practice Rules will be posted on our website at [http://www.legalservices.gov.uk/criminal/tendering/tender\\_cdsdirect.asp](http://www.legalservices.gov.uk/criminal/tendering/tender_cdsdirect.asp).

## **F. Stage 1: Expressions of Interest**

### ***What sort of bidders are we looking for?***

We are inviting Expressions of Interest from solicitors' practices, not for profit agencies, commercial enterprises and other types of organisations which:

- have experience in providing complex telephone advice to people with problems; and/or
- have experience in giving advice at the police station, particularly telephone advice; and/or
- have experience of running telephone advice services; and
- can provide the telephone and IT infrastructure required by our system; and
- can provide consistent coverage from appropriately qualified staff on a 24 hour basis every day of the year.

### ***What about joint or consortia bids?***

We appreciate that some organisations may wish to join together to express an interest or put in a bid because they are better able to meet our requirements that way. For example, organisations which have experience of call centre work may wish to join with organisations which have experience of police station advice. We have no objection to this, but would only

contract with one provider. We wish to enter into contracts with single providers only, not providers who want to provide the CDS Direct service jointly with others. Therefore, it would be necessary for the organisations to merge formally, or form a new organisation, or for one organisation to act as the lead contractor, with the other organisations acting as sub-contractors (see below).

### ***What about subcontracting work and using agency staff?***

We have no objection to organisations bidding on the basis that they will subcontract some work. We would also have no objection to an organisation using an agency to provide staff as CDS Direct Advisers provided this was done on the basis of a stable subcontracted relationship with the agency, rather than an ad hoc arrangement. In all cases of subcontracting arrangements, however, we would require:

- (a) The main organisation can demonstrate that they have adequate experience and capability to run the service according to the required standards
- (b) all the requirements in the Invitation to Tender are met
- (c) the organisation or the subcontractor directly employs a Full Time Equivalent Supervising Solicitor who will be present to conduct supervision 35 hours a week
- (d) the main organisation ensures that all of its agency staff and sub-contractors comply with the terms of the contract throughout the contract term.

We will also consider at the full bid stage the extent to which your proposed subcontracting arrangements may affect the provision of an integrated service, and any benefits of a greater breadth of service that such arrangements may allow.

If you are proposing to submit an Expression of Interest involving another organisation or subcontractors, please read carefully the paragraph covering this under “How to Submit an Expression of Interest”.

## **G. What criteria will we apply at the Expressions of Interest stage?**

Expressions of Interest will be assessed according to the criteria set out below. They will be assessed on the basis of information provided by organisations on their application forms, together with the accompanying documents requested.

### ***Exclusion Criteria:***

First, we will apply basic exclusion criteria set out below. If an organisation fails any of these criteria, their application will not be considered further.

<b>Exclusion Criteria</b>	
1.1	Is the organisation in receivership or administration?
1.2	Is the organisation apparently insolvent?
1.3	Are any of the partners, directors, members, trustees or any other person with responsibility in or control of the organisation subject to bankruptcy proceedings?
1.4	Have any of the partners, directors, members, trustees or any other person with responsibility in or control of the organisation been convicted of a criminal offence or an act of grave misconduct concerning professional or business conduct at any time?
1.5	Has the organisation complied with all its statutory obligations relating to the payment of social security contributions and taxes?
1.6	Has the organisation complied with all legal requirements applicable to it to be registered or licensed?
1.7	Has the organisation at any time engaged in money laundering?

**Essential criteria:**

If the organisation passes the exclusion criteria, we will assess them against essential criteria, which aim to assess the basic suitability of the organisation to deliver the CDS Direct service. It is absolutely essential that all organisations bidding for the CDS Direct contracts are able to meet these. Any bid that fails to meet any one of the essential criteria will not be considered further.

<b>Essential Criteria</b>	
2.1	<p>You or your subcontractors have significant experience during the last 2 years of giving complex telephone advice (including taking details of problems, discussing options and advising on potential courses of action all by telephone) to a similar client group such as:</p> <ul style="list-style-type: none"> <li>(a) vulnerable clients</li> <li>(b) clients involved in the criminal justice system</li> <li>(c) clients with legal problems</li> <li>(d) clients eligible for legal aid</li> <li>(e) clients whose only form of access to such advice is via the telephone.</li> </ul> <p>This experience does not have to be in a call centre environment.</p>
2.2	<p>You and your subcontractors have financial stability and sound financial management as demonstrated by:</p> <ul style="list-style-type: none"> <li>(a) if you are a solicitors' practice or a commercial organisation, your</li> </ul>

	<p>audited accounts for the last 2 years, or</p> <p>(b) if you are a charity or other not for profit organisation, your funding arrangements, last 2 years' accounts and Annual Report (if available).</p>
2.3	<p>You are willing to deliver the CDS Direct Service 24 hours a day, every day of the year from the end of October 2007 and can provide a realistic outline plan of how you will have available:</p> <p>(a) sufficient skilled and experienced advisers with the relevant qualifications to provide the CDS Direct Service (criteria outlined on page 4) on a 24 hour basis, 365 days a year, with appropriate provision for rest time, breaks, holidays, training, sickness absence and emergency back up; and</p> <p>(b) sufficient supervision of the CDS Direct telephone advisers by a Duty Solicitor 35 hours a week in person, and the rest of the time by telephone, with appropriate provisions for rest time, breaks, holidays, training, sickness absence and emergency back up.</p> <p>NB this criteria does not require you to explain how you will meet the volume of calls for which you wish to bid, but that you have the organisational capacity to have available a 24 hour service every day of the year.</p>
2.4	<p>If you or your subcontractors have, or have had in the last two years, a contract with the LSC, that neither you nor any of your subcontractors:</p> <p>(a) have any outstanding contract notices (i.e. where a contract notice has been issued to you but remedial action has not been taken to the complete satisfaction of your account manager)</p> <p>(b) have received any notice of termination of your contract.</p>
2.5	<p>You are willing to ensure that all CDS Direct Advisers each attend a Police Station at least 25 times each year to give legal advice and representation on criminal matters.</p>
2.6	<p>You are willing to provide all CDS Direct Advisers at least 6 hours training each year on police station advice and representation issues.</p>
2.7	<p>You are willing to deliver the CDS Direct service under the CDS Direct brand.</p>

### ***Desirable Criteria***

For organisations that pass the essential criteria, their expression of interest will then be assessed against the desirable criteria set out below. These criteria will be assessed relative to Expressions of Interest from other organisations and we will assess your Expression of Interest against each criterion as "poor", "acceptable" or "good". We may further distinguish between responses which both fall within the same rating category if necessary (e.g., we may decide that one "good" answer is better than another "good" answer, if it is necessary to distinguish between them). The desirable criteria are listed in order of importance according to the weight we will place on them, with the most important criteria first.

<b>Desirable Criteria</b>	
3.1	You (or your subcontractors) have at least 2 years' current or recent (all within the last 3 years) experience of delivering legal representation to clients detained at the Police Station in England or Wales (either duty solicitor, publicly funded or private work).
3.2	You (or your subcontractors) have at least 2 years' current or recent (all within the last 3 years) experience of delivering telephone legal advice to clients detained at the Police Station in England or Wales (either duty solicitor, publicly funded or private work).
3.3	You (or your subcontractors) have at least 2 years' current or recent (all within the last 3 years) experience of managing a service of dedicated telephone advisers who give advice to the public on complex issues solely or mainly by the telephone.
3.4	<p>You (or your proposed subcontractors) currently employ or engage as self employed consultants, at least 50% of the full time equivalent qualified CDS Direct Advisers you have referred to in your outline plan at Essential Criteria 3 above and have a realistic plan to recruit the additional staff required.</p> <p>The greater the percentage of these qualified CDS Direct Advisers you currently employ or engage, the better you will score on this criteria.</p>
3.5	You or your subcontractors currently employ at least one full time equivalent Duty Solicitor (extra credit will be given for additional employed Duty Solicitors).
3.6	<p>Neither you (nor any proposed subcontractors) have any adverse findings against your organisation or individuals currently involved in your/your subcontractors' organisation within the last three years from:</p> <ul style="list-style-type: none"> <li>• the Office of Supervision of Solicitors</li> <li>• the Solicitors Disciplinary Tribunal</li> <li>• any network body (for not for profit organisations)</li> <li>• similar professional regulatory bodies (for commercial organizations).</li> </ul>
3.7	You (or your subcontractors) can provide good references from 2 organisations for which you provided the services set out at Criteria 2.1 of the essential criteria above (one of these may be the LSC, you should ask for a reference from your Contract Manager).

## **H. How to submit an Expression of Interest**

To make an Expression of Interest, organisations must complete the Application Form set out below.

The closing date for submitting Expressions of Interest is 5pm on Friday 9<sup>th</sup> March 2007.

**We must receive completed application forms before 5pm on the day. Unless there are exceptional circumstances (e.g. fire or accident), late applications will not be accepted.**

If you cannot meet the exclusion criteria at Section 1 of the selection criteria on the Application Form please do not complete Sections 2 or 3, as your application will not be assessed.

There is space in the Application Form to provide additional information that you believe is relevant to your Expression of Interest, but please note we will not take into account matters not covered by the criteria.

The selection criteria will be tested through the questions set out in the Application Form. Please read the selection criteria carefully and ensure that you address all the points listed in your answers on the Application Form.

It is your obligation to make sure that your Expression of Interest is fully completed and accompanied by the appropriate documents. We will rely on the information that you provide on the Application Form in evaluating the criteria, and it is essential that you complete the form fully and accurately. We are under no obligation to contact you to clarify your application or to obtain missing information or documents.

For applicants that hold or have held a current LSC contract, we may corroborate the information given on your Application Form with your account manager.

### ***Expressions of Interest involving another organisation, subcontractors or agencies,***

If you are making an Expression of Interest with another organisation, or using subcontractors, we request that your Application Form covers information about them as well. Please note carefully how to cover this in the Application Form:

#### *More than one organisation involved in the Expression of Interest*

- Please indicate that more than one organisation is involved under “Structure of Application” and fill in the details requested here.
- Please answer all questions relating to “you” as referring to all organisations involved, and give us details of each organisation’s experience, your joint plans for the CDS Direct Service etc. Please make it clear where appropriate which organisation you are referring to.

#### *Subcontractors*

- Please answer questions 1.1 – 1.7 inclusive, 2.1, 2.2, 2.4, 3.1- 3.7 inclusive in relation to subcontractors as well as all organisations making the Expression of Interest, ensuring it is clear which organisation you are referring to.

**Checklist of documents you should send to us to make your Expression of Interest:**

	<b>Document</b>	<b>No of copies to be submitted to us</b>
1	Completed and signed application form	3
2	Audited accounts for last two years (solicitors and commercial organisations only)	1 for each organisation involved and each subcontractor
3	Last two years' accounts Funding matrix Annual report (Charities and not for profit organisations only)	1 for each organisation involved and each subcontractor
4	Outline plan in response to Essential Criterion 3	3
5	2 x written references	3

Applications should be sent by recorded delivery/ guaranteed post, normal post, DX or email, but not by fax. If you send your application by normal post, DX or email, please note that this is at your risk, as there is no guarantee we will receive it.

Alternatively, you may choose to submit your application electronically.

All applications, however sent, must be marked "CDS Direct–Tender - Private & Confidential - for the attention of Mary Burkinshaw".

Please return postal applications to:

Mary Burkinshaw  
Community Legal Service Direct  
Legal Services Commission  
85 Gray's Inn Road                      or DX 328 London  
London

Email applications may be submitted via the following address:

[mary.burkinshaw@legalservices.gov.uk](mailto:mary.burkinshaw@legalservices.gov.uk)

A panel of assessors within the Commission will assess the Expressions of Interest against the criteria to ascertain those that do not breach the Exclusions Criteria and meet the Essential Criteria. We will then assess the Expressions of Interest against the Desirable Criteria and compare them with each other Expressions of Interest to ascertain which best meet the Criteria. We will select up to approximately 15 Expressions of Interest which will then be invited to submit full bids for providing the CDS Direct service. We aim to notify you of whether you will be invited to submit a full bid by 30 March 2007.

We may contact you to clarify elements of your Expression of Interest, but are under no obligation to do so. It is up to you to ensure that your Expression of Interest includes all information requested and which you wish us to consider.

**Important note: If you do not submit an Expression of Interest you will not be able to join the tendering process at a later stage or participate in the CDS Direct Tender in any way.**

## **I. Questions and more information**

There will be an opportunity for organisations to ask questions in writing before they decide whether to submit an Expression of Interest. Questions must be submitted to us in writing before **12 noon Thursday 1 March**. We will consider the questions and post the questions and our answers on the LSC website at [http://www.legalservices.gov.uk/criminal/tendering/tender\\_cdsdirect.asp](http://www.legalservices.gov.uk/criminal/tendering/tender_cdsdirect.asp). All questions must be submitted on the basis that the asker agrees to them being published. Organisations who submit questions should visit the website for the answers as we will not respond to organisations individually. All organisations are advised to review the questions and answers section on the website on or after Thursday 1 March, prior to submitting their Expressions of Interest.

All questions should be emailed to [mary.burkinshaw@legalservices.gov.uk](mailto:mary.burkinshaw@legalservices.gov.uk)

## **J. Conditions of tender process**

We have included the following tender rules, as they will apply to the Expressions of Interest Stage.

### ***General rules***

Tenders will be received until 5 pm on the tender closing date. No tender will be opened until after that time. We will not consider any tender submitted in a different manner.

We reserve the right to amend the tendering rules, the tendering process/procedure and/or the selection criteria, at any time in writing (a) before the tender closing date, by giving general notice on our website at [http://www.legalservices.gov.uk/civil/tendering/specialist\\_tel\\_advice.asp](http://www.legalservices.gov.uk/civil/tendering/specialist_tel_advice.asp), or (b) after the tender closing date, by giving general notice in writing by email (to the email address provided on the Application Form) to all applicants who have submitted Expressions of Interest or tenders (depending on the Stage reached), and who are still being considered in the tender process. An amendment could include, for example, inserting additional stages in the process (such as asking supplementary questions), changing our requirements or adding new requirements.

The information supplied by you will be used for the purpose of evaluating your response to this tender and for no other purpose.

All parties must treat the tender documents (the Invitation to submit Expressions of Interest, Information for Applicants and all documents referred to in the Information for Applicants) as confidential. These documents are issued solely for the purpose of enabling a tender to be completed and may not be used for any other purpose. They remain our property.

This tendering exercise does not constitute a binding contract. However, this Invitation, the Application Form and documents submitted as part of the application, may form part of the contract for the successful applicants.

We reserve the right not to award any contract relating to this tendering exercise; we are under no obligation to accept any tender.

We reserve the right to cancel this tendering exercise at any time at our absolute discretion.

Expressions of Interest are submitted on the conditions stated in this Information for Applicants. Expressions of Interest submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.

We may request applicants to give additional information/clarification at any time.

It is the obligation of applicants to make sure that their Application Form is fully completed and accompanied by the appropriate documents. We are under no obligation to contact you to clarify your application or to obtain missing information or documents. It may not be possible to consider your Expression of Interest if incomplete information is given.

We reserve the right to take into account any knowledge of an applicant or an applicant's proposed subcontractor(s) that we may have, but applicants should not assume that any such information will be taken into account and should restate it on their Application Form if they consider it relevant.

There will be no right of internal appeal for unsuccessful candidates who are not invited to submit full bids.

You will not be entitled to claim from us any costs or expenses incurred in preparing your response to this tender nor any subsequent tender negotiations and associated work.

Applicants are requested not to contact us about the tender during the tender assessment period. When you receive notification of the evaluation of the tenders, you may contact our representative dealing with the tender for a debriefing.

### ***Being involved in more than one Expression of Interest***

An applicant may only bid for one contract in this tendering exercise. We appreciate that some organisations may wish to submit an Expression of Interest and a tender in their own name and, perhaps, as a sub-contractor for another organisation. For example, firm A submits a tender as main contractor/ provider using firms B and C as sub-contractors. Firm B submits a tender as a provider in its own right, alone. Firm C submits a tender as a main contractor/provider using Firm D as a sub-contractor.

This is permissible, but at an appropriate stage, we will ask bidders/subcontractors to proceed with one tender only. In the example above, firms B and C are involved in two tenders, one as main contractor/ provider and one as sub-contractor. If this were to happen, we would see which, if any, of the tenders were short-listed to Stage 3 of the process. At that point, we would contact firms B and C and ask them to quickly decide which tender they would like to go forward with, because we will allow each firm to be involved in only one. The basic rule is that each organisation may submit and be involved in only one tender.

### ***Freedom of Information Act 2000***

Organisations should note that under the Freedom of Information Act 2000 (“the Act”), we may be required to disclose details of your Expression of Interest to third parties, including prices and other information included within your application. If you have concerns in this area, you should identify which parts of your Expression of Interest would fall within the Section 43 exemption (which is a qualified exemption) and make a claim for confidentiality with reasons that reflect the terms of the Act. You must identify any commercially sensitive information and tell us the period of that sensitivity. You should be aware, however, that the Act is likely to be interpreted to allow contract details generally to be placed in the public domain once the selection process is concluded. We would consult the OGC’s ‘Policy and guidance on the application of the FOI Act to civil procurement information’ when deciding what action to take.

### ***Organisation changing status***

If an organisation changes its status between submitting its Expression of Interest and making a tender (e.g. from a partnership to a limited liability partnership or a limited company, more than one-third of the membership of a partnership changing, an organisation merging with another or being sold to another), we reserve the right (depending on the nature and effect of the change in status) to request the new organisation (post-change) to submit a fresh Expression of Interest. They would have to submit this in a short space of time, specified by us, so as not to disrupt the evaluation and award process.

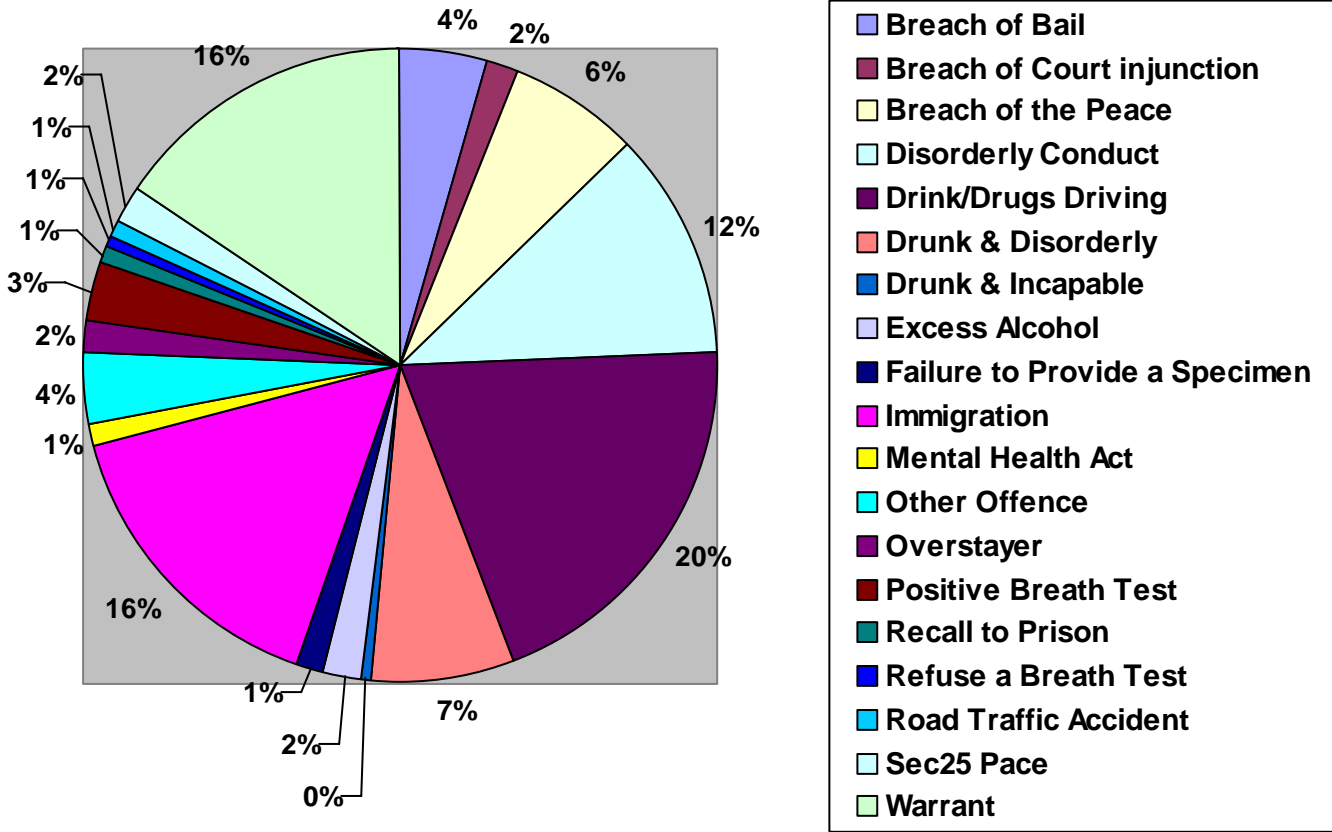
If, during this tendering exercise, your organisation changes its status in any way from that named in the Application Form. These are all factors we would wish to consider when evaluating the tenders.

**APPENDIX A**  
**Information on call volumes, staffing and breakdown of cases from the Pilot**

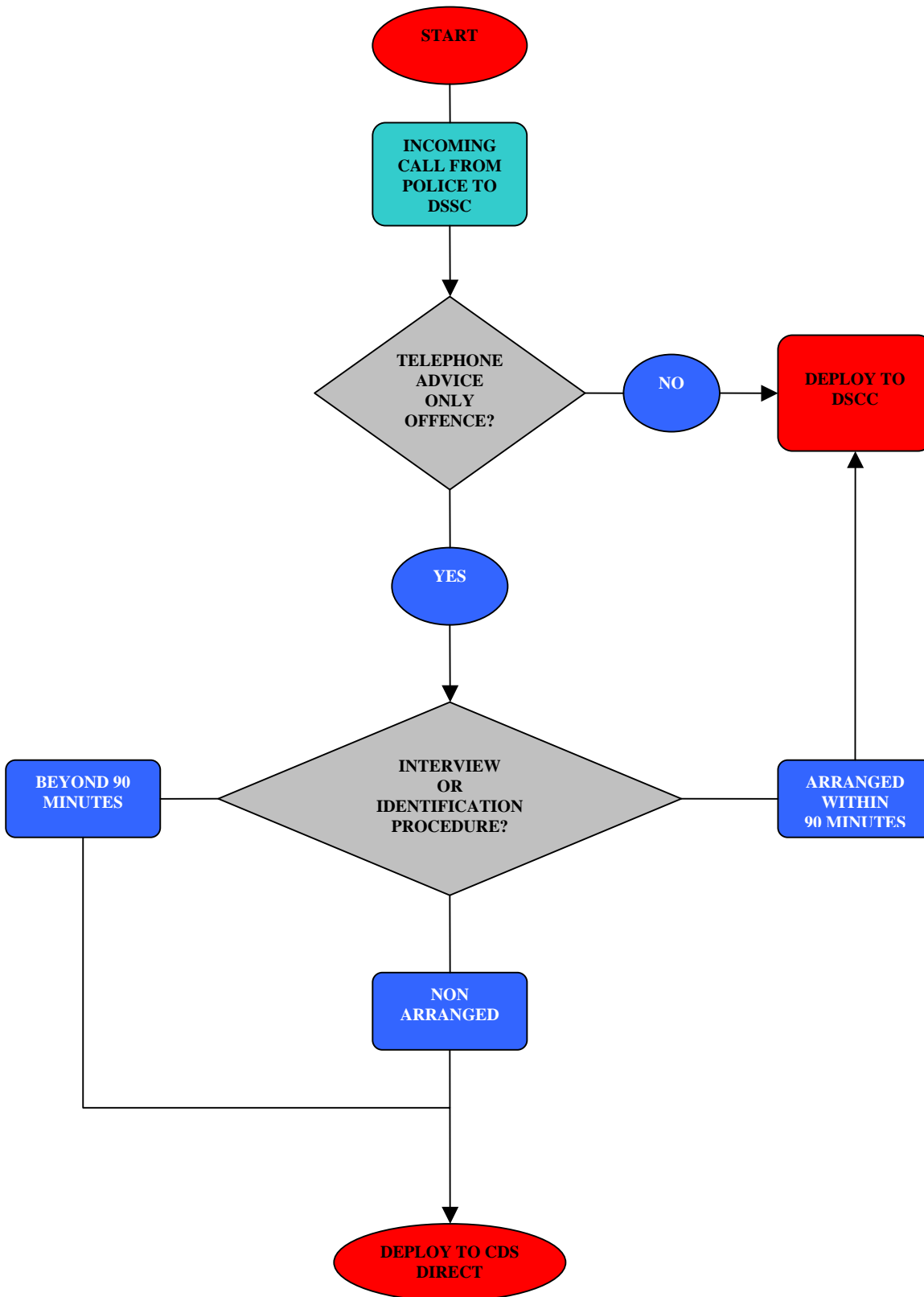
**Current Staffing Levels**

<b>SHIFTS</b>	<b>TIMES</b>	<b>MON</b>	<b>TUE</b>	<b>WED</b>	<b>THUR</b>	<b>FRI</b>	<b>SAT</b>	<b>SUN</b>
<b>Day Shift</b>	<b>0700 - 1900</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>
<b>Day Shift</b>	<b>0700 - 1500</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>
<b>Night Shift</b>	<b>1900 - 0700</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>6</b>	<b>5</b>
<b>Total Staff Per Day</b>		<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>11</b>
<b>Average Case Vol. Per Day</b>		<b>203</b>	<b>199</b>	<b>204</b>	<b>202</b>	<b>223</b>	<b>266</b>	<b>272</b>

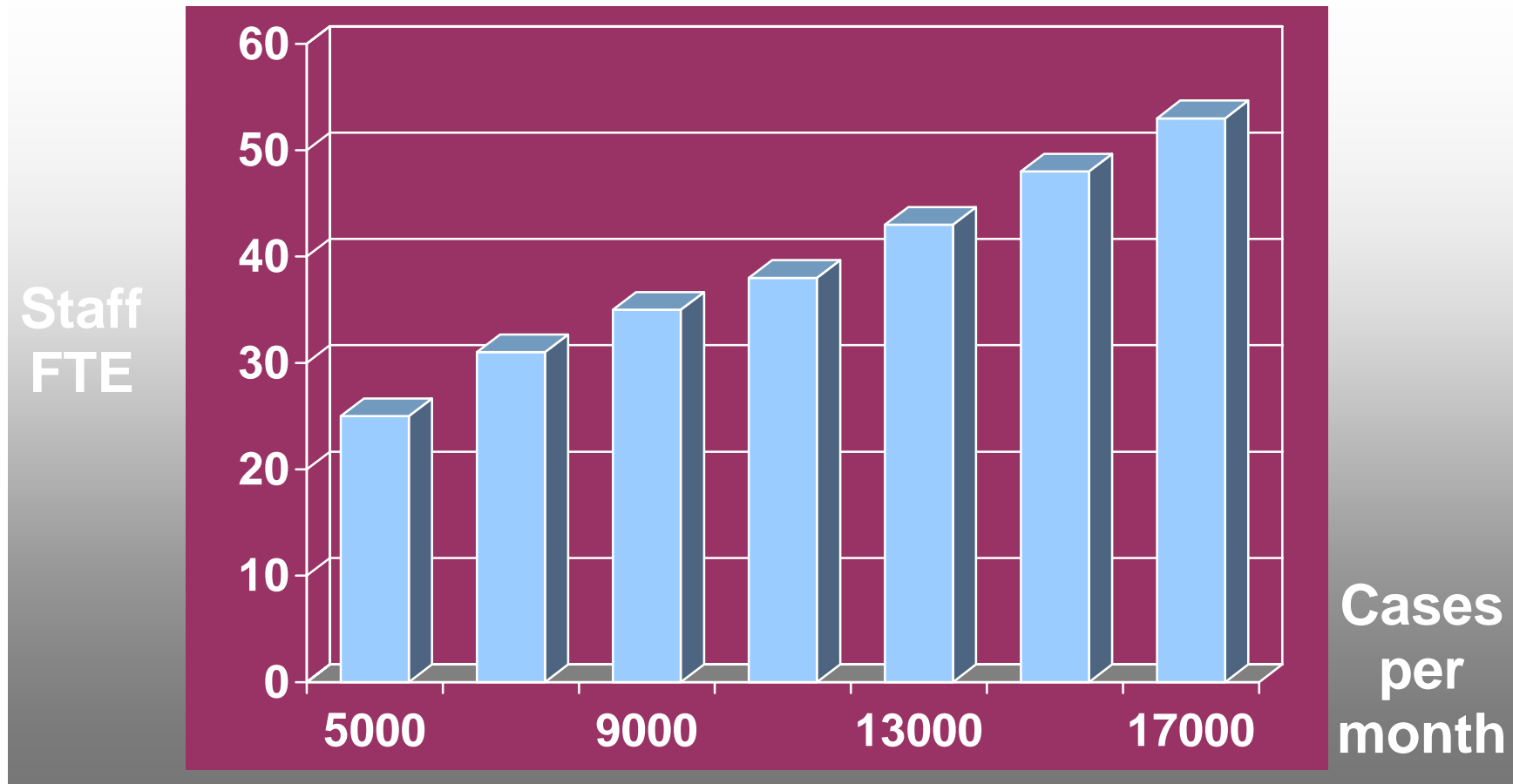
Main types of offence based on current monthly volumes are:



**APPENDIX B**  
**CDS Direct Flow chart**



**APPENDIX C**  
**Estimated Call Volumes for CDS Direct Service from October 2007**



## APPENDIX D

Diagram of network arrangements between DSCC and CDS Direct providers from October 2007

