

Frequently Asked Questions related to the: 2010 Standard Criminal Contract tender process

Important

Many questions will be answered by the information given in the Information for Applicants document (IFA), which is available through the eTendering portal and on the Tenders pages of our website. You should start by reading that document in full.

If you have any questions about the IFA or the Invitation to Tender you may submit them up until **12 noon on 4 March 2010** (note this is referred to as the 'End date for clarification messages') on the crime ITT in the LSC eTendering system. All questions must be submitted using the online secure messaging tool within the eTendering System (see Section 9 of the IFA for more detail about eTendering).

Questions that we consider to be of wider interest will be collated and answered centrally in writing to ensure that all interested parties have equal access to information in the answers. These questions and answers will be published regularly in this Frequently Asked Questions (FAQ) document.

A final FAQ document will be published on **9 March 2010**.

Note: The final deadline for tenders is 4pm 12th March 2010.

Timetable of Questions and Answers

Tender Opens	15 th February 2010
First Version Q+A	18 th February 2010
Second Version Q+A	23 rd February 2010
Third Version Q+A	25 th February 2010
Fourth Version Q+A	2 nd March 2010
Fifth Version Q+A	4 th March 2010
Final date for submission of questions	12 noon 4 th March 2010
Final Q+A published	9 th March 2010
Tender Closes	4pm 12 th March 2010

This FAQ document is broken up into sections for ease of reference. These sections are as follows:

1. [Tender Process](#)
2. [Invitation to Tender](#)
3. [Prison Law](#)

Note:

We have produced a separate questions and answers paper for PQQ related material. This is available at the tenders page of our website. We have placed the same Q+A on each specific tender webpage as the material is common to both crime and civil tenders.

Section 1. Tender Process

1.1 I submitted a question about the IFA through the online messaging tool and haven't seen my answer- when will I receive a response?

We aim to update this FAQ document each Tuesday and Thursday starting on 18th February 2010 and to respond to all questions in approximately one week. Questions may be submitted up until **12 noon on 4th March 2010** and the final FAQ will be published on **9th March 2010**. See the timetable at the start of this paper.

1.2 I have submitted my PQQ and my tender to this today. Is there any way of knowing whether it has been properly completed or whether there are any errors in the forms or attachments? Will you let me know if I have overlooked anything?

One of the advantages the e tendering system is that Applicant Organisations will not be able to submit a response until they have completed all mandatory fields in the online form. However, there will be no verification of the answers given or verification of the information contained within any of the attachments prior to submission, all that Applicant Organisations will be advised of is whether all mandatory fields have been completed.

Responses to the ITTs are sealed and the LSC will not be able to open any responses until after the 12th March deadline. Therefore the LSC will not check to see whether there are errors in forms or attachments. It is the responsibility of the Applicant Organisation to ensure that they have completed all forms and attachments correctly and accurately.

Addition

1.3 Is there any guidance available on how to use your e-tendering system? I am struggling with uploading and downloading documents.

We encourage all providers to refer to our user guides which contain step by step screenshots. These include

- QG01: Registering and logging in for the first time

- QG02: Creating additional users
- QG03: Responding to PQQs/ITTs
- QG04: Communicating with the LSC eTendering team
- QG05: Downloading and uploading attachments

<https://legalservices.bravosolution.co.uk/web/technical-support.shtml>

This can be found through **www.legalservices.gov.uk** at the online link from the tenders homepage.

1.4 Can I save my Tender Information Form onto my PC and rename it.

Yes you should. The guidance says that you should save the file to your own computer system naming the file 'TIF and your (firms name)'.

1.5 Can I access the tender outside the office as my security firewalls are blocking access to certain forms.

Of course. You can access the online system from any internet location.

1.6 Can my Practice Manager submit my application? Are they 'key personnel' for the purposes of the tender?

'Key personnel' are defined in the IFA as being "any person who has powers of representation, decision or control of an organisation including partners, directors and trustees". As such, any individual that has the powers detailed in the definition can submit the application. Beyond the examples given, the job title of the individual is not relevant as 'Practice Manager' will mean different things in different applicant organisations. The key is the status of the individual in question, as defined by their powers in relation to the running of the applicant organisation.

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Section 2: The Invitation to Tender

I have a difficulty downloading the Tender Information Form – What do I do?

Guidance on what to do is available at our tenders homepage – www.legalservices.gov.uk > CDS > tenders. There is a paper called 'Tender Information Form: Problems' located under the guidance section on the right side of the page.

How do I save the Tender Information Form so that I can upload it?

The Tender Information Form should be opened (from the Buyer Attachments section of the ITT) and saved to the applicant's own computer system. It can then be completed offline in the applicant's own time. When it is complete, it can then be uploaded into the applicant's response to the crime ITT within the eTendering system. Further guidance on how to upload attachments is available in the Technical Guidance section of the eTendering portal:

<https://legalservices.bravosolution.co.uk/web/technical-support.shtml>

Supervisors standards

I want to be a supervisor under an LSC contract, what standards do I have to meet?

- Supervisory skills standard as set out in Part A of the 2010 Crime Contract Specification
- Category specific legal competence standards as set out in Part A of the 2010 Crime Contract Specification

I want to be a supervisor. I can pass the category specific legal standards but I but haven't supervised anyone before. How can I get the relevant supervisor training? Do I need to get the course approved by the LSC before I undertake it?

You can undertake a supervisors skills training course in order to pass the supervisors skills requirement. You do not need to get the course approved by the LSC before you undertake it. Rather than proscribe a list of courses the LSC allows providers to choose a course that suits their own needs, availability and requirements.

When choosing a course you need to ensure that it covers the following key supervisory elements:

- Managing work (e.g. planning, organising and delegation)
- Effective communication and working relationships
- Performance Management and performance improvement
- Developing teams/individuals to deliver objectives

For individuals new to supervision we would expect the duration of the training to be at least 7 hours.

Training need not be undertaken in one consecutive run, and may be spread over a period of time (sometimes as much as six to 12 months from the first to last day of training), giving opportunity to apply new skills in the intervening period(s).

Alternatively you can demonstrate this if you have achieved Level 3 or higher NVQ standard (or any replacement) in supervision/management skills within the last 5 years.

Do we need to enclose evidence of how our supervisors meet the supervisor skills standard with our tender?

Supervisor Standard Self-Declaration Forms are not Mandatory Forms, however it will be condition of contract that we receive these by at least 4pm on 15 June 2010.

Therefore, where possible Applicant Organisations are encouraged to submit these forms with their tender.

Where are the category specific supervisors legal competence standards now if they are not in the SQM? Do we still need to meet them?

The supervisor legal competence standards now form part of the contract specification.

All providers will be required to have supervisors that meet the relevant standards for the categories of law they conduct under the LSC contract.

Additions since 19th Feb 2010

The Personal Indemnity Form does not contain sufficient space for all of signatures required from my firm? Is there another version available?

If you need any additional spaces for signatures simply write to us on the message board detailing the number of signatory spaces that you require and we will respond with a version of the form for your organization.

When I add schemes on my TIF, every scheme is listed, not just the ones eligible by my post code

You select those that you believe that your office qualifies for. You can refer to our postcode tool, which is located on our webpage at www.legalservices.gov.uk. If you wish to apply to undertake schemes which you would not normally be eligible for you can indicate these at Question 3.

In May our current office lease expires. Our new office location is in a neighbouring post code and will be operational on 1/06/10. When submitting my ITT and TIF should I refer to my new office location as on the 1/06/10 and apply for duty schemes applicable to my new postcode on the 1/06/10

Yes you should refer to your new postcode in your application but use your current address for correspondence.

As we do not have to include the CDS12 application on a Duty Solicitor Scheme with our PQQ where do we send the CDS12 before 30.4.10. Is it our regional office?

When we advise you of the outcome of your tender, we will provide you with an electronic version of the CDS12 and will also advise you how to submit it to us. Applicants should not use the version of the CDS12 currently on the website for this tender process, nor should they submit any forms to their Local LSC office.

Will the LSC continue to accept external supervision arrangements as evidence of meeting the required supervision standard assuming a formalised agreement is in place between the firm and its external supervisor?

You may not have an external supervisor other than to replace a supervisor on a temporary basis for up to six weeks under the 2010 Standard Crime Contract.

The limited circumstances in which external supervisors may be used is set out at paragraph 2.22 and 2.23 of the 2010 Standard Crime Contract Specification.

The SQM sets out the minimum requirements for external supervision arrangements.

The latest version of the TIF (v3) lists all police schemes rather than those I am eligible for. How do I know what schemes to select?

You can refer to the postcode tool. If you input your postcode it will return the schemes that you are eligible for. You can enter into TIF as many of these as you like.

At the close of the tender, we will check all applicants' eligibility against the postcode tool as part of the slot allocation process and in the event that any applicant has failed to apply for all of the schemes they are eligible for we will, pursuant to the terms and conditions of the tender, seek additional information and/or clarification.

I am a London based provider. When I put my borough into the tool it does not return those schemes from out of London that I am eligible for. What do I do?

The borough look up will only return your London schemes. You can use your postcode to check any non London schemes that you may be eligible for.

Can I apply to join police station duty solicitor schemes part way through the contract? If I employ more duty solicitors during the contract will I be awarded more duty slots?

You will only be able to join police station duty schemes that you apply for in this tender. Once contracts have been awarded you will not be able to apply join any schemes unless we invite you to do so in accordance with the terms of the contract. If you employ new duty solicitors and submit CDS12 forms they will be able to cover slots allocated to you and be included on future rotas (provided that the CDS12 is received before the relevant deadline)

I am a Very High Cost Cases (VHCC) provider. I only work at the Crown Court and we have no case files of police station and magistrates' court work. Therefore we are unable to meet the supervisor standards set out in the 2010 standard crime contract but we do meet the VHCC supervisor standards. Given that the Ministry of Justice (MoJ) is proposing to reclassify VHCC from more than 40 day + cases to more than 60 days + cases, will any provision be made for firms like mine to continue to undertake this Crown Court work in the event that the MoJ go ahead with this proposal?

There are two routes by which you may actually apply for the Standard Criminal Contract 2010 under the current tender –

1. You may already hold a Unified Crime Contract and therefore employ staff that meet the requirements for supervision or
2. You may use evidence from private client files (subject to you securing prior consent) to count towards the requirements for the supervisor standards.

If your organization cannot apply through the above two routes, **and**

a) You have previously undertaken VHCC cases that last 40 to 60 days under the current VHCC arrangements; **and**

b) the definition of VHCC does change to only include 60 days + cases; **and**

c) you do not meet the supervisor standards as set out in the 2010 Standard Crime Contract,

we will make arrangements after this tender to ensure that you can apply to us for a contract to continue undertaking 40-60 day cases.

How do I return my Indemnity Form to the LSC?

You can download the document, print out and collect the Signatures.

To return you can either: -

- Scan the signed copy and upload it onto the system with your application
- Post the copy to the LSC at this address:

Stephen O'Connor
Legal Services Commission
4 Abbey Orchard Street
London
SW1 PBS

Our company is a limited liability. How many directors must sign the indemnity form?

Paragraphs 5.24 and 5.25 of the IFA outline the requirements for indemnities for Applicant Organisations with limited liability (unless you are a registered charity). An indemnity form for companies is provided on the online tendering system, which dictate that it must be signed by each director and/or shareholder of the Provider acting in their capacity as an individual. All directors and/or shareholders of the Provider must sign.

Therefore the starting point is the LSC requires all directors to sign the indemnity form. If this is not possible or practicable, the LSC will consider individual circumstances and determine on the basis of reasonableness (in accordance with clause 12 of the Contract of signature), what is or is not acceptable for the purposes of providing an indemnity as required by clause 4.4 of the 2010 Contract Standard Terms.

What happens to my contract if the LSC changes its status over the coming months / years as a result of the Magee Review?

The Access to Justice Act remains in force and the LSC remains a legal entity until such time as Act of Parliament dictates otherwise. If that happens transitional arrangements will be contained within any legislation which will deal with contracts entered into by the Legal Services Commission.

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Section 3: Prison Law

What do I need to do to become a Prison Law supervisor?

The full details of the supervisory requirements are set out at Part A, Section 2 of the Contract.

You will be required to fill out and sign a Prison Law Supervisor Standard and Self Declaration Form. Your organisation should download the form from the 'attachments' section of the ITT. You can either submit the form with your organisation's ITT or your organisation has until 4pm 15 June to provide us with it however, you must indicate in the ITT that this is what you intend to do.

I meet most of the Prison Law supervisor requirements but am concerned that I may not meet the advocacy requirements?

Since publishing our guidance recently, we have had a number of queries from solicitors about this requirement and so consequently, we have revised the provisions which relate to the portfolio concerning advocacy cases, and have clarified the part of the Contract relating to whether or not a supervisor can supervise more than one firm.

In addition, the Form allows you to set out any exceptional circumstances so if, for example, a potential supervisor has not fully met the advocacy requirements because a hearing has been delayed, they would be able to explain this.

Questions added since 18th Feb

Can I have an external supervisor for Prison Law work?¹

No, other than to replace a supervisor on a temporary basis for up to six weeks. The contract requires you to 'have or employ' a Prison Law supervisor. In most cases a supervisor will be an employee but we have included 'have' so that a partner of a firm could also perform the role.

¹ This answer replaces a previous answer to the same question that has been redrafted for further clarity

We understand that organisations may not currently employ someone full-time who meets the supervisor standard requirements for Prison Law. Therefore one individual may be employed by up to two organisations and work on a part-time basis for both. If this applies, the supervisor must meet the conditions set out at Section 2 of Part A of the Contract for each organisation that they supervise.

Organisations must have or employ one full-time equivalent for every six full-time equivalent prison law fee earners that they supervise so a part-time supervisor supervising two organisations doing Prison Law work would be able to supervise up to three full-time equivalent fee earners at each.

Please see Section 2, Part A of the 2010 Standard Crime Contract for more information.

Can you please comment on whether the supervisor form for prison law is also incorrect. You have to check at least 8 out of a possible 17 categories of work to qualify. The box to do this in runs over from page 1 (1-8) to page 2 (9-17). But you can't enter anything on page 2 because there are no data entry fields.

The applicants list of eight does not have to be in the same order as they appear on the list of 17, nor do you have to write your example opposite each line of category. All you do is review the 17 areas, select 8 that you wish to give examples of and then list those 8 cases in the space provided on page 1 in any order you wish.

If I apply for a criminal investigations and criminal proceedings with Prison Law contract, but fail the prison law supervisor standard can I still be awarded a Criminal investigations and criminal proceedings contract?

Yes. If you fail to meet the prison law supervisor standard but meet all of the requirements (including the supervisor standard) for a criminal investigations and criminal proceedings contract then you will be awarded a criminal investigations and criminal proceedings contract.

The prison law supervisor standard requires me to have done four representations at four distinguishable types of oral hearing before the Parole Board or Independent Adjudicator, can I rely on two or more examples of the same type of hearing?

It is up to you to identify cases which demonstrate your compliance with this requirement, and we have deliberately not been prescriptive about which types of hearing you must have done in order to demonstrate your competence as a prison law supervisor. The key point is that all the cases you rely on must be distinguishable from each other, and you must be able to justify why we should consider them as evidence that you have met the standard. The same type of hearing may be used twice or more, but you should consider carefully how they can be distinguished from each other.

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