

Last Update: 11 May 2007

CDS DIRECT CONTRACT TENDER QUESTIONS AND ANSWERS

The closing date for submitting questions on the Invitation to Tender was Friday 27th April at 12 noon. All questions received during the tender process have been published in this document:

Section 1 – Open Meeting questions (pages 1 – 7)

Section 2 - Expression of Interest Period questions (pages 8 –15)

Section 3 – Full Tender stage questions, including those from April Open Days (pages 16 – 33).

PLEASE NOTE THAT IF ANY DETAILS CONTAINED IN SECTIONS 1 AND 2 CONFLICT WITH ANY DETAILS CONTAINED IN SECTION 3, THE INFORMATION IN SECTION 3 TAKES PRECEDENCE.

SECTION 1 - OPEN MEETING QUESTIONS

(See page 8 for bids received during the tender process)

1. Basis of bids

Q1 - Does the LSC have a certain number of suppliers in mind?

A1 - The LSC doesn't have a particular figure in mind, the number of contractors will be dependent on the quality and price of bids; however it is unlikely that there would only be one supplier.

Q2 - Will bids be required for covering the whole of England and Wales or will the country be divided up?

A2 - Bidders will need to bid for a volume of calls and not an area of the country; calls will then be allocated to contractors pro rata.

Q3 - Why will the service not be tendered for in time slots like the Immigration telephone advice?

A3 - If only one firm is on duty and there is a sudden spike in demand there could be capacity issues in dealing with all calls; if more than one supplier is working at that time, this risk is spread.

Q4 - Can one or more firms join together and share infrastructure but be based in one or more places?

A4 - The LSC would want to contract with one organisation, that organisation could then sub-contract with another organisation if they wished provided the criteria (to be

published) in the Invitation to Tender are adhered to and any regulatory issues are addressed.

Q5 - Could there be a dispersed call centre working from one central server?

A5 - It is likely that LSC will require all advisers to be based in a limited number of locations.

2. Bidding process and Evaluation

Q6 - What will the evaluation criteria be for bids and if you are unsuccessful in the Expression of Interest will you be out of the process?

A6 - Details of the evaluation criteria will be listed in the tender documents together with information on when bidders will be notified of the outcome of their bids. If a bidder is unsuccessful at the Expression of Interest stage, they will not be invited to respond to the ITT.

3. Costs and Payment

Q7 - What are the current costs for the service?

A7 - This information is not helpful to potential providers who need to decide what profit levels they are looking for and submit their best price.

Q8 - Will a minimum volume be required?

A8 - No. However the cost of the IT link from the DSCC to the provider's IT will need to be included in the provider's bid

Q9 - Should set-up costs be costed separately in bids?

A9 - Yes. Set up costs should be included in bids and be identified separately from running costs.

Q10 - Will the cost of outgoing calls to the police station need to be included in tender applications?

A10 - The LSC is likely to pay for outgoing calls on top.

Q11 - Will the LSC publish information on the costs of the communications link?

A11 - Yes, before the ITT is published. The price of the communications connection to the bidder's site will have to be factored into their bid.

Q12 - How will contractors be paid, and how frequently?

A12 - Contractors will be paid by BACS either monthly in arrears or by a standard monthly payment which would be reconciled.

4. Managing the Service

Q13 - How does the call centre determine what calls go to CDS Direct?

A13 - On the basis of the offence committed.

Q14 - Is there any intention to widen the scope of cases advised by CDS Direct?

A14 - There are no such current plans.

Q15 - Will the LSC provide details of call volumes, hourly and overall?

A15 - Yes, the LSC will show what the daily averages are now and provide projections for when own client work is added in. It isn't yet clear whether the projections for including own client work will be the same as duty, but the LSC is continuing to look at this.

Q16 - How will own client work be handled?

A16 - If the proposals in the Reform programme go ahead, all calls should go through the Duty Solicitor Call Centre. The details of the process to be used is not yet resolved.

Q17 - Will the service only take calls from own clients willing to receive free advice?

A17 -The LSC is discussing with the Home Office and ACPO what happens to clients willing to pay for legal advice, this will be resolved by October.

Q18 - How will volumes of calls be allocated?

A18 - Providers will be allocated a percentage of overall calls on the basis of their bid size throughout the day/week. The LSC does not intend to contract with for example, one firm to cover all calls on Wednesdays, one to cover all on Thursdays etc, or by geographical regions.

Q19 - How do the calls get divided between advisers currently?

A19 – Details of cases are made available on all advisers' computers; any adviser can pick up a case and once it's been picked up this will be indicated on all advisers' computers. Someone therefore needs to be at a computer at all times (24/7/365 days a year) to see the cases come in and take the work. Bidders should note that currently there is only one pilot supplier – if we select a number of providers following the bid process, each call will be allocated to only one provider's advisers.

Q20 - What would happen if the call centre was overloaded with long calls?

A20 - Very few things cause huge spikes in demand, for example England football or rugby games. If a supplier could not achieve their Service Level Agreement standards because of a spike in demand, the LSC would not penalise them, however if they could not maintain service levels due to someone being off sick, this would not meet the contractual requirements. The LSC will provide details of suggested staffing levels in the Information for Tender. Suppliers will be required to accept calls and will therefore need flexibility in their resources. The LSC will ask bidders if they are happy to increase their contracted hours by some tolerance, for example 10%, at the same rate and will tender to increase contract sizes if necessary.

Q21 - What does calls attempted mean?

A21 - Suppliers have to attempt contact with the client. If the police do not answer the telephone, the supplier won't be penalised. The adviser records on the software when calls have been attempted, successfully or unsuccessfully, to contact a client. Screen touch technology is not required for recording this information.

Q22 - Will calls be recorded?

A22 - No, if calls were recorded the Regulation of Investigatory Powers Act would be breached unless clients were informed that their call might be recorded. If a message was put on the line informing users of this, they might be dissuaded from using the service.

Q23 - When a case is referred back to the Duty Solicitor Call Centre (DSCC) to deploy, will a point of contact be needed for all firms in the country?

A23 - The DSCC has contact details for all solicitors doing duty work and CDS Direct providers will return such cases to the DSCC to deal.

Q24 - Will solicitors attending have notes from CDS Direct?

A24 - Currently, CDS Direct condenses the advice provided into a few bullet points which are recorded on the system for the Duty Solicitor Call Centre to inform the solicitor who attends the Police Station. Alternatively, CDS Direct will speak to the solicitor to fill them in on the advice that has been given (although the instances of this are very low, approximately 10 or 11 out of 7000 cases).

Q25 - It was commented that on some occasions, suppliers have not been given information from CDS Direct.

A25 - If suppliers can provide details of specific occasions where this has occurred, the LSC will investigate them.

Q26 - How will firms be notified if an own client is arrested and goes to court?

A26 - Currently, CDS Direct sends a fax to the firm representing the client providing details about the client and their court appearance. This process may need to be developed when own client work is taken on.

5. Staffing

Q27 - During the pilot, is the maximum number of advisers working 5 a day as shown in the current staffing levels table?

A27 - That figure shows the maximum number of people available to take calls and includes an allowance for leave/ sickness. This maximum has recently been increased to 7.

Q28 - Do the numbers provided in the handouts factor in sickness and leave?

A28 - Yes, the figures included in the total staff chart include an allowance for absences, the figures included in the current staffing levels table are however based on the number of calls staff can take and indicate the actual number of advisers needed to be available. The website www.erlang.co.uk enables users to work out the number of advisers needed at a call centre but providers need not undertake this level of planning at this stage.

Q29 - Does the supervisor need to be a Duty Solicitor?

A29 - Yes. The supervisor is required to undertake 35 hours a week supervision with supervision by telephone from another duty solicitor available outside these times.

Q30 - Will advisers be able to do other work or will they be restricted to CDS Direct?

A30 - The LSC envisages that reps must undertake 25 representations a year at the police station. Duty solicitors must undertake 51% of duty solicitor cases offered to them to maintain their status.

Q31 - Would advisers be able to work from home?

A31 - There are advantages to advisers and supervisors working from one location so that they can discuss difficult cases with the supervisor.

Q32 - Have there been any problems with staff retention?

A32 - No. All advisers enjoy the work; 1 has left and 2 have been asked to leave out of 36. All advisers undertake police station attendances (outside CDS Direct) as well.

6. Technical arrangements

Q33 - What would the cost be for the software and the timings for implementing it?

A33 - The LSC will include details of the software, network and technical specifications in the ITT. The costs for IT should be included in overheads.

Q34 - Will the software be available on a local network or the Internet?

A34 - Local network.

Q35 - Who will be responsible for maintaining the database of duty solicitor details?

A35 - The DSCC will be responsible for maintaining the software.

Q36 - Will suppliers need a back up of the database off site?

A36 - If the Duty Solicitor Call Centre is able to extract data from suppliers' machines then suppliers will not need to store data off site.

7. General

Q37 - Will the pilot organisation be at an advantage as the current supplier?

A37 - All information that the pilot organisation has will be made available to all bidders.

Q38 - Is the LSC looking to retain the existing supplier?

A38 - The existing supplier is in competition with all other interested bidders.

Q39 - Will it be possible for interested bidders to visit the pilot site?

A39 - Once the EOI has been published, those shortlisted will be invited to the pilot site to see the software and how the system currently works.

Q40 - Would the LSC become involved in the process of obtaining a waiver from the Law Society?

A40 - If a non-solicitor organisation won a contract, they would need to obtain a waiver from the Solicitors' Regulation Authority in relation to Practice Rule 4 before the contract start. Although waivers must be applied for, and granted to, the organisation in question, and the LSC would not become involved, we have discussed with the Solicitors' Regulation Authority the potential need for waivers.

Q41 - Will TUPE apply?

A41 - The LSC's lawyers are looking into this. If it is likely that TUPE will apply (and details will be included in the contract); the LSC will probably give an indemnity for the costs of making consequent redundancies.

Q42 - Will practitioner organisations be consulted over the plans?

A42 - The professional bodies will be involved regarding the detail of implementation once the LSC has had a clear steer from ACPO and the Home Office on outstanding issues.

Q43 - Who will oversee an impact assessment, for example on BME?

A43 - The LSC will carry out an impact assessment.

Q44 - Local suppliers have a knowledge of police practices at a local level; as CDS Direct offers a national service will it be second rate?

A44 – We believe that the service offered by CDS Direct is of a high quality. In addition, as a national service CDS Direct is able to gather information on unacceptable practices happening at a local level and challenge them when appropriate without any concerns about local repercussions.

Q45 - Will there be restrictions on doing police station attendance work?

A45 - Yes. If a contractor is based in a particular area, CDS Direct calls from that area may be excluded so as to avoid the temptation to arrange attendance rather than refer back to the Duty Solicitor Call Centre.

Q46 - How were the £5.6 million annual savings calculated?

A46 - Details can be found in the consultation paper on the Internet at http://www.legalservices.gov.uk/docs/cds_main/CDS_Direct_Pilot_Evaluation_Aug_06.pdf

Q47 - Has the LSC evaluated the time delay on the Duty Solicitor Call Centre phoning solicitors in the morning?

A47 - LSC will check the figures but no delay is believed to have taken place.

QUESTIONS RECEIVED FOLLOWING OPEN DAY

Q48 - How were those attending the Open Day selected?

A48 - Those providers with a high volume of police station claims were invited.

Q49 - When will the Expression Of Interest documents be posted on the website and details of how bidders can apply?

A49 - This will be finalised once the intentions regarding Lord Carter's proposals have been finalised.

SECTION 2 - QUESTIONS RECEIVED DURING THE EXPRESSION OF INTEREST PERIOD

Q50 – It was indicated at the Tender Open Day that detailed half – hourly call charts would be made available to give an idea of varying load through the day. Are these available now?

A50 – Detailed information on call volumes throughout the day will be issued in the full tender documentation issued to shortlisted bidders following the Expression of Interest stage. The information available to bidders now is that contained in Appendix A of the Expression of Interest document showing overall figures for projected demand and average daily call volumes.

At this (the Expression of Interest) stage, bidders need to confirm that they have the experience, skills and capability to deliver the service 24 hours a day, every day of the year; they do not need to explain how they will manage the service to meet demand and the volume of hours that they wish to bid for.

Q51 – How many man hours were worked by the staff in total during the six month period.

A51 – The number of man hours worked is not a helpful indicator in measuring the activity that has taken place. The number of Full Time Equivalent (FTE) advisers is indicated in Appendix A of the Invitation to Submit an Expression of Interest; Appendix D contains information on the estimated future FTE requirements.

Q52 – Will I be able to sort out my own IT to link up with the DSCC?

A52 – Providers will not be able to set up their own link to the DSCC, the LSC will provide the data connection through which providers will be able connect to the DSCC's network and access cases via the Electronic Case Management System (ECMS). Providers will however need to pay the associated costs for this connection; these costs will need to be built into bidder's prices.

The data connection from the DSCC's network will however be to a single point in each provider's office, the provider will therefore need to provide an internal network from this point to each PC used by CDS Direct advisers.

Q53 – On page 19 of the Invitation to Submit an Expression of Interest, it states that where an organisation changes status between submitting its Expression of Interest and making a tender, the LSC reserves the right to request the new organisations (post-change) to submit a fresh Expression of Interest.

If an organisation wishes to set up a limited liability partnership or a limited company, can they delay doing so until they know whether or not they have got through the EOI stage?

A53 – Any organisation which is considering changing its status between submitting its Expression of Interest and making a tender (e.g. from a partnership to a limited

liability partnership or company) should complete the section on page 2 of the Application Form 'Extra information for merger applications' to include details of all organisations that will be merging.

They must also follow the guidance on page 15 of the Invitation to Submit an Expression of Interest 'Expressions of Interest involving another organisation, subcontractors or agencies' on how to complete their Application Form.

As long as bidders provide information of a future change in status in their Application Form as set out above, they will not be required to submit a fresh application following a change in status and may delay making such a change until they know the outcome of their Expression of Interest.

Q54 – Will the LSC be using one provider to deliver the service? If not, how will calls be divided up between regions?

A54 – It is unlikely that the LSC will contract with only one supplier. The number of contracts we let will depend on the nature of the applications we receive and the coverage that they offer.

If contracts are awarded to more than one supplier, calls will be divided between suppliers in accordance with the volume of calls that they have been contracted to provide. Calls will not be divided up by region.

Q55 – Please can you confirm whether the volume of calls quoted i.e. 17,000 per month is exclusive or includes of 'own solicitor' calls? If not can the LSC provide an estimate of the additional volume that will arise from 'own solicitor' calls.

A55 – The volume of calls quoted, 17, 000 per month, is inclusive of 'own solicitor' calls.

Q56 - What is the view of the LSC towards a joint venture between a commercial non-solicitor organisation and a firm of Solicitors, in order to provide CDS Direct?

A56 – Any two (or more) organisations such as a commercial non-solicitor organisation and a firm of solicitors may submit a bid together. In cases where more than one organisation is submitting a bid, you must following the guidance on page 15 of the 'Invitation to Submit an Expression of Interest' concerning completing your Application Form. In addition, should bidders be planning to change their status during the tender process to form a limited liability company or partnership, they should follow the information contained in Answer 54 above.

All bidders, whether submitting a bid with another organisation(s) or a sole bid will need to demonstrate how they meet the specified criteria and will be assessed against these in the same way. They must also ensure that they comply with any applicable Regulatory rules.

Q57 – Would my bank manager or/and accountant be acceptable referees?

A57 – References need to be from 2 organisations for which bidders have provided complex telephone advice to a similar client group as set out in Essential Criteria 2.1.

Q58 – We intend to create a limited company whose principle shareholders would be partners of existing solicitors' practices. The core of CDS Direct advisors would be transferred into the new organisation from existing staff within the respective solicitors practices, thus enabling us to manage the creating of the CDS direct delivery service with the core of experienced, accredited staff.

The new company would be well capitalised and resourced to meet its obligations, its principle shareholders would be partners of practises that are currently delivering contracted services to the CDS.

How would this organisational delivery structure be assessed by the Legal Services Commission under section 2.2 of the Essential Criteria. As the criteria is currently worded it would seem to preclude the creation of an organisation dedicated to delivering this service, we do not believe that this is the intent of what you are trying to achieve. Our intention is to create a financially sound, well managed organisation that is owned and run by experienced legal defence experts.

I would therefore be grateful if you would confirm that a start up organisation would be acceptable to you if we could demonstrate the following;

- * Financial Stability**
- * Achievable staffing plan**
- * Proven experience of the shareholders and Directors in delivering complex legal advise as defined in 2.1 and 2.4**

A58 – All bidders, whether existing companies/ organisations or new, will need to demonstrate how they meet all essential criteria (2.1 – 2.7 inclusive); those that pass the essential criteria will then be assessed against the desirable criteria.

In terms of demonstrating financial stability of a start up organisation, bidders should provide the audited accounts for the last two years for the firms from where the principle shareholders of the new company are from.

Q59 - You request that two referees are provided from organisations where a substantial amount of work has been undertaken as defined in section 2.1. How should this be interpreted where an organisation has been performing work over the last few years that is exclusively for the publicly funded criminal justice system, where there is only a single "customer" organisation and that is the Legal Services Commission.

Should we seek references from other organisations involved in the Criminal Justice systems? And is it appropriate to seek references from yourselves in this instance?

A59 – Organisations that have provided the services set out in Criteria 2.1 for the LSC may use the LSC as a referee. In such cases, they should ask their Contract Manager for a reference. Where the LSC is the only ‘customer’ organisation that such services have been provided for, bidders should seek references from other organisations involved in the Criminal Justice System, e.g. the Probation Service or the Prison Service.

Q60 – Why is it considered necessary that the police station advisors need attend at as many as 25 police station attendances per year? I would suggest that 12 attendances would be more than adequate.

It is our view that the level of requirement for each advisor to perform 25 Police Station attendances each year is in fact unnecessary and counterproductive in terms of the organisation and management of this system. We would suggest that sufficient hands on Police Station advice and representation experience would be obtained by advisors attending on one Police Station case a month.

There are significant practical difficulties in diverting advisors to Police Station attendances. We would suggest that these would probably, on average, last 4 hours, taking into account travelling, waiting and Police Station attendance. Given that the advisors are, in their work, restricted to providing telephone advice in cases of, what are generally perceived as being less serious matters, it is submitted that it would be more appropriate for such advisors to be restricted to the less serious of matters where Police Station attendances are required. For example, a simple shoplifting offence or driving whilst disqualified.

It is to be remembered that there is a necessity to provide overall professional advice in the Police Station context and we have concerns about the lack of continuity and the inevitable restricted areas within which advisors will operate. They will not, for example, start a case by providing telephone advice, attend at a Police Station, and then engage in the preparation of the case before a Magistrates Court or a Crown Court.

Clearly, Duty Solicitors are more likely to have the opportunity to provide such continuity of representation, but with probationary staff and accredited Police Station representatives, this is unlikely to be the case and may, in our view, provide significant problems.

We feel that undertaking the equivalent of 6 working days per year in Police Station attendances, taken together with appropriate training, would provide more than enough hands on experience of the Police Station environment for a telephone advisor.

A60 – The CDS Direct Service must only be provided by CDS Direct advisers who comply with the Police Station Register Arrangements 2001 (as amended). To remain on the Police Station Register, the minimum number of police station attendances per calendar year that must be undertaken is 25. The LSC believes that this number is necessary to ensure that representatives continue to undertake a reasonable volume of attendances so as to maintain competence. To maintain breadth and depth of competence in providing advice, advisers need to attend a variety of cases, not just concerning particular types of cases.

Bidders will need to bear in mind the need for advisers to make 25 police station attendances each year and the likely time implications of this when confirming that they are able to deliver this service 24 hours a day, every day of the year. Bidders do not however need to demonstrate at this stage of the tender process how they will manage this and maintain service provision.

CDS Direct advisers may be current Duty Solicitors and therefore have experience of offering the levels of representation mentioned; in addition, all CDS Direct advisers must be supervised by a supervising solicitor at all times, either at the provider's premises or by telephone thus ensuring support for an adviser is available should advisers require it in providing the service.

Q61 - There is mention of a fixed line in relation to contact with the DSCC, is this the only way that this can be done or can this be done over the internet as we currently have a leased line? If this is a specific requirement, are there any recommended suppliers of the fixed line or will the supplier be determined by the LSC in terms of the contract. What will be the SLA / Contingency plan be in terms of technical failure either at our end or yours as all work will be conducted electronically?

A61 – The DSCC's Electronic Case Management System (ECMS) is not designed to be deployed over the Internet. The most secure and efficient way to deliver the ECMS to providers is by way of a dedicated fixed line into a virtual private network at the DSCC. Selection of line speed (2Mb, 4Mb or possibly higher) can only be made once the location of each provider is known. The supplier for these lines will be determined by the LSC.

Details of contingency requirements in terms of technical failure at providers' premises or at the DSCC will be included within the Information for Applicants.

Q62 - In terms of updating, reporting and payment, what are the proposed systems for this, what information will be required to be recorded online and submitted to validate a claim? Will payment be on an estimated monthly figure with a view to being reconciled or based on strict numbers each month? Will we be required to open up a file on our Practice Management System or will all work be done purely in the DSCC system?

A62 – All case information will be recorded on the DSCC's Electronic Case Management System (ECMS), details of what information is recorded and

how the DSCC system is used will be provided in the Information for Applicants. Providers will then be paid on a price per case handled basis, monthly in arrears.

Q63 - Regarding the Duty Solicitor as supervisor would this be one full time person or could this be a number of people who would be available on a rota basis?

A63 – The supervising solicitor could either be one full time person or two (or more) people who between them provide supervision for at least 35 hours a week at the provider’s premises and by telephone outside of these hours. All supervising solicitors used will however need to meet the specified staffing and availability requirements included in the Invitation to Submit an Expression of Interest. There must also be continuity in the assessment by the provider of their quality of service.

Q64 - What is the average telephone advice call length? (actual or estimated)

A64 – This is not a helpful indicator in considering demand for the service or future staffing requirements. Details on the number of current and future Full Time Equivalent (FTE) staffing requirements and case volumes have been included in the Invitation to Submit an Expression of Interest to enable bidders to provide details of the approximate percentage of the overall CDS Direct service that they are likely to bid for, if invited to submit full bids. Further information on call volumes will be included in the Information for Applicants.

Q65 - Will the CDS body need to keep and maintain information received from DSCC and a record of the advice given in a hard copy /paper file for audit purposes or will electronic files be sufficient?

A65 – All case information will be recorded on the DSCC’s Electronic Case Management System (ECMS) and stored by the DSCC. The CDS Direct provider will not need to store this data in any format on their premises.

Q66 - Who will be responsible for obtaining information or disclosure from the police about the facts of the matter for which the detainee is in custody? Will the DSCC do this and relay the information?

A66 – The DSCC will take the client’s details and sufficient case details from the police to ascertain whether the case is Police Station Telephone Advice only and suitable to pass to CDS Direct (i.e. attendance is not required within the next 90 minutes). The DSCC operator will record the client and case information obtained on the Electronic Case Management System (ECMS) which the CDS Direct adviser can then access.

Q67 - Could you please clarify that bids are to be invited on a price per case basis EXCLUSIVE of outgoing call costs?

A67 – Yes, bids will be invited on a price per case handled basis, excluding the cost of outgoing calls made by advisers when speaking to their clients and the police.

Q68 - Is it correct to assume from the information provided that the LSC will be responsible for the cost of all outgoing telephone advice calls? - if so how will this be paid / reimbursed?

A68 – The LSC will reimburse providers for the cost of outgoing telephone advice calls made by CDS Direct advisers to CDS Direct clients and the police. The process for reimbursing providers will be confirmed in the Information for Applicants.

Q69 - The invitation to submit an expression of interest sets out the documents to be submitted. This includes 3 copies of an outline plan in response to Essential Criterion 3, but my reading of the document does not include such a criterion. Can you advise what is required, please?

A69 – The outline plan required is that requested in the third criterion listed in the Essential Criteria table on page 13 of the Invitation to Submit an Expression of Interest. In the table, this is numbered as point 2.3.

Q70 - This firm, as part of a consortium, is considering submitting an expression of interest. A limited company has been formed as the vehicle to tender for this contract. One of the partners in one of the firms in the consortium has a matter which would fall within exclusion criteria 1.4. However he will have no role or responsibility in the management of the consortium. He will not be a director, shareholder or officer of the company. Will this person's history be taken into account when this criterion is considered?

A70 – Exclusion Criterion 4 refers to any partner, director, member, trustee or any other person with responsibility in or control of the organisation that would deliver CDS Direct, who has been convicted of a criminal offence or act of grave misconduct concerning professional or business conduct. If a new company has been formed which would deliver CDS Direct, this criterion would only apply to those with responsibility in or control of this new company. Therefore a partner (or any other individual) of a consortium firm who will have no responsibility or control of the consortium would not need to be taken into account when considering this criterion.

Q71 – There are 3 component firms in our consortium. What is the required number of references? We were going to offer 3 in total.i.e.1 per component firm.

A71 – Any bids involving more than one organisation should answer all questions relating to 'you' as referring to all organisations involved in the bid, making it clear which organisation they are referring to.

Criteria 3.7 requires good references from 2 organisations which the bidder has provided the services set out in criteria 2.1 of the essential criteria. Bidders in a consortium/ joint bids therefore need to provide references from 2 organisations for which members of the consortium/joint bid have delivered the specified services, indicating for each reference which member delivered the service.

**SECTION 3 - FULL TENDER STAGE QUESTIONS AND ANSWERS
(INCLUDING THOSE RAISED AT THE OPEN DAYS IN APRIL)**

Contract and Costs

Q72 - The document states that the contract will be effective as from 31st October 2007. Is that date correct, as it's a Wednesday?

A72 - Yes, the contract will start from 31st October 2007. If there are any changes to this timetable, all bidders will be notified.

Q73 - Can you confirm that the first six months' payments are not on the basis of the number of cases handled?

A73 - Yes, payments are guaranteed for the first six months. However, if the projections prove to be higher than the actual number of cases handled, the LSC would discuss options with suppliers as to whether they could make any reductions in staff.

Q74 - Would it be a problem if one person were to fill more than one of the roles in the proposed management structure referred to the ITT?

A74 - No, however the senior executive would be required to deal with any serious issues arising with the contract and would be expected to be a person of the level of seniority of someone owning the company; it may therefore not be wise for them to be responsible for dealing with day to day and more regular issues as would be required by the other two contract roles.

Q75 - Is it likely that TUPE will apply to any advisers?

A75 - It is possible that TUPE might apply to advisers working on the CDS Direct pilot; if it does apply it would involve around 4 or 5 advisers.

Q76 - When would the no fault termination clause be applied?

A76 - It is unlikely that this clause will be needed but the LSC is required by Government to have this clause and details of the costs should contracts need to be closed down. The contract will allow the LSC to terminate the contract through no fault of the supplier and include provision for exit costs to be paid to any provider whose contract we terminate under this clause. The costs included in your Price Bid form would only be paid should the LSC, and not the provider, terminate the contract.

Q77 - Will bidders be penalised if their exit costs are higher than those given by others?

A77 - The exit costs will be considered as part of the assessment of the Value for Money criterion, there would however have to be a significant difference in the exit costs provided by one bidder compared with another for a bid to be penalised.

Q78 - Have there been any issues with conflicts of interest?

A78 - No. Under the new contracts, should a provider return a case to the DSCC due to a conflict of interest, they will not be penalised for returning the case and will be paid for that case.

Q79 - What Professional Indemnity Insurance is currently in place?

A79 - Currently, the insurance is the same as any other solicitor and is through the PDS (Public Defender Service). Details of the required levels of insurance will be included in the draft contract.

Q80 - In relation to applications for Practice Rule 4 waivers, will contractors' professional liability be covered by the LSC or will separate PL insurance be required?

A80 - Contractors will be required to have professional liability insurance; details as to the levels required will be included in the draft contract.

Q81 - Will the LSC pay for all outgoing calls?

A81 - Yes.

Q82 - Are the volumes of cases available in the ITT likely to increase?

A82 - There may be variations in the volumes of cases that currently go to Own Solicitors rather than Duty, however broadly we predict a 150% increase in the volume of cases handled by CDS Direct. This projection may however not be accurate. There is also the possibility in the future of other offences being advised by CDS Direct; if other offences were to be included within the scope of CDS Direct we would have to tender for covering these offences.

Q83 - How should bidders bid?

A83 - Bidders should complete the price bid form to confirm the percentage of the 204,000 cases per annum that they want to cover and their cost per case.

Q84 - As it has been indicated that approximately 4 suppliers are likely to be awarded contracts, is there any point in bidding for more than 25% of the cases?

A84 - The LSC is not committed to having four suppliers. Bidders will need to demonstrate that they can meet the quality and value for money criteria and then once shortlisted, the LSC will review the percentage of cases being bid for and the quality of the bids before deciding upon the number of suppliers to which contracts will be awarded.

Q85 - What will happen if the LSC does not want to award a bidder the percentage of cases that they have bid for?

A85 - The LSC has included a table in the Price Bid Form for bidders to complete to show what is the minimum percentage of cases that they are bidding for at the cost per case bid.

Q86 - Is the cost per case likely to decrease over time?

A86 - Some bidders may bid with a decrease, others won't. Where bidders do offer a decrease in cost over time, it is likely to be due to them planning that operating costs will decrease as they get used to running the service.

Q87 - If we employ freelance advisers, do we need to pay National Insurance and Tax?

A87 - Bidders must take their own advice on national insurance and tax liabilities. If a supplier were to use an agency, the advisers would need to be tested for their competency.

Q88 - Excluding staff costs, is there any information available on the costs of the current pilot?

A88 - The LSC pays the outgoing calls, costs for other elements are not available; providers will need to consider the costs for premises and overheads in putting together their price bid.

Q89 - On several occasions mention is made of competitive hourly rates to the LSC, yet bids are requested per case. Could this be clarified?

A89 - The LSC will assess bids for value for money through competitive cost per case rates. Bidders are required to submit bids based on their cost per case (plus VAT if chargeable). Bidders should not bid for hourly rates.

Q90 - There is mention of a quarterly liaison meeting and that these costs should be factored into any bid. Where would this meeting be held?

A90 - Quarterly meetings are likely to take place at the providers' premises.

Q91 - Will the pilot cease once the contracts have been let?

A91 - Yes.

Staffing

Q92 – What is the current salary of the advisers?

A92 - Of the 40 advisers, a small number are employed by FirstAssist, the remainder are agency staff contracted to the LSC. The rates are between £200 and £280 per shift depending on time of day/week; attractive rates were needed to encourage advisers to work on this pilot and to recruit advisers from central London.

Q93 - What is the maximum number of hours a week that advisers work?

A93 - 40 hours, however no advisers currently work over 35 hours a week.

Q94 - Can we see a draft employment contract?

A94 - No. The LSC will not determine the conditions on which providers employ staff.

Q95 - Have different shift patterns been tried?

A95 - We initially planned to utilise 8 hour shifts for the pilot however the feedback we received from the advisers during the induction period was that they would prefer 12 hour shifts. Providers can choose the shift length they will use, however handover between shifts can be disruptive so should be considered.

Q96 - Is a 12 hour shift realistic for advisers?

A96 – A 12 hour shift has proved to be the best option with the current advisers. Bidders can however have shifts of different lengths and arrange them as they wish.

Q97 - Are there any security implications due to shift work and advisers finishing early in the morning?

A97 – It is for bidders to assess the health and safety and security implications of their bid.

Q98 - How many duty solicitors are currently used to supervise the service?

A98 – The current supervision arrangements meet the same requirements as included in the Invitation to Tender. The pilot provider's experience is that one supervisor can adequately supervise 25 FTE advisers if they do no casework themselves but it is for bidders to ensure that they have adequate supervision.

Q99 - Is the current supervisor employed by FirstAssist?

A99 - The personal employment arrangements of the supervisor are confidential to the supervisor.

Q100 - How does the current supervisor maintain his duty solicitor status?

A100 - This is confidential to the supervisor.

Q101 - Will there be as many duty solicitors available in the future due to changes in slot allocations?

A101 – We cannot speculate, however the LSC is unlikely to allow supervisors to be below duty solicitor status.

Q102 - Could a supervisor monitor the service out of hours from home?

A102 - Due to the security implications of accessing the system elsewhere, this is not currently possible. If a supervisor was concerned about a particular adviser, they should supervise at the premises and monitor the adviser, alternatively, they could request reports from the DSCC the following day to view performance details.

Q103 - Could supervision be carried out by a different supervisor each day using a rota?

A103 - Conceptually yes, but there would need to be continuity in the file reviews carried out, providers could have, for example, one person doing file reviews and several people sharing the supervision. All supervisors would also need to meet the Supervisor requirements as listed on page 21 of the Invitation to Tender.

Q104 - The Invitation to Tender refers to the supervisor as being a 'supervising solicitor' who must be a police station duty solicitor under the LSC's Duty Solicitors' Scheme Arrangements 2001. ("DSSA 2001").

- a. **The DSSA 2001 states a duty solicitor is one who is admitted to a local scheme. In order to be admitted to a local scheme the duty solicitor should be practising either with a firm or independently. Do the LSC therefore mean a qualified police station duty solicitor or a practising police station duty solicitor?**
- b. **If the answer to (a) is that the police station duty solicitor must be practising, does the LSC agree/ accept that the supervisor must fulfil the requirements of supervisor as well as working in private practice?**
- c. **The DSSA 2001 refers to a duty solicitor as being a 'solicitor or employed barrister'. Is there any reason why the supervisor cannot be a barrister who is either duty qualified and/ or duty practising who has relevant office and supervising experience?**

A104 a - A practising duty solicitor.

A104 b - In order to maintain membership of a scheme, and therefore remain on the LSC's Duty Solicitor list, Duty Solicitors are required to undertake the activities specified in Section 5 of the Legal Services Commission Duty Solicitor Arrangements 2001 (as amended in October 2006)

[http://www.legalservices.gov.uk/docs/cds_main/DutySolicitorArrangments2001\(amended2October2006\).pdf](http://www.legalservices.gov.uk/docs/cds_main/DutySolicitorArrangments2001(amended2October2006).pdf)

Supervisors working on CDS Direct will therefore have to ensure that they meet these requirements; those that cannot be met through their work on CDS Direct will need to be fulfilled through work outside of CDS Direct. Any work carried out beyond CDS Direct must only take place outside of those hours that they are contracted to work on CDS Direct and must not impinge on their ability to supervise effectively.

A104 c - The supervisor may be a barrister as long as they are a practising police station duty solicitor under the LSC's Duty Solicitors' Scheme Arrangements 2001 (as amended 2006).

Q105 - How do advisers currently undertake attendances?

A105 - Advisers carry out attendances outside of their work on CDS Direct. The LSC reserves the right now, and will continue to in future, to see proof of the attendances done.

Q106 - Are most of the Reps used freelance?

A106 – This is confidential to the advisers.

Q107 - What credit will be given in responses if we employ advisers who can speak a second language?

A107 - Providers wishing to bid to cover Welsh cases must provide details of their advisers' ability to speak fluent Welsh in their response and this will be considered when evaluating responses. Providers may include details of any other languages that their advisers speak in their response for the LSC to consider with all other information provided, however no extra credit will be given for employing advisers' with the ability to speak a second language (other than Welsh).

Q108 - In the tender application form under Flexibility of resources there is a question in relation to managing resources in a controlled and reasonable manner.

“Please provide details below as to how you would manage your staffing levels to cover”

I: Calls from new clients

II: Recording action taken.

And

III: in times of sickness and absence

IV: to cover planned leave or training

V: over the Christmas period.

It is not clear if this relates to clients of CDS Direct or of existing criminal clients of the business that are currently served under the existing criminal contract please can this be clarified.

A108 - This question relates to how you would manage your staffing levels for CDS Direct.

Q109 - We did not score well on the staffing desirable criterion in the Expression of Interest, what type of information was looked for?

A109 - The LSC was looking for details on the number of staff currently employed/ engaged by suppliers, how suppliers can be confident that they can recruit the appropriate number of remaining advisers and their plans for recruiting them, be ready for the contract start and what contingency plans they have in place.

Technical Arrangements

Q110 - How will LSC prevent cases being directed to a particular firm?

A110 - Cases will be allocated by the DSCC system in accordance with the percentage of cases that each supplier has been awarded to cover under their contract; the software generates the allocation and there is no human intervention.

Q111 - How will advisers be allocated cases?

A111 - Advisers will select and process cases from the “select cds cases” screen within the ECMS. Only cases that are open and have been assigned to that individual organisation will be available to select.

Q112 – Will the LSC make the templates for use in completing notes on the ECMS available to the successful suppliers?

A112 – Yes.

Q113 - Is there any word limit in the comments field?

A113 - Currently the limit is 2000 characters however this may be increased.

Q114 – Has the LSC investigated auto-populating templates and using automatic links?

A114 - The LSC did investigate this but decided not to develop the system in such a way at this stage. Currently advisers cut and paste comments from the separate document into the system notes.

Q115 - Can the system autodial police stations?

A115 - At present advisers manually dial the police station contact numbers. The ECMS is not connected to any autodial software and there are no plans to introduce such a system.

Q116 - Can we link to Outlook to diarise events or email case histories?

A116 - The ECMS system is standalone and enables advisers to diarise action on cases. DSCC will however email reports and case histories to CDS Direct suppliers – the process for doing so will be agreed after contract award.

Q117 – What happens to the system during down time, e.g. with routine maintenance and how often does this happen?

A117 – Any changes to the system are generally minimal and take less than an hour to complete. The changes are usually released to the fallback and live systems separately so no loss of service is experienced. If a change is required that will require downtime on both the live and fallback systems then this will be scheduled for quiet periods, usually Tuesday or Wednesday morning. During scheduled downtime DSCC would pass case details to providers manually, providers will then need to return their notes to DSCC once the system is restored and they will update the ECMS accordingly.

Q118 - Has a manual system been used yet where the CDS Direct advisers record details manually whilst the DSCC is down?

A118 - No, there have been no issues causing the ECMS to be unavailable during the pilot; telephony issues did occur once at FirstAssist and CDS Direct used mobiles.

Q119 - Where a call involves an interpreter are two telephone lines required?

A119 - The telephones will need two voice lines and a conference call ability. Advisers will need to call the police, identify what interpreter is needed and then connect with the telephone interpreting provider (currently Language Line) to proceed with a three-way call.

Q120 - Would there be a VOIP link between Hinkley/Purley DSCC to providers?

A120 - No the only link would be a data link.

Q121 - If you are going to use VOIP in the future will we be required to use a certain supplier so that calls can be routed over the data network? Is there any plans / timescale for this?

A121 - There are no plans for Voice Over IP currently.

Q122 - What are the software requirements for individual PCs?

A122 - PCs will need Windows XP and web browser MS Explorer 6. Some web browsers will not work with the system, such as MS Explorer 7 used in Vista, further information is contained in the Technical presentation from the open day and on the Oracle website.

Q123 - What size PCS are needed?

A123 - Currently the service uses Pentium 4 with 128 Mb memory. In 2003, DSCC was using Citrix low spec PCs, however FirstAssist have no current experience of using the Citrix platform.

Q124 - Is there any prospect of being able to use Vista with the software?

A124 - There is a possible solution but external testing is needed, Oracle and Windows will need to find a solution to this.

Q125 - What download volume is required to download the files?

A125 – 2Mb is required both ways. The application will need a big bandwidth for the initial download but low when work is ongoing.

Q126 - What bandwidth would be needed for a contended or uncontended connection?

A126 – If the connection were to be contended, higher bandwidth would be needed.

Q127 - Does the dedicated internet connection need to be as a separate line?

A127 – Yes, it needs to be a dedicated line so there are no contentious issues that the DSCC system is poorly performing.

Q128 - Is it intended that the LSC or First Assist will arrange for a broadband connection to enable work to be referred?

A128 - All cases will be referred to DSCC via the data link for the ECMS.

Q129 – Can suppliers investigate cheaper deals for connection line costs?

A129 – No, the LSC will handle the connections centrally and providers will be required to use that network provider.

Q130 - Has provision of the connection line been put out to tender?

A130 - No, the current provider is Azzurri Communications and they will continue to provide the connections. The connection cost figures in the Invitation to Tender document are from January 2007 and are estimated prices, FirstAssist are looking into the costs associated with the connections, exact costs will only be known when the location of bidders has been confirmed.

Q131 - Are the costs quoted for connections per user or per firm?

A131 - The costs quoted are for a line to one place and not to each user. Bidders will need to run the connection from this one place around their network to the pcs.

Q132 - When will we be provided with a cost for the Leased Line?

A132 - Providers will need to calculate their prices based on the estimated connection costs in the Invitation to Tender. The LSC will confirm exact connection costs with suppliers once contracts have been awarded and the location of providers is known.

Q133 - Is the location of the bidders an issue for the provision of the connection?

A133 - No, there is no technical limit on the location of a bidder.

Q134 - What precisely is the role of the current network providers – Azzurri? Once a CDS contract is awarded will they attend and install the software and ensure network connection? – provided of course, the necessary hardware and internet link is in place.

A134 - Azzurri provides the data and telephony support for FirstAssist Services as part of a managed service. Azzurri will manage the installation of the network connection and configuration of the FirstAssist firewalls to allow providers to connect to the ECMS. FirstAssist IT will provide details of the software links, but as the ECMS application is browser based there is no separate software installation other than when jinitiator is loaded at first start.

Q135 - Is there or will there be any license fee payable to LSC or FirstAssist in respect of each user of the ECMS system OR is it supplied free of charge?

A135 - There is no license fee payable.

Q136 - Is there any software maintenance fee payable? If so would that be apportioned at the same percentage as contracts are awarded?

A136 - A management fee is payable to Azzurri for the connection to the ECMS and covers maintenance and configuration changes (this is estimated at £3000 per annum, per connection). This typically means that Azzurri will manage the routers on the end of each tail (link), provide configuration changes, bandwidth management, capacity management and fault resolution however full details will be provided as to the scope of cover at contract award.

Q137 - Will the VPN MPLS support multi site action?

A137 – The VPN MPLS will be used solely for providers to access the ECMS. It will not be used by FirstAssist or providers for any other service.

Q138 – Will there be remote access support for the IT, e.g. a helpline to FirstAssist?

A138 – Yes, there is an IT Team on call 24/7 on site at FirstAssist, either at Hinkley or Purley, and they can be accessed by a central phone number.

Q139 - How is data stored?

A139 - Data is stored at FirstAssist; it is replicated in two places and backed up nightly.

Q140 - Will providers log into both the Purley and Hinkley servers?

A140 - Advisers will only need to log into the Hinkley server if the Purley server is down. If this were to happen, the DSCC would enable the connection to the fall back server and would notify the providers that they need to log into Hinkley.

Q141 - Is it wise that providers have a separate power supply?

A141 - It is up to bidders whether they have this available or not, however should a provider be unable to accept cases due to their infrastructure not being available, they will not be paid and, if this happens frequently, it could be a contractual issue.

Q142 - What security will be in place to protect us from yourself and other suppliers transmitting viruses or penetrating networks?

A142 – FirstAssist's network will be protected from the supplier's network through the provision of a firewall. It is recommended that suppliers install a firewall as part of their network provision.

Q143 - Security - What type of traffic will be transmitted (HTTPs ?)

A143 – The ECMS application is web browser based and HTTP data is transmitted in both directions. The forms within the web browser window are java.

Q144 - Will we be able to firewall our end of the connection so that no one can access our internal systems?

A144 – Yes.

Q145 - Security - What SLA's are there to cover us should any such security breach occur?

A145 – The DSCC has in place protection against viruses/ breaches in its own system as outlined in response to the above question. However, in the unlikely event that the system was unable to function and the DSCC system could not be used, suppliers would be required to complete their work manually and submit manual records to the DSCC to upload on to the ECMS when it is back up and running. Suppliers would then be paid for the cases that they had handled. However, should a breach occur within a supplier's network, the supplier would be responsible for resolving this and would not receive details of any cases until they were able to securely access the ECMS.

Q146 - If FirstAssist are providing us with the link what will be on offer in terms of resilience for Disaster Recovery?

A146 – FirstAssist will have links to their Purley and Hinckley sites and therefore resilience in terms of providing access to the ECMS. It will be the responsibility of the providers to have two links if they wish to make a resilient provision over multiple sites.

Q147 - If we have internal technical problems (data or telephony) would we be penalised under the SLA?

A147 - The draft contract contains details of the key performance indicators that suppliers will be required to meet and details of at what point penalties would be incurred. If a provider's telephony or system goes down, their cases will be diverted to another provider and as payment is based on the number of cases dealt with, the initial provider would receive no payment.

Q148 - What contingency is there in place for telephony failure (at either ends?) - If our end fails will the DSCC be happy to call alternative numbers or correspond by email? If not would they be happy to accept 0845 numbers as our main contact numbers so that we can divert them here to a mobile should we have a failure?

A148 - If there is a telephony failure at DSCC, the DSCC have contingency plans in place, including relocating or utilising a backup supply of mobile phones.

If there is telephony failure at a provider's end, DSCC will require some form of contact with providers. Obviously if the fault is preventing providers from making outgoing calls to the police station then they should inform DSCC who will take necessary steps to allocate their jobs to an alternative provider.

Q149 - In respect of the call data, how many calls by which advisor, response times etc. is such software maintained and run by DSCC or will the new provider require their own system compatible software linked in to their own telephone exchange/ switchboard?

A149 - The DSCC will record call data including response times and calls handled per hour by advisers and maintain the software and systems to

record this information. The DSCC will then distribute reports to providers showing this data.

Q150 - What reporting functions are available on the MI?

A150 – It is possible to report on any of the information reported in the ECMS using applications from Crystal Reports. The DSCC may at a later stage make reports available to suppliers to run.

Q151 – Are any paper records kept of advice given?

A151 – No, the ECMS application is self sufficient and all information is recorded and stored on it. However, should the ECMS be down for a period of time, suppliers will be required to work on a paper basis until the system is back up and running.

Q152 - How long do we need to store the manual paper information for or can we destroy these after we have updated the DSCC with the information once any system issues have been resolved?

A152 - Any manual paper information recording work carried out whilst the ECMS was inaccessible due to a fault at the DSCC should be returned to the DSCC to update the ECMS once system issues have been resolved. No manual information will therefore remain at providers.

General

Q153 - How much contact is there from own solicitors?

A153 – Currently around 2 or 3 requests a week, however usually a case print out is sufficient to cover queries. There are only occasional Section 9 requests, which the supervisor sees. The volume of requests could however increase with own client work. The LSC will confirm the process for handling Section 9 requests at contract award; we accept that this is part of the supervisor's role but bidders should not increase their bid to take into account this work.

Q154 - How many advisers have had to go to court?

A154 - Usually the case print out has been sufficient, however 3 or 4 advisers have had to go to court in the last 18 months. In addition there have been a few section 9 requests.

Q155 - What process is used if a client asked for a recommendation for a solicitor to attend court or asks the adviser to attend?

A155 - If the client has their own solicitor, CDS Direct currently contacts the solicitor by fax (using a fax pro forma) with details of the client's appearance. If they do not have their own solicitor, CDS Direct advises the client to use the

duty solicitors at court. In future the DSCC will contact own solicitors and not CDS Direct providers.

Q156 - Will CDS Direct contact private solicitors?

A156 - No, the DSCC will contact own solicitors to advise them of their client's court appearance. Should own solicitors contact DSCC or CDS Direct providers with requests for copies of advice given, the relevant CDS Direct provider will need to respond to such requests.

Q157 - Do advisers ever contact own solicitors about the advice given when they are deployed?

A157 - Providers will not be required to call own solicitors; the DSCC will either read out the information recorded by the adviser on the system to the own solicitor, or very occasionally if the information was particularly complex, the provider would speak to the solicitor themselves.

Q158 - How many complaints have there been?

A158 – There were 16 in the first month, 20 in the second month and none in the last four months.

Q159 - What is the Law Society's attitude towards solicitors informing suspects of how to complain as required under Practice Rule 15?

A159 - The LSC does not believe that the requirements of Practice Rule 15 relate to one off pieces of advice. Advisers also do not send any follow up information to clients concerning the advice given (the only exception being where the adviser is concerned that there have been issues with the Police and the client has requested a copy of the CLS Direct Actions Against the Police leaflet). The Professional Bodies have been to CDS Direct twice and have not raised this issue.

Q160 - Is there a designated line for busy police stations to contact CDS Direct?

A160 – No, if the Police want to contact CDS Direct, they go through the DSCC.

Q161 - Has the LSC been content to contact custody officers as opposed to sergeants?

A161 - Yes.

Q162 - How will providers access case information for file reviews?

A162 - FirstAssist will hold all of the management information and will select the files to be reviewed. They will then forward the relevant case prints to the provider by email.

Q163 - Would the DSCC contract ever move to the same office as CDS Direct?

A163 – Only if the supplier won the competitive tender for the DSCC contract.

Q164 - Are the current pilot team bidding?

A164 - FirstAssist who are running the pilot confirmed that they would not be bidding some time ago, it is inappropriate to state whether people who have worked on the pilot may be involved in bids in some capacity. Any of those involved in the pilot will receive no additional information to that supplied to all other bidders.

Q165 - Can it be assumed that any FOI requests for information relating to applications (in particular to price) will not be fulfilled before the closing date for submissions?

A165 - On submitting bids, bidders should identify which parts of their application would fall within the Section 43 exemption; they should identify any commercially sensitive information and tell us the period of that sensitivity.

Once the selection process is completed, the LSC is likely to publish general contract details, it is however unlikely to publish any information from bids during the selection process due to the commercial sensitivity of that information.

Q166 - In relation to Practice Rule 4 waivers, the guidelines state that the SRA will require evidence that the “best service at the lowest cost” will be provided. Are there any suggestions as to how this might be addressed whilst maintaining commercial confidentiality as regards price?

A166 - You should contact the Solicitors Regulation Authority for any guidance on applying for a waiver.

Q167 - Is a waiver required from the Law Society if the solicitor employed is not dealing with members of the public?

A167 - Providers will need to agree with the Solicitors Regulation Authority whether or not a waiver is required if a solicitor employed by a non solicitor organisation is not providing advice.

Q168 - Is there any preference as to whether plans, organograms etc form part of the document or are submitted as appendices?

A168 - No, however where appendices are submitted, any references to them in the application form should clearly state which appendix should be

considered; in addition, all appendices should be clearly labelled and pages attached to the application form numbered sequentially.

Q169 - Please can you provide clarification on the following questions from the Initial Q&A document:

- a) **Q9 - Should set-up costs be costed separately in bids? A9 - Yes. Set up costs should be included in bids and be identified separately from running costs. And**
Q11 - Will the LSC publish information on the costs of the communications link? A11 - Yes, before the ITT is published. The price of the communications connection to the bidder's site will have to be factored into their bid.

A169 a - Bidders should provide details of all costs included in their gross cost per case rate in the relevant space in the Price Bid Form. The estimated price on the communications link has been included in the ITT; bidders should use these estimates when calculating their proposed bid price for cost per case.

- b) **Q19 - How do the calls get divided between advisers currently? A19 – Details of cases are made available on all advisers' computers; any adviser can pick up a case and once it's been picked up this will be indicated on all advisers' computers. Advisers therefore need to be at their own computer at all times (24/7/365 days a year) to see the cases come in and take the work. Bidders should note that currently there is only one pilot supplier – if we select a number of providers following the bid process, each call will be allocated to only one provider's advisers. And**
Q20 - What would happen if the call centre was overloaded with long calls? A20 - Very few things cause huge spikes in demand, for example England football or rugby games. If a supplier could not achieve their Service Level Agreement standards because of a spike in demand, the LSC would not penalise them, however if they could not maintain service levels due to someone being off sick, this would not meet the contractual requirements. The LSC will provide details of suggested staffing levels in the Information for Tender. Suppliers will be required to accept calls and will therefore need flexibility in their resources. The LSC will ask bidders if they are happy to increase their contracted hours by some tolerance, for example 10%, at the same rate and will tender to increase contract sizes if necessary.

Please can you provide further clarification to these questions on when bidders would be penalised under the SLA, e.g. if they have internal technical problems

A169 b – The draft contract will include the Key Performance Indicators that providers will be required to meet in terms of providing advice to clients and will clarify where there are problems with either FirstAssist's system or a supplier's system what action should be taken and when suppliers would be penalised – If a provider's telephony or system goes down, their cases will be

diverted to another provider and as payment is based on the number of cases dealt with, the initial provider would receive no payment.

- c) Q33 - What would the cost be for the software and the timings for implementing it? A33 - The LSC will include details of the software, network and technical specifications in the ITT. The costs for IT should be included in overheads.**

Can you provide further information on what the data requirements are so that we can cost the IT?

A169 c - All details necessary to calculate your bid have been included in the ITT, further information on the technical requirements is also included in the Technical presentation from the April Open Days.

- d) What is the database referred to in question 36 (Q36 - Will suppliers need a back up of the database off site? A36 - If the Duty Solicitor Call Centre is able to extract data from suppliers' machines then suppliers will not need to store data off site.**

A169 d - The database referred to is the ECMS. Suppliers will not be required to store any data as all information will be contained within the ECMS and this will be updated by suppliers and held by the DSCC.

- e) The response to Question 61 referred to details of contingency requirements in terms of technical failure at providers' premises or at the DSCC being included within the Information for Applicants, do we have a copy of the Information for Applicants?**

A169 e - The Invitation to Tender document is in the Information for Applicants and contains details on disaster recovery requirements.

- f) The response to Question 62 refers to the Information for Applicants, do we have a copy of this? (A62 – All case information will be recorded on the DSCC's Electronic Case Management System (ECMS), details of what information is recorded and how the DSCC system is used will be provided in the Information for Applicants. Providers will then be paid on a price per case handled basis, monthly in arrears).**

A169 f - As above, the Invitation to Tender is the Information for Applicants and includes details of what information is recorded on the ECMS.

- g) Q65 - Will the CDS body need to keep and maintain information received from DSCC and a record of the advice given in a hard copy /paper file for audit purposes or will electronic files be sufficient? A65 – All case information will be recorded on the DSCC's Electronic Case Management System (ECMS) and stored by the DSCC. The CDS Direct provider will not need to store this data in any format on their premises.**

According to Q65 we do not need to store any information on our premises. Please can this be clarified - basically if we cannot get onto the CDS System via the Data link we cannot work and will not be paid.

A169 g - All information about the cases and work carried out on cases will be recorded on the ECMS and stored by the DSCC; providers do not need to store any information on their premises.

If providers are unable to access the ECMS due to a fault at the DSCC or a planned software update, the DSCC will provide details of cases by telephone to CDS Direct suppliers (in accordance with the percentage of cases they are contracted to provide). Providers will then need to record details of the case and all work carried out on it manually until normal service resumes. Providers will return their notes to DSCC to update the ECMS accordingly and providers will be paid for the cases that they dealt with.

If a provider is unable to access the ECMS due to a fault with their system, their cases will be dealt with by another provider until such time as the issues have been resolved. As they will not be able to pick up case details whilst their system is down, they will not receive any payment.

SECTION 4 – QUESTIONS RAISED AFTER ISSUE OF DRAFT CONTRACT

Q170 Schedule 11 in the draft contract refers to a Business Continuity Plan and states that the mainframe power supply must be supported by uninterrupted power supply equipment AND a generator. Does this relate to those practices without a "warm area" or is it an essential requirement for all providers?

A170 For both larger providers with a warm recovery facility and for smaller providers without such an arrangement, it is not essential for their mainframe power supply to be covered by both uninterrupted power supply equipment and a generator. Providers' mainframe power supply (together with that of any permitted sub-contractor or agent) must be covered by at least one of either uninterrupted power supply equipment or a generator. Whichever facilities are in place must however be sufficient to enable the provider to comply with all other elements of the Business Continuity Plan and the service availability requirements set out in the Key Performance Indicators.