

Civil Bid Rounds 08/09
Frequently Asked Questions

Questions 1 - 17 submitted up to 12pm on Monday 15 July 2008
Questions 18 - 38 submitted up to 12pm on Tuesday 22 July 2008
Questions 39 –69 submitted up to 4pm on Thursday 24 July 2008

Version 4: 29 July 2008

Q1. Do you accept service by fax and/or e-mail?

Faxed or emailed applications will not be accepted and we will not consider any applications submitted to us by these methods.

Please see paragraph 2.7 of the Information for Applicants (IFA) for further information on submitting tenders.

Q2. Can we tender for a Category of Law that is not included in the IFA?

No. If the Category of Law is not included in the Invitation to Tender then we are not seeking to procure additional services at this time.

Q3. Can we tender for a Procurement Area that is not included in the IFA?

As per Question 2 – all Invitations to Tender identify the Procurement Area, and if applicable specific locations within the Procurement Area, where we wish to procure additional services. If a Procurement Area is not identified in any Invitation to Tender then we are not seeking to procure any further services at this time in that location.

Q4. How will the Services be remunerated under the Unified Contract (Civil) be paid?

The IFA summarises, at Appendix One, the remuneration arrangements under the Unified Contract (Civil). For full details please see the Unified Contract (Civil) Specification and in particular Payment Annex 2007 and Payment Annex 2008.

Q5. Can I bid as consortia or will you accept sub-contracting arrangements?

Please see paragraph 1.10 of the IFA for further information regarding the legal status of applicants.

Q6. Can I deliver advice through methods other than face-to-face, for example telephone or video conferencing?

No. All tenders are for the provision of face to face services.

- Q7. Under my Unified Contract (Civil) I am already permitted to deliver services in two social welfare law (SWL) categories, do I just need to bid for one more to make up the three?**

In summary, as this is for additional work you will need to tender for Matter Starts in at least 3 SWL Categories of Law to meet the Essential criteria in all Invitations to Tender relating to SWL. Please see paragraph 1.16 of the IFA for further information for existing Providers bidding for additional work.

- Q8. We are looking to expand our services but do not have an office within that particular procurement area. We do have a written agreement to use the premises of another organisation in that procurement area through which we can provide an outreach service for Family and 3 SWL categories for at least 1 day per week using an appointment system etc. Can you confirm that this meets the requirements of the tender process, please.**

On the basis you do not have an Office in the Procurement Area you will not be able to meet the Essential criteria. It is an essential part of all the services we wish to procure at this time that an organisation has an Office in the relevant Procurement Area.

- Q9. Please can you tell me if you have you published a list anywhere of the full allocations made in the Civil Bid Round in November 2007? I would be really interested in seeing the full awards and cannot find this on the website.**

Currently, there is no published list of the awards made in the previous Bid Round. However, we are continuing to update the Community Legal Advice database with all the services available to clients.

- Q10. Please could you confirm when we need to enter an expression of interest for family mediation by? What does an expression of interest commit us to, if anything?**

You will need to return your Expression of Interest Form by 4pm on 7 August 2008.

The expression of interest process does not commit your organisation to deliver the service. Please see paragraph 1.5 of the IFA for further information regarding Family Mediation and the possible outcomes of this particular process.

- Q11. My colleague and I are considering placing a bid for the new contract. In the event that we do not bid for the contract this August please could you advise as to when the next tender will be?**

Subsequent Invitations to Tender will be dependant on the extent to which the current tender round fulfils the requirement to place additional services and the availability of funds.

We cannot advise therefore when the next Invitation to Tender under this Unified Contract (Civil) are likely to be.

However you may wish to review the Civil Route Map (see Focus 59 June 2008), which sets out our intention to run another procurement exercise from May 2009 for all civil legal aid services from 1 April 2010 (following the expiry of the current Unified Contract (Civil) on 31 March 2010).

Q12. In the IFA document, under the heading 'Legal Status of Applicants' it states, amongst other things, that the "Client's retainer will always be with the single entity".

Could you provide some further guidance in relation to how the Commission expect to see this operating in practice. For instance, will a member of the legal entity be required to use the name of the legal entity instead of their usual operating name when communicating with the client?

Alternatively, would the Commission accept that such an arrangement might be confusing for the client? If so, could you please confirm that a paragraph in the provider's client care letter or terms of business confirming the retainer with the legal entity would be acceptable?

You are correct that it is imperative that a client is aware of the organisation delivering the service. Where Firm A and Firm B join together to form a third single legal entity 'Firm C', then all services delivered and all communication with the client and other third parties must be made in the name of Firm C.

Following on from the example above, any contractual relationship would exist solely between the LSC and Firm C.

Q13. The Information for Applicants (para 1.6) states that 'Providers will need to have an Office within the Procurement Areas specified'.

Does this mean they must have such an Office when their bid is submitted, or by the time that they deliver the service 12 weeks after the award of a contract?

Where Invitations to Tender require organisations to have an Office within the Procurement Area and/or at a Specified Location, this must be in place and available to clients by the time the service commences.

The Tender Form will generally ask you to state that you are able and willing to deliver the service from an Office in the Procurement Area and ask you to identify the location.

Q.14. The definition of an Office in the Information for Applicants (para 3.23) states that it means 'your organisation's permanent premises where the

majority of your services are accessed, on a face to face basis, by the client.'

The tiebreaker 2 states 'We may give preference to organisations that tender to deliver the service, either through Offices or Outreach premises, from the greatest number of Specified Locations as listed in the Invitation to Tender (at both the Essential criteria and Selection criteria stages).

Does this mean that you must have one office in the procurement area; but that should tiebreaker 2 be applied, preference may be given to organisations with more than more office and/or additional outreach locations?

Yes. In the event that we apply the tiebreaker (in accordance with Section 2.6 of the IFA), we may give preference to organisations that tender to deliver the service, either through Offices or Outreach* premises, from the greatest number of Specified Locations as listed in the Invitation to Tender (at both Essential criteria and Selection criteria stages).

* For any Outreach to count as a 'location', you must deliver the service at the Outreach premises at least once a week.

Q.15. In the East Midlands tender document – in relation to Housing Advice, the document says that providers must have “a Solicitor in place”. Could you clarify what this means please?

Any organisation, tendering for Housing or Community Care, must have an advisor who is qualified as a solicitor, or an employed barrister (who is authorised to conduct litigation under the provisions of the Employed Barristers (Conduct of Litigation) Rules) in place by the date the service commences.

You will need to demonstrate on your Tender Form that, by the date the service commences, you either employ an advisor who is qualified as a solicitor or an employed barrister, or that you have a formal arrangement in place giving you appropriate access (without the need for referral) to the services of an advisor who is qualified as a solicitor, or an employed barrister

Please see paragraph 1.10 of the IFA for further information regarding the use of agents and Approved Representatives

Q16. Re: Immigration advice both by telephone and at immigration removal centres.

Please kindly provide me with further information, application forms and any available guidance you may have relating to the above referenced service on tender in the civil bid round 2008

We intend to publish details of the Invitations to Tender for Immigration services on the Tuesday 22nd July 2008. Please monitor our website for further information.

Q17. I am interested in the current bid round for civil contracts. I understand from the information provided that Social Welfare Law contract is available in a neighbouring procurement area where we would like to deliver a service. Our office is about 1/2 a mile from this procurement area and we currently draw clients from that area. I wondered whether our own office would suffice or do we need to have a new office in the procurement area where we are interested in tendering or just the ability to hold face to face interviews in the area.

Further to questions 8 and 13 above, in order to comply with the Essential criteria in the Invitation to Tender the Organisation must be able and willing to deliver the service face to face from an Office in the Procurement Area and primarily to clients located in the Procurement Area.

Q18. Under the heading "legal status of applicants" (1.10 of the applicant's guidance) you say that you will contract with more than one organisation provided that a new single entity is formed. You then later say that you will not accept any subcontracting arrangements and "instead your organisations must be able to provide all the services you are tendering for" (emphasis added).

Given the reference to "your organisations" [plural] - Does this mean that where a single legal entity is formed by two organisations for the purpose of providing services under this contract you would accept an arrangement whereby the two original organisations forming the separate legal entity were subcontracted the work by the new single legal entity?

If not, what arrangements are envisaged or would be acceptable whereby more than one organisation can do the work that you are contracting for through a single legal entity?

We only wish to contract with a single legal entity for the purposes of providing these face-to-face advice services.

We will not accept any subcontracting arrangements.

Q19. My firm has a family franchise at 4 of our offices. We are interested in applying for the specialist domestic violence and public law categories. If successful how will this affect our current matter starts - will they increase or remain the same. Will there be publicity to our local community from yourselves.

In the case of a successful bid, Matter Starts will be awarded for the provision of additional services. Please see sections 1.11, 1.13 and 2.8 of the IFA for further details.

There will be no additional advertising of services by the LSC but all provider services will be made public via the CLS directory.

Q20. In the essential criteria for social welfare law it states:

"Any organisation, tendering for Housing must have a solicitor, or an employed barrister(who is authorised to conduct litigation under the provisions of the Employed Barristers (Conduct of Litigation) Rules) in place by the date the service commences."

Would this include a Fellow of the Institute of Legal Executives?

No, this does not include a Fellow of the Institute of Legal Executives (ILEX).

Q21. Where the LSC is tendering for services in "Specified Locations", the Essential Criterion (B) relating to the location of the service delivery is ambiguous, particularly when read together with the relevant Selection Criteria, and the relevant questions in the Tender Form.

For example, in the North West tender with reference 003, is it a requirement that applicants must have an Office in at least one of the two areas: Harpurhey or Wythenshawe? It is not clear from the Essential Criterion whether the organisation's Office must be in one of the Specified Locations, or simply that the service delivery must be located there (which could be by outreach, as referred to in Selection Criterion No. 1). Question B2 of the Tender Form implies that the service must be delivered from an Office in a Specified Area. If this is the case, an organisation with an office in Harpurhey, for instance, could bid for an outreach service in Wythenshawe (which is miles away, and has no obvious links with Wythenshawe), yet there are organisations in Manchester much closer to Wythenshawe, and with stronger links, which would be excluded from bidding.

If this is not the case, please confirm that as long as an organisation has an Office in the Procurement Area, it can bid to deliver outreach services in one or both of these Specified Locations.

The Essential criteria requires that a provider has an Office in the Procurement Area and, where relevant, in at least one Specified Location. In this case the Procurement Area is Manchester and the Specified Locations are Harpurhey or Wythenshawe. To meet the Essential criteria a provider would need to have an Office in either one of these locations.

Q22. The tender document has the following sections relating to ISWL law.

The organisation must be able and willing to deliver services across the full range and breadth of work (from Legal Help to Licensed Work) in all the Categories of Law being tendered.

Any organisation, tendering for Housing or Community Care, must have a solicitor, or an employed barrister (who is authorised to conduct litigation under the provisions of the Employed Barristers (Conduct of Litigation) Rules) in place by the date the service commences.

Can you please clarify the following:

As I understand it the unified contract does not contain a requirement that licensed work be delivered. With this in mind is it really the case that this requirement applies to the ISWL categories?

It is our intention both now and in the future to ensure that Organisations can provide seamless services for clients. This includes litigation services in all Categories of Law wherever appropriate.

In our view there is a significant need to provide such services in these Categories of Law, so that clients can be represented in court by the same organisation that provided the initial legal advice. Whilst the Unified Contract does not contain a requirement to carry out Licensed Work, we are entitled to impose appropriate conditions when awarding contracts for new and extra work in order to meet our priorities.

Q23. 1. We already have a number of matter starts for Family work. If we wanted more, is there any reason why I cannot simply seek an increase from my account manager?

Providers with a Unified Contract (Civil) have a contractual right (Clause 11 of the Standard Terms) to apply to vary their allowed matter starts at any time. Where a provider simply wants to increase the number of authorised matters in their current schedule with no other changes then they may choose to apply to the relevant Regional office outside of any tender process.

However, it should be noted that this option is appropriate only for modest increases where the provider is likely to exceed the number of authorised matters in the current schedule. Should a provider wish to apply to vary the categories of work they provide, or deliver the service from a different or additional location, then they should consider if a formal tender is the more appropriate option.

2. I assume that although this is said to be a competitive tender it is not competitive on price and the price is fixed on the same basis as all existing legal help cases, i.e. fixed fee.

Please see Question 4.

3. If we bid for matter starts in a neighbouring Procurement Area (we are based in a London Borough but there seems to be no reason why we could not bid in neighbouring London Boroughs) does that mean that we can only take cases from those boroughs and how tight do our records have to be? For example if we already have 150 matter starts and then bid for, say, another 100 cases in a neighbouring Procurement Area (split 50/50) would we be prevented from taking cases from other areas if they approached us. In other words how does the bid relate to the geographical areas from which cases are taken and how do we record this and how is this monitored? It seems to me that in essence we are simply applying for matter starts in Family.

Invitations to Tender are advertised in a manner designed to provide the best possible access to services for clients. Providers without an Office in the Procurement Area will not be able to meet the Essential criteria.

Whilst matters are awarded primarily for the provision of advice to clients within the geographic boundary, if clients choose to access services across these boundaries then we would accept that is for the client to exercise their right to do so.

Q24. 1. Office location. Where we have an existing established service in an adjoining procurement area can we deliver by way of outreach locations. We would undertake to meet the number of days specified in the tender in a range of outreach locations in the procurement area.

Our objective in issuing these Invitations to Tender is to obtain the best possible access for clients. In order to comply with the Essential criteria in the Invitation to Tender the Organisation must be able and willing to deliver the service face-to-face from an office in the Procurement Area and primarily to clients located in the Procurement Area. Where on Organisation does not have an Office in the Procurement Area then they will be unable to meet the Essential criteria.

2. The LSC may offer us a number of NMS below that specified as our minimum on the tender form. Were this to happen could we simply refuse the offer?

Please see paragraphs 1.11 and 2.8 of the IFA for further details on award of Matter Starts and how Contract offers will be made. Organisations are at liberty not to accept an offer made by the LSC

3. There are NMS allocated in locations where the LSC has announced there will be a CLAC or CLAN tender. How do these 2 tender rounds fit together?

Invitations to Tender have been advertised in locations where there is likely to be a significant time before a CLAC service is established to ensure access to services is maintained.

Q25. Please can you confirm that if we do not submit a tender it won't affect either our ability under our current contract to undertake Legal Help Family work or the fully certificated work that we are currently doing.

This tender exercise is to procure additional work under new funding and therefore it has no impact on work already authorised for a current Provider, as set out in their Unified Contract (Civil) Office Schedule/s.

Please see paragraph 1.16 of the IFA for further details.

Q26. We scored 4 at our debt peer review in October 2007. We haven't had a second audit yet. Can we apply for New Matter Starts in the other categories of social welfare law, excluding debt?

Where an Organisation has received a confirmed (i.e. after conclusion of appeal process) Peer Review result 4 for any civil Category of Law in the last 12 months then they will be unable to meet the Essential criteria for any Invitation to Tender for any civil Category of Law.

Q27. Please can you clarify the following two points:

(1) [Section 2.1] I'm not sure what is required of us here. Our contract has an Office Schedule[Civil] attached to it, and we have an amendment notice number 3 dated 1/7/07 which describes that schedule as "schedule number 8". Is this the information you need?

Please list the numbers of all your Office Schedules

(2) [Section 3 : A2] Please confirm that a photocopy of the panel certificate will suffice.

A photocopy of the panel certificate will suffice

Q28. We wish to tender to deliver a service in the categories of welfare benefits, debt and employment only.

Essential criterion C states that "the organisation must be able and willing to deliver services across the full range and breadth of work (from Legal Help to Licensed Work) in all the Categories of Law being tendered". This implies that we need to employ or otherwise have in place a solicitor or employed barrister authorised to conduct litigation.

However, essential criterion I states that "any organisation, tendering for Housing or Community Care, must have a solicitor, or an employed barrister (who is authorised to conduct litigation under the provisions of the Employed Barristers (Conduct of Litigation) Rules) in place by the date the service commences". This implies that we do not need to need to employ or otherwise have in place a solicitor or employed barrister, as our proposed service does not include these categories.

Please clarify the apparent conflict between these two criteria.

Applicants must meet Essential criteria C and I (where I is relevant)

Q29. We have read the answer to Q.15. Please can you give an example of a formal arrangement in place giving you appropriate access (without the need for referral) to the services of an advisor who is qualified as a solicitor, or an employed barrister.

There are a number of ways in which Organisations currently without access to an authorised litigator may choose to provide the services that we aim to procure.

The most obvious examples of this being those which bring in new expertise to their own Organisation enabling them to provide additional Categories of Law such as; recruitment of staff, secondments from other organisations, consultants, agency workers. This would meet the terms of the tender provided that at all times the bidder remains responsible for delivering all the Contract Work, the client's retainer is always with the bidder and the terms of the Unified Contract (Civil) are met.

Q30. My advice agency is considering putting in a bid with the local law centre, if we set up a single legal entity that holds the contract and the service is delivered by the advice agency and law centre – will this be allowed or will this be considered a sub contracting arrangement?

Please see paragraph 1.10 of the IFA.

The terms of the Unified Contract (Civil) are based on the Commission contracting with one single legal entity, which undertakes itself to do all Contract Work under that contract. This means that all the rights and liabilities under that contract for all the Contract Work remain at all times with that single legal entity.

Q31. In respect of the current bid round for social welfare law provision in Gloucestershire please could you clarify the following:

1. The duration of the contract, will the 450 matter starts on offer be spread over the period from notification of successful bid plus three months until end March 2010?

The 450 matter starts represent an annual allocation. Where schedules are awarded part way through a contract year- these will be awarded on a pro-rata basis.

2. Will this contract be in any way affected by the proposed CLAN due to start in June 2009 in Gloucestershire or any other joint commissioning process?

A new tender process will be carried out wherever a decision is taken to proceed with a jointly commissioned Community Legal Advice centre or network and all existing social welfare law contracts in the procurement area will be terminated. In order to ensure the continued availability of services to clients the timing of the termination of existing contracts and arrangements for remainder work may vary from area to area depending on who is successful in the tender. However existing contract holders will be given a minimum notice period of six months before their contract is terminated.

3. Is it acceptable to bid on the basis of sub contracting for some services?

Please see paragraph 1.10 of the IFA that deals with the legal status of applicants.

4. Taking account of the size of the area covered by the bid, will travel time be paid as an extra over and above the matter starts on offer?

The contract specification and the payment annexes set out the rates payable for each type of work. No additional payments will be made in addition to fixed fees outside these payment arrangements

- Q32. a) The creation of Procurement Areas has created a particular issue for my organisation in the current civil bid rounds. For some years, we have successfully delivered legal advice services from offices covering large rural areas. We have consistently performed well on our contracts, and we know we deliver a good service to our clients. In some offices, we have seen our operating areas split into 2 or more Procurement Areas. According to the IFA, it is a requirement that providers operate an office in any procurement area in which they bid. Is the LSC really saying that we need to open an additional office, even in an Area in which we already work?**

Our objective in issuing these Invitations to Tender is to obtain the best possible access for clients. In order to comply with the Essential criteria in the Invitation to Tender the Organisation must be able and willing to deliver the service face-to-face from an office in the Procurement Area and primarily to clients located in the Procurement Area. Where an Organisation does not have an Office within the Procurement Area then they will be unable to meet the Essential criteria in the Invitation to Tender.

- b) If an office in the new Procurement Area is an absolute requirement, we would need to open a new office. Beyond the SQM requirements, which we understand, what exactly doe the LSC require of an office? We are struggling to apply the definition of "Office" means your organisation's permanent premises where the majority of your services are accessed, on a face to face basis, by the client to a large rural area. In such an area, we would still want to deliver a significant amount of the face-to-face work via outreach, even with a permanent office.**

Where an Organisation can meet the Essential Criteria of having an Office in the Procurement Area any Outreach services required will be identified in the individual Invitation to Tender by Specific Locations (at both Essential criteria and Selection criteria stages).

Q33. If we only win a proportion of the NMS are we still expected to deliver a 9-5 Mon-Friday service from our office within the procurement area or can a service on a proportionately reduced number of days be delivered

This will depend on the requirements of the individual Invitation to Tender and the contract offer that is made.

Q34. We are currently forging links with the many Sure-Start centres in the area and also the Refuge and Domestic Violence and Abuse forum. As a result, the amount of DV referrals to the firm has increased significantly.

This is an area we hope to continue to develop so I am interested in submitting a Tender. I would however like clarification on this point

The tender process only relates to matter starts for contracted work. If a DV matter is urgent and devolved powers used the work is done on the certificate and not a Legal Help. If we were successful in being allocated further matter starts which were not subsequently used, for the reason given, would we be subsequently penalised when a review was undertaken and the KPI's considered ?

Please see paragraph 1.13 of the IFA.

In making contract awards for a number of New Matter Starts (NMS) we ask that organisations consider carefully their capacity to deliver the Matter Starts you are tendering for to enable us to make best use of the matters available. However, we recognise that there may be times when this is difficult to estimate. In all cases where Organisations are likely to exceed or fall short of their allocated NMS they are asked to contact their Account/Relationship Manager to discuss this as early as possible.

Q35. In Civil Bid Rounds Frequently Asked Questions (Questions submitted up to 12pm on Monday 15 July 2008) Version 1: 16 July 2008, please clarify further the answer to Q.15:

What are “acceptable formal arrangements for appropriate access to an advisor who is qualified as a solicitor, or an employed barrister” – these are not set out in paragraph 1.10 of the IFA or in paragraph 5.29 of the Civil Specification to the unified contract which deals with agents and what is the difference between these “formal arrangements” and subcontracting which you had indicated was not acceptable?

Please see question 30 above. Subcontracting would entail passing work to another organisation, rather than supplementing the staff of the bidding organisation in the ways suggested at the answer to question 15.

Q36. If we tendered for a social welfare law contract do we have to cover all the law categories, eg Debt, Housing, Welfare Benefits, community care & employment or could we just cover one category.

As per question 7, you will need to tender for Matter Starts in at least 3 SWL Categories of Law to meet the Essential criteria in all Invitations to Tender relating to SWL

Please see paragraph 1.16 of the IFA for further information.

Q37. We specialise in Education, Community care and Public Law. We do not offer an integrated service in all aspects of social welfare law and the advice and services we provide are of a specialist nature, not basic as you seem to be seeking. We refer potential clients to networks and agencies as well as to the CLS for basic advice and specialist advice outside our area of practice.

From the very brief details on your website I cannot decide whether there is any point in tendering. Specialist work is not covered. Based on our experience we think there will be difficulty finding family law firms that are demonstrably competent in our specialist areas.

Please confirm whether Education and Public Law are supposed to be within the definition of 'SWL' and clarify exactly what you mean by 'SWL'.

The definition of SWL can be found at paragraph 3.23 of the IFA. It is not our intention to tender services in Education or Public law at this time.

Q38. The boroughs of Islington and Hackney appear to have been omitted from the London IFA.

The reason these locations have been omitted is because there are no Invitations to Tenders being offered here at this time.

Q39. We are in the process of forming a single legal entity, involving four core agencies, which will be in place by the end of September. The four core agencies will retain their legal status but services will be provided under the umbrella of the single legal entity and clients will be able to access the whole range of services from any point of access. If we were to bid as the single legal entity, could services be delivered by the core agencies and could the employment of additional advisers be assigned to one or more of the core agencies.

All services must be delivered by the single legal entity that is tendering for the services. Advisers may be employees of one of the entities joining together but the services delivered by those advisers must be delivered through the single legal entity that enters into the retainer with the client.

Q40. Our organisation is looking to tender for additional services. The tender form says that information will need to be provided in order that the SQM can be applied for. This organisation has already passed a desktop audit for the Debt SQM and has had an audit early in January. The auditor advised that they would be recommending that the SQM is awarded.

In instances where the desk top audit has been passed and there has been an audit, can you just clarify whether the QM1, SQM Self assessment checklist, Supervisor standards form, Status enquiry forms and a copy of the office manual would be required with the tender form?

Please see paragraph 1.14 of the IFA.

If you have already been advised that you have successfully completed the desktop stage of the audit process in the Category(s) of Law in which you are tendering to provide a service then you will not need to provide these documents.

Q41. My firm are considering making a tender for the provision of Family work.

I am writing to enquire as to whether we can apply or not as I am unclear from your web site as to whether or not we would be successful in obtaining the Specialist Quality Mark. Our Family Dept consists of myself and a legal executive. I have been qualified for 2 years and am a member of Resolution only. Accordingly, please can you confirm whether we meet the panel membership requirements for the supervisor as it is not clear whether it is sufficient simply to be a member of Resolution or whether you need to be an accredited member. I do intend to apply to become an accredited member of Resolution but cannot complete the paperwork until I am 5 yrs PQE.

You will need to be a Resolution Accredited Specialist in Domestic Violence to meet the Essential Criteria. This is because the tenders for specialist Domestic Abuse and Public Law Children require a higher standard of supervisor qualification than the tenders for general family services which require only the Specialist Quality Mark (SQM) supervisor standard is met.

Whilst you may not meet the Essential criteria for the specialist family advice services in Domestic Abuse or Public Law Children you may wish to consider whether we are inviting tender to deliver general Family services in your area. We would advise you to consider the Supervisor requirements of the SQM for Family services.

Please see paragraph 1.14 of the IFA and follow the link below for information on the SQM.

Q42. Do we have to have a permanent office in the procurement area at the time we apply for the contract or can we undertake to have an office in the area within 12 weeks of the contract being awarded (if it is)?

Please see paragraph 1.15 of the IFA.

Whilst an Office need not be in place at the time the tender is submitted, the service must commence within 12 weeks of the date of award from an Office within the Procurement Area (and at the Specified Location if applicable).

Q43. I am unclear about your definitions of "office", "location" and "outreach". Your answers to questions 8 and 14 seem to be partially conflicting.

I understand that you will only contract with one entity. A London firm wish to bid for specialist family in another Procurement Area. I would be undertaking the work in those areas as a consultant for them. They have a family contract.

I would intend having a place of work in the Procurement Area to see clients face to face when necessary. Does that count as an office or a location or an outreach. If an office you seem to be suggesting that QM1, SQM assessment checklist etc is required and a desktop audit and so forth. If an outreach then none of that would be required.

Our objective in issuing these Invitations to tender is to obtain the best possible access for clients. In order to comply with the Essential criteria in the Invitation to Tender the Organisation must be able and willing to deliver the service face-to-face from an Office in the Procurement Area and primarily to clients located in the Procurement Area. Where an Organisation does not have an Office within the Procurement Area then they will be unable to meet the Essential criteria in the Invitation to Tender.

The IFA contains definitions of Office and Outreach, which you may wish to consider. However, it may be that you will need to submit your tender detailing the specifics of your location for us to assess against the Essential Criteria.

Q44. I have completed the tender form reference Lon25 for Specialist Family in all London boroughs and have a few questions;

1. If the bid is successful does it allow us to deliver services in every London borough, or must we specify the Boroughs within which we wish to operate?

You must only specify the Office in the Procurement Area from which you will deliver the service.

2. Can you have just one office in any of the boroughs to qualify for providing the service in any and all of the other London boroughs, or do you have to specify an office (or outreach) location for each of the boroughs that you wish to deliver in?

To meet the Essential criteria of the Invitation to tender you must have an Office in the Procurement Area where the service is to be delivered.

3. In the last national bid round we were required to provide a lot more information about how and to whom and where we would deliver the service in each borough, e.g. via outreach services. We also provided examples of marketing literature and procedural forms but none of this seems to be required this time. Have I missed something?

No, you need only provide documentation as requested in the IFA. However, when we assess your tender we may require further information or clarification in accordance with the conditions of tender.

Q45. I have had discussions with another firm about broadening our services and I note the requirement for a separate legal entity. What is meant by this - in company law a sole trader is a 'legal entity' but I doubt that is what the LSC mean. Does it mean we would have to set up another partnership separate to the two respective firms. I know it is not a requirement to have the separate legal entity in place for the bid, but it's not that straightforward to set up a partnership or to plan it by the time of the bid deadline.

Please see paragraph 1.10 of the IFA and Question 30.

Q46. We are thinking of bidding for a family law contract. At present we have contracts in housing, employment, mental health and immigration.

a) According to the essential criteria we would need to submit a supervisors declaration. We are unable to do so as we do not have a family law supervisor in post. Is it possible to submit the bid without the declaration and explain that we would recruit.

Please see paragraphs 1.14 and 1.15 of the IFA.

Whilst you may still submit a Tender without having the required personnel in place, you should state on your Tender Form that this is the case. You should note that it is an Essential criterion that the applicant must be able to commence delivering the service within 12 weeks from the date the award of contract is made.

b) Am I correct in thinking that we would not be able to apply for a specialist family contract as we do not have a Law Society Children's panel member or supervisor's declaration form?

Please could you also inform us how many matter starts would normally be given for a full time general family solicitor.

Unless you can meet one of the limbs in the Essential criteria in relation to the specialist experience of your adviser(s) you will not meet the Essential Criteria

In relation to invitations to deliver specialist family services there is no limit on the number of matter starts and you should tender for the number you think

your organisations has capacity to deliver. In relation to all other tenders the matter starts awarded will depend on the amount available in the invitation and the process set out at paragraph 2.8 of the IFA.

Q47. In the east Midlands region can we tender to provide services for Oadby and Wigston, for instance must we provide services for all the areas you list?

Please refer to the individual Invitation to Tender (East Midlands 002) for full details. It may not be necessary to deliver services in every listed location. However, in the case of Oadby and Wigston these two areas have been linked together as one Specific Location.

Q48. 1. Is the only area /category of law in Derby city (001) restricted to specialist family law (i.e. public law and domestic abuse) or can we tender for General family services?

In Derby 001 the Invitation to Tender is for the provision of specialist family advice services in Domestic Abuse and or Public Law children services. You must meet the Essential Criteria, including having a specialist adviser(s) to tender for these services.

2. Are the terms and conditions of our unified contract with the LSC affected in any way if we do not tender ? In particular is any application for BVT compromised ?

No. These Invitations to Tenders are for the provision of additional work only.

3. Are we in any way prevented from submitting a tender in 2009 when the LSC will look to expand the areas of law to be made available in the procurement areas?

No.

4. Are we still able between now and 2010 to seek additional matter starts under the unified contract?

Please see the response to question 23

Q49. We are a niche firm, delivering only family law advice. We cover both public and private law matters. Do we need to enter the tendering process for more matter starts? We have a Solicitor who is on the Child Panel, and a further Solicitor who has been delivering advice and assistance on domestic violence matters for 15 years or so.

Please see the response to question 23.

If you are an existing provider then you should note that Providers with a Unified Contract (Civil) have a contractual right (Clause 11 of the Standard Terms) to apply to vary their allowed matter starts at any time.

Where a provider simply wants to increase the number of authorised matters in their current schedule with no other changes then they may choose to apply to the relevant Regional office outside of any tender process.

Q50. Can you advise if it would essential / compulsory to have the Specialist Quality Mark in place before we could submit a tender, that may have some chance of success ?

Presently, we do not have this, but do have the Generalist Quality Mark. We have a small advice, information and advocacy team .

It is not essential that you have the family SQM at the date you submit your tender. However if you do not have the family SQM then, to meet the Essential Criteria, you will need to submit your application for the SQM with your tender.

Please see paragraph 1.14 of the IFA for further information.

Q51. We note on page 27 of the document headed "Summary of Invitation to Tender Published July 2008" that it states at 4.1 "the table below sets out in summary the nine opportunities to tender for services contained in this IFA." On looking at the table there are maximum matter starts available in eight identified areas but none indicated alongside Yorkshire and Humberside Specialist Family category. Is that because that area is covered by the existing matter starts that have been allocated to all firms or is it an invitation for us to tender for that specialist family work as defined and that there is no limit to the number of matter starts that we can ask for.

The reference to nine opportunities but only eight areas containing matter starts available is somewhat confusing. Please clarify.

The Invitation to Tender to deliver services in the specialist areas of family law of Domestic abuse and Public law children do not have a maximum number of matters as we consider them to be priority services. Therefore there is no limit to the matter starts you can tender for however we would ask that you consider carefully your organisation's capacity to deliver the services being tendered.

However, when submitting your tender you should consider your organisation's capacity to deliver the number of matter starts you are tendering for.

Q52. From your guidance on the tendering process you state

'where you wish to join together.... you would need to confirm to us in writing at the time you tender that this is the case'

In such circumstances where one organisation has contracts in debt and welfare benefits and one housing both having specialist quality mark in these respective areas, could you confirm the documentation you require from each organisation assuming the bid is for these areas

of law and delivered from a branch of one of the organisations looking to merge.' Is it necessary to complete the QM1 SQM self assessment checklist for example.

We only wish to contract with a single legal entity for the purposes of providing services. This single legal entity would need to hold the relevant quality standards for the Categories of Law provided and would need to make an application where necessary in line with the details in the IFA. If the organisation is newly formed and does not hold the SQM then the application for the SQM will need to be submitted with the tender form.

Q53. We have an existing contract to provide Family work at 3 of our offices. We wish to tender to provide Specialist Family Work at 3 of our other offices in respect of which we do not currently hold a contract. Do we need to provide Status Enquiry Forms for all members of staff, or just those engaged in Family Work or just those engaged in Family Work at the offices for which we wish to make an application?

Please see the guidance and application details in the documents panel at the following link.

http://www.legalservices.gov.uk/civil/qm/specialist_help.asp#how

Q54. If I want to submit an application to provide Family Services at 2 offices which are located in areas covered by different Regional Offices, do I have to make separate applications to each Regional Office or can one application be submitted to cover both offices?

To apply, organisations must complete a Tender Form for each of the services tendered. On the above information, if you are tendering for services invited through two separate IFAs you will need to submit two separate Tender Forms one to each Regional Office whose address is set out in the IFA.

Q55. We have new offices in a London Borough. At the time of submitting our application for a Crime Contract we submitted the QM1 etc. Do I need to send it again for the Civil bid Round?

Also I will be applying under the relevant London Borough Tender and All London tender. Do I need to submit the QM1 etc for both tenders or will one copy do?

Please see paragraph 1.14 of the IFA.

If you are a new Provider, or an existing Provider applying for a new Category of Law or to deliver services from a new Office, you will need to submit those forms required for you to achieve the SQM qualification.

If you are submitting tenders to deliver from 2 different offices then you will be required to submit an application for the SQM at both offices.

Q56. If we already hold contracts of law in 2 categories and are bidding for nominal NMS in these areas and for a contract in a new area of law, do we have to be successful in all three areas or is it possible to be awarded NMS for only one or two categories?

Please see Question 23 for information on your rights to vary matter starts under your contract under.

In relation to tenders for additional matter starts you must submit a tender to deliver services in at least 3 categories of law.

It is stated in the IFA that payment is made on the closure of cases. If a case is opened in an area of law where no contract is held on the basis of a tolerance NMS and as a result of the bid round a contract is awarded in the same category can the case then be closed under the new contract? Therefore, leaving the tolerance NMS to be used for other areas?

No. Matter start allocations are made on the basis of a matter opened. Once this is reported the allocated number is reduced accordingly.

Q57 1. In the IFA for the West Midlands para 1.8 states that the NMS allocated in this bid round will cover a period from 12 months after the offer of the contract until 31st of March 2010, which is likely to be a period of 15 or 16 months. Para 1.13 on capacity states that where we are tendering for 'large quantities of Matter Starts' we have to demonstrate the capacity to deliver them within 'a contract year'. Could you clarify the apparent contradiction between these two statements, especially what constitutes 'large quantities'? The time frame over which the available NMS can be delivered has a crucial impact on the cost and therefore the viability of any proposal.

Paragraph 1.9 of the IFA sets out the timescales for the duration of the Unified Contract (Civil), which ends March 2010. Matter starts are made available in schedule periods on an annual (contract year) basis. Therefore on the basis that the service will commence in November 2008 you will have in total around 16 months of contract work (till March 2009).

In relation to capacity we have stated in the IFA that organisations must consider carefully their capacity to deliver the matter starts being tendered. Whilst there is no definition of what constitutes large quantities an organisation must ensure they have the numbers of advisers available to deliver the matter starts being tendered.

2. Essential criteria C states that we must be able to deliver the full range of work, from legal help to licensed work, in every category being tendered for. We currently only deliver legal help in 4 categories of SWL. Does this represent a change from the current position?

It is our intention both now and in the future to ensure that organisations can provide seamless services for clients. This includes litigation services in all

categories of law wherever appropriate so that clients can be represented in court by the same organisation that provided the initial legal advice.

Whilst the Unified Contract does not contain a requirement to carry out Licensed Work, in awarding contracts for any new services we will require organisation to be able to deliver the full range in order to meet our priorities. We will be consulting on the wider incorporation of the requirement to carry out licensed work into the Unified Contract from April 2010.

Q58. Where do we get the SQM desktop checklist from?

http://www.legalservices.gov.uk/docs/quality_mark/self_assess_checklist.pdf

Q59. I am having difficulty as the board want to bid for the family contract and it is a new area of law for us. I just wanted to ask how many matter starts would normally be given for a full time specialist family solicitor (domestic abuse and public law children) and general family.

Also we would need to recruit so we will not have a supervisor's declaration. Can we explain this?

Please see the answers to question 46 and 51

Q60. Could you clarify further on what legal basis an Office must be established in the procurement area. Does the office have to be owned, or leased or would a contract for the hire of premises meet the definition?

Our objective in issuing these Invitations to Tender is to obtain the best possible access for clients. We have not asked for information on the legal arrangements which apply to the premises being used as an Office.

In order to comply with the Essential criteria in the Invitation to Tender the Organisation must be able and willing to deliver the service face-to-face from an Office in the Procurement Area and primarily to clients located in the Procurement Area. Where an Organisation does not have an Office within the Procurement Area then they will be unable to meet the Essential criteria in the Invitation to Tender.

Q61. The requirement to have a permanent Office, where the majority of services are accessed on a face to face basis, in the procurement area appears excessive and could be deemed to be in restraint of trade. Have the Commission considered whether this clause is in breach of the competition legislation?

Further to question 61, the requirement for an Office is to ensure permanent access to services for clients in the Procurement Area and not to restrict competition. All providers that hold a Unified Contract are required to have an Office from which clients access services. Demand for services is client led and, subject to budget constraints the Commission does not currently restrict

the number of organisation which can set up services in any given Procurement Area.

Q62 Given some of the difficulties in bringing together organisations with different legal structures, for instance a charity and an LLP, what legal structures are acceptable to the Commission to enable such organisations to Bid together for the Matter Starts.

We currently accept all types of legal structures, including LLPs, Charities, sole practitioners and companies. However our key requirement is to contract only with a single legal entity.

Q63 We are considering either formally seconding a Litigator to the Bidding organisation, or have a formal agreement that the Litigator will assist clients as the agent of the Bidding organisation, thereby ensuring that no referral is necessary. Would this meet the Commissions requirements?

From the information provided you would meet the requirements however we would need to see your final tender before being able to formal confirm this. Please also see responses to Q29 and 30.

Q64 The New Matter Starts offered in the East Riding appear to bring the LSC funding close to the indicative levels. If all of these Matter Starts were awarded successfully will they be deducted from the Community Legal Advice Network (CLAN) Specification due out in the Autumn?

Invitations to Tender have been advertised in locations where there is likely to be a significant lead time before a CLAC/CLAN service is established to ensure access to services is maintained. Any Matter Starts will be awarded in accordance with the terms of the Unified Contract (see clause 11 for further details on matter start awards).

Q65 My Procurement Area has an excellent facility enabling people to access advice on a whole range of matters via an extensive video link service throughout the county. Why has the Commission excluded this means of providing face to face advice?

Invitations to Tender at this time are for the provision of face to face advice provided from an Office which represents the best access for clients. We are consulting on the April 2010 contract provisions shortly and at this time we will welcome the views of providers on all aspects of delivering services.

Q66 I wish to bid for a contract under the July 2008 bid round. I will apply as a specialist advisor in domestic abuse cases and am required to submit a list of 10 cases undertaken in the last 2 years. Until 31st January 2008 I was employed by a firm with a contract that I have now left. Naturally when leaving it was not appropriate to retain any client information and

do not recall specific file reference numbers nor end dates. Issues of client confidentiality arise in seeking to secure information from that firm. Your advice on how in this case the criteria for the tender can be satisfied would be appreciated and in light of the deadline, an early response would be greatly appreciated.

If you cannot easily obtain the information required you could evidence your specialisation through one of the other routes. Alternatively, where you do not have access or are unable to provide the client's/case details etc we would advise you to provide as much information as you can about the ten cases on your Tender Form along with your reasons why the full information is not provided.

Q67 The IFA @ page 30 refers to the standard required for a supervisor. As we have no Panel status for Public Law, but we do have many cases throughout a 2 year period, I can see we are required to complete, as an alternative, the Self Declaration Form.

However, from the form it is apparent that Panel status remains a requirement unless you are requiring D3.2a ii) a) - e), D3.4 and D4.5 to be completed.

Would you please clarify how the Self Declaration form assists us as an alternative where no Panel status can be demonstrated?

The requirements for the Specialist public law childcare tender are in addition to the usual QM family supervisor. If you do not qualify as a member of the Law Society Children's panel then you must have a family supervisor who meets the QM requirements and a list of ten Public Law Children cases undertaken in the last two years by the named supervisor.

Q68 What the NfP sector needs to know is whether you need to have a solicitor or employed barrister to make a bid for Welfare Benefits, Debt or Employment. This is a vital question since a lot of advice agencies don't currently employ such staff and have no experience of managing them and so this would hinder them making a bid. We know from Criteria I that you need such lawyers for Housing and Community Care. Criteria C implies it for the other categories of law since to do licensed work i.e. litigation you need a solicitor or employed barrister. Can you clarify whether you need to have a solicitor or employed barrister to make a bid for Welfare Benefits, Debt or Employment.

For all categories you must be able to deliver the service face to face across the full range and breadth of work in the categories of law you are tendering for. You would meet this criterion by reference to the supervisor standard but this would permit you to use adhoc external advisers to work on behalf of your organisations e.g. to undertake a Judicial Review. Our experience is that much less representation work is carried out in Welfare Benefits, Debt and Employment and therefore Criterion I is not required for these categories of law.

In Community Care and Housing more representation work is undertaken therefore our requirements for advisers who can litigate has been taken a step further. Any organisation must have in place an Solicitor or an Employed Barrister (who is authorised to conduct litigation under the provisions of the Employed Barristers (Conduct of Litigation) Rules) in place by the date the service commences.

Q69 To conduct litigation a lawyer would usually need to be able to handle client money but s18 of the Community Legal Service (Costs) Regulations 2000 states that all money payable to or recovered by a client in connection with a dispute by way of damages, costs or otherwise ...shall be paid to the client's solicitor. If an advice agency employs a barrister then the barrister would not be able to comply with these regulations as s/he is not a solicitor. Will you amend the regulations or do you have any advice on how a barrister could comply with the regulations?

'Solicitor' is defined in the regulations as a solicitor or other person who is an authorised litigator within the meaning of section 119(1) of the Courts and Legal Services Act 1990. The Access to Justice Act 1999 amended the Court and Legal Services Act 1990 to allow the Bar Council to authorise litigators, which it subsequently did through its Employed Barristers (Conduct of Litigation) Rules.