

**Invitation to Tender for the delivery
of face-to-face debt advice to
individuals detained in prison
establishments in Wales**

Information for Applicants (IFA)

August 2008

<u>Contents</u>	<u>Page Number</u>
Section One: Background information	3
1.1 Introduction	3
1.2 Summary of the Service	3
1.3 Introduction to National Offender Management Service	3
1.4 The Reducing Re-offending Strategy and the Finance, Benefits and Debt Pathway	3
1.5 The LSC and its work	3
1.6 Using this Information for Applicants (IFA)	5
Section Two: Information about the Service we are inviting Organisations to deliver	6
2.1 What are organisations applying for?	6
2.2 Overview and Background to the Service	6
2.3 Who we are looking to contract with?	6
2.4 Duration of the Service	7
2.5 An Outline of the Service	7
2.6 Service Requirements	9
2.7 Volumes of cases and flexibility	10
2.8 Operation of the Service	10
2.9 Note on operating a Surgery where demand is low	10
2.10 Language Provision	10
2.11 Technical Requirements	10
2.12 Contract for the Service	10
2.13 Legal Status of Applicants	11
2.14 Important note for current providers under the Unified Contract (Civil)	11
2.15 Contracting with new providers for this work	11
2.16 Application for Specialist Quality Mark (SQM)	11
2.17 Number of organisations required for the Service	12
2.18 When must the organisation be ready to deliver these Services	12
2.19 Approved advisers	12
2.20 Payment for the Services	13
2.21 Important note: No guarantee of work	13
Section Three: The Tender Process	14
3.1 Key date	14
3.2 Preparation of Tender	14
3.3 What documents do you need to prepare your Tender?	14
3.4 The Tender Form	15
3.5 Criteria	15
3.6 Scoring System & Assessment of bids	16
3.7 Awarding contracts	16
3.8 Tiebreak situations – Interviews	16
3.9 How to Submit and Tender	17
3.10 Conditions of Tender & Disclosure of Information	17
3.11 Questions about the Tender Process	18
3.12 Timeline	18
Section Four: Conditions of Tender	19
Section Five: Criteria	23

Appendixes:

26

- Appendix One** - Performance Standard
- Appendix Two** - Key contract terms
- Appendix Three** - NOMS Cymru - Security Clearance Form
- Appendix Four** - Background information about civil contracting

Section One: Background information

1.1 Introduction

The Legal Services Commission (LSC) and the National Offender Management Service (NOMS) invite tenders from organisations that have the experience, skills, and ability to provide an accessible, independent, quality assured and integrated face-to-face debt advice service to clients in prison establishments in Wales.

1.2 Summary of the Service

We are looking for organisations to provide advice “surgeries” giving legal advice on debt matters for clients detained at every prison in Wales and to undertake limited follow up work and to provide other associated services set out at sections 2.5 and 2.6 below (“the Service”).

Current LSC providers and new entrants to the market are welcome to apply. The Service will be carried out under a bespoke contract (a draft of which is at Appendix Two) not under our Unified Contract (Civil).

The closing date for submitting tenders is 12 noon on Friday 26th September 2008.

1.3 Introduction to National Offender Management Service

The National Offender Management Service is part of the Ministry of Justice and aims to reduce re-offending and protect the public. This involves the provision of secure, safe and decent custody; the implementation and enforcement of custodial and community sentences and the delivery of appropriate interventions in custody and the community which reduce re-offending.

1.4 The Reducing Re-offending Strategy and the Finance, Benefits and Debt Pathway

Many prisoners have problems with finance, benefit and debt issues that can be related or unrelated to their offending. However if these problems remain unresolved, the likelihood of re-offending is increased. One of the components of the NOMS Reducing Re-offending Strategy is a pathway to take action on finance, benefit and debt issues. The three aims of the pathway in Wales are:

- To ensure access of offenders and their families to appropriate legal and advice Services and actively promote access opportunities;
- To ensure support for offenders to better bridge the ‘finance gap’ on release from custody; and
- Build the financial capability and inclusion of offenders and ex-offenders by way of the Welsh Assembly Government’s National Strategy on Financial Inclusion.

1.5 The LSC and its work

A. The LSC

The LSC is responsible for the provision of civil and criminal legal aid in England and Wales. Recipients of legal aid are often vulnerable and socially excluded people who may have a

variety of problems in areas such as benefits and tax credits, debt or crime. Through the provision of information, advice and legal representation, the LSC helps around two million people each year to get access to justice.

The LSC was established under the Access to Justice Act 1999, replacing the Legal Aid Board in April 2000. The LSC is a non-departmental public body sponsored by the Ministry of Justice. The Secretary of State for Justice is accountable to Parliament for its activities and performance. With a head office in London, the LSC currently employs some 1,650 staff in 11 offices across England and Wales. A board of independent Commissioners oversees its work.

The LSC has a number of statutory duties including:

- Maintaining and developing the Community Legal Service and the Criminal Defence Service;
- Funding legal and advice services in England and Wales; and
- Identifying where there are unmet legal and advice needs.

Legal services are delivered through two schemes: the Criminal Defence Service and the Community Legal Service (civil categories of publicly funded services).

B. The Community Legal Service (“CLS”)

The CLS consists of a network of legal and advice funders and providers across government and the private and voluntary sectors. The network includes solicitors and citizens advice bureaux, law centres and other community organisations, which have achieved the LSC’s own ‘Quality Mark’. The LSC has been contracting with providers to deliver services since 2000. In addition to individual organisations, the LSC is also working with local councils to set up Community Legal Advice Centres and Networks. The aim of the LSC’s procurement programme is to provide resources, on a ‘one-stop-shop’ basis, for those clients whom research has shown generally have ‘clusters’ of problems. Where clients have more than one issue on which they need advice or assistance, research shows that if a client has to go to more than one supplier of legal advice services, they are more likely to abandon the seeking of advice, leaving their needs unfulfilled.

Through the CLS, people can access relevant information, advice and assistance to help with matters as wide ranging as family, mental health, debt, asylum, housing, employment, community care and education.

Help on offer varies according to the nature of the problem. It may take the form of basic advice, information leaflets or signposting to other services, some of which are funded by local authorities and other government departments. It may also involve specialist advice, including taking cases to court when necessary, with legal aid funding available to those who are eligible.

The publicly funded civil work that may only be carried out under our contracts is determined by our Funding Code, which can be found at www.legalservices.gov.uk (CLS>civil legal aid eligibility) and is governed by the terms of the Unified Contract (Civil). An outline of the Unified Contract (Civil) is set out in Appendix One. A full copy is available on our website (CLS>The Unified Contract).

C. Reform Programme

The LSC and its sponsoring department (the Ministry of Justice) are currently going through a reform programme following Lord Carter's Review of Legal Aid Procurement 2006 (Legal Aid: A Market based approach to reform).

The key document setting out the Reform Programme is 'Legal Aid Reform: The Way Ahead (Cm6993 – available on our website). However, following further negotiations with The Law Society the LSC has now announced a revised timetable (the Civil Route Map) for implementation of the Reform Programme, which can also be accessed on our website.

1.6 Using this Information for Applicants (IFA)

These instructions are designed to ensure that all Applicants are given equal and fair consideration. It is important therefore that you provide all the information asked for in the format and order specified.

This Information for Applicants (IFA) contains the information you will require to submit your Tender. It contains information on how to tender, what the successful organisation would be expected to deliver and the criteria on which we will assess applications. You are encouraged to read this IFA in its entirety and where specified, download additional information from our website at www.legalservices.gov.uk. Please also regularly visit our website to review any 'Frequently Asked Questions' ("FAQs") and other important information regarding this Tender process.

This IFA is split into **Five** sections and **Four** appendixes for your ease of reference:

Section One contains information about us and a brief introduction to the invitation to tender;

Section Two contains information about the Service we wish to procure;

Section Three contains details of the tender process;

Section Four contains the Conditions of Tender;

Section Five contains the specific Essential and Selection criteria against which you must demonstrate your suitability in the Tender Form.

Appendix One - Performance Standards

Appendix Two - Draft Contract

Appendix Three - NOMS Cymru - Security Clearance Form

Appendix Four - Background information about civil contracting

Section Two: Information about the Service we are inviting Organisations to deliver

2.1 What are organisations applying for?

We are looking for organisations to provide advice “surgeries” giving legal advice on debt matters for clients detained at every prison in Wales and to undertake limited follow up work and to provide other associated services set out at sections 2.5 and 2.6 below (the “Service”).

We are looking for organisations which can commit to undertaking all advice surgeries required at a prison in week long “slots”. Organisations must bid to cover not less than one week out of every four at each prison that they bid to operate the Service in. We cannot guarantee how many advice surgeries there will be or how much follow up work there will be as this is determined by client demand, therefore some flexibility on resources is required.

Successful organisations will receive a bespoke contract (a draft of which is at Appendix Two) not under our Unified Contract (Civil) entitling them to attend and provide debt legal advice surgeries and ensure that where possible advice continues beyond the allotted 45 minute session when that is required and carry out other services at 2.6 below.

For the avoidance of doubt successful organisations will not be awarded a Unified Contract (Civil) and existing LSC providers will carry out this Service under the bespoke Contract, not their Unified Contract (Civil).

2.2 Overview and Background to the Service

The objective of the Service for which we are inviting tenders is to provide prisoners in Wales with access to legal advice Services on debt that will help reduce the incidence of re-offending. We are therefore inviting tenders from organisations who can provide a face-to-face legal advice Service on debt issues to those detained in the following prison establishments:

- HMP Cardiff
- HMP Parc
- HMP Swansea
- HMP Usk / Prescoed

2.3 Who are we looking to contract with?

The LSC has been contracting with providers to deliver services since 2000.

These organisations, including firms of solicitors, other commercial organisations and Not for Profit advice agencies are all welcome to tender to become part of the Service.

However, organisations do not need to be current contracted providers under a Unified Contract (Civil) in order to apply, and new entrants to the market are welcome.

We will however only be prepared to contract with organisations holding the LSC’s Specialist Quality Mark in the Debt Category so all tenderers must either hold the SQM in that category or be in a position to have passed the SQM desktop audit before the Service start date.

Successful Applicants must be able to demonstrate that they meet the Essential Criteria and Selection Criteria.

2.4 Duration of the Service

Subject to the terms of the Contract under which this Service will operate, the Service will commence as soon as is practicable and, in any event, not later than 12 weeks after the award of the contract. The Contract and Service will end on 31 March 2011 subject to our right to terminate the Contract early on 6 months' written notice.

2.5 An Outline of the Service

We are looking for organisations primarily to provide advice "surgeries" giving legal advice on debt matters for clients detained at every prison in Wales and to undertake limited follow up work.

All clients will be entitled to one 45 minute legal advice session during these surgeries irrespective of their means or the merits of the case. Additionally under this Service, providers will have an allowance of up to 45 minutes follow up work per client back in the office following the surgery. This is all the work providers may carry out for clients under this Service.

It is envisaged that clients will not normally attend more than one advice session unless they have a new debt matter or require follow up work that requires face-to-face advice. If the client has a new debt problem, a provider may provide a further 45 minute session and 45 minute follow up work. If a client still requires advice on a matter beyond the 45 minute surgery and 45 minute follow up, this will be provided either through the provider's resources (i.e. other sources of funding or another LSC contract) or through effective referral to another provider. Additional sessions may be refused if either the provider or the prison considers that the prisoner is abusing the scheme.

Organisations are required to tender for week long slots on a rota at a particular prison during which they will be obliged to provide all surgeries required by that prison. These will be either half day (1 - 4 Clients) or full day (5+ Clients) surgeries (Monday through to Friday). Applicants must be willing, as a minimum, to be on the rota to cover a minimum of one week in every four weeks (at each of the prisons in which they bid to operate the Service). Your commitment will be to attend and provide these surgeries during your allotted rota week(s).

The prisons will arrange the advice surgeries and will notify the providers when they will take place. Advice surgeries will be allocated to the providers in weekly rotation, depending on how many successful applicants have been appointed to each prison. So for example, if you are one of 3 successful applicants for a prison, the prison will contact you to provide all of the advice surgeries in every third week.

The amount of surgeries each successful organisation is required to operate each week will depend on how many Clients request advice during the week. Unfortunately the frequency and numbers of Clients are outside the control of both the LSC and the prisons and therefore you must have the ability to be flexible if tendering for this work. The minimum number of anticipated surgeries being 2 for Cardiff, 4 for Parc, 2 for Swansea and 2 for Usk/Prescoed. The prison may run multiple surgeries in a week or alternatively none if there is very low demand.

However as a minimum we would expect there to be at least one half day one surgery per week at each prison (and thus will pay, as a minimum, the equivalent of the fee for one half day surgery each week. If there are multiple providers allocated to a prison then that payment will be made to the provider allocated, through the relevant rota, to provide the surgery during that week).

The prisons will find it easier to liaise with as few providers as possible for the Service, and for this reason extra points are available in the Selection criteria for tenders that offer more rota weeks. Clients are also likely to move between prisons so for this reason extra points are available in the Selection criteria for providers which can tender for more than one prison.

Successful applicants must deliver the Services in compliance with the performance standards set out at Appendix 1.

Further Advice for Clients - outside the Service

We recognise that the time allowance within this Service may not be sufficient to deal with all of a client's issues unless they are very straightforward or have no legal remedy. The aim of this Service is therefore merely to facilitate the initial appointment with the client and some brief follow up work. It is therefore a key requirement of successful applicants that, having identified substantive issues that require advice during the Surgery, they can ensure that ongoing matters are dealt with effectively. Ideally those issues would be able to be dealt with by the successful applicant (so that the client receives a seamless service) although we accept that there is also likely to be a reliance on effective referral to other organisations.

When both the 45 minute advice session with the client and allowance for a further 45 minutes follow up work is exhausted but further work is required successful applicants must:

- continue to advise the client under an LSC Unified Contract if you have one (subject to the means test and application of the Funding Code Criteria); or
- continue to advise the client by using other funding or resources available to your organisation; or
- make an effective referral to another agency or organisation who will be able to resolve the client's problems (including considering the Community Legal Advice telephone Service or other telephone Services); or
- if it is not possible to find an organisation to take the referral, to inform the client and close the matter.

If you hold a LSC Unified Contract you must provide this and further advice from within your existing New Matter Start allocation.

Further Advice for Clients – non debt work

When during or following a 45 minute advice session with the client, you identify that further work is required that does not relate to debt, you will be required either to:

- continue to advise the client under an LSC Unified Contract if you have one in the appropriate category of law (subject to the means test and application of the Funding Code Criteria); or
- continue to advise the client by using other funding or resources available to your organisation; or
- make an effective referral to another agency or organisation who will be able to resolve the client's problems; or

- if it is not possible to find a provider to take the referral, to inform the client and close the matter.

If you hold a LSC Unified Contract you must provide this advice from within your existing New Matter Start allocation.

2.6 Service Requirements

Set out below are the services required as part of the Services

Service	Details
Provide a General Legal Advice Service in debt	A face to face debt advice Service which is able to deal with a variable throughput of clients and is able to offer to all clients: <ul style="list-style-type: none"> • diagnosis of the individual's problem(s); • provision of information; • provision and exploration with client the options available; • identification of further action the client can take; • provision of initial assistance (e.g. filling in forms, helping the client draft letters, supporting client to tackle the problem themselves); • identifying emergencies and the appropriate action to take; • establishment of eligibility for legal aid where further (specialist) advice is needed; and • arrangement of referrals where the Service is unable to deliver the necessary advice (see below).
Have an effective and appropriate referral system to make referrals. This will include a database of locally provided external Services.	Referring clients, for example to: <ul style="list-style-type: none"> • Community Legal Advice and other telephone Services (eg Consumer Direct Wales) where this is appropriate and acceptable for the client in the circumstances of the case; • alternative face-to-face legal advice providers who hold the CLS Specialist Quality Mark in categories of law not provided by the Service (i.e. Welfare Benefits, Housing, Family, Employment, Community Care, Mental Health, Immigration, Education, Clinical Negligence, Actions against the Police, Consumer and General Contract, Personal Injury and Crime.); • private practice legal advice providers if it is appropriate for the individual to pay for the advice required; • non-legal advice Service providers, where the problem is or has aspects of a non-legal nature. (for example a client may be referred to local social or health Services for further help).
Prevent legal problems from arising	Identify and address issues that are repeatedly causing problems for clients and providing a written report on this to the Finance, Benefits and Debt Pathway on a quarterly basis.
Liaison with the prison	Have regular meetings, which the provider should facilitate, with prison staff to discuss issues around the operation of the Service (but not individual cases) and also obtain feedback from them on the Service.
Undertake marketing and promotion of the available Services	Marketing and promotion should be undertaken within the prisons and as agreed with the prison and the LSC Relationship / Account Manager.
Have a single complaints process	Including keeping records of all complaints received and how the complaint was dealt with.

Service	Details
Undertake client feedback exercises	Undertake and record client feedback on, for example: <ul style="list-style-type: none"> • the client's opinion of the Service; • the client's opinion on the advice they received and the outcome they obtained; and • the effect on the clients confidence to deal with their own problems after receiving help from the Service.
Take part in a performance review	The Service will be expected to take part in regular performance reviews conducted by a member of the LSC.
Have equalities procedures	Formulate and adopt a General Equality Policy, Diversity Training Plan and Equal Opportunities Communications Plan

2.7 Volumes of cases and flexibility

As stated above we currently have no accurate management information on the likely demand for surgeries and follow up work. Consequently we require organisations which can manage changes (both increases and decreases) in demand for the Services.

When submitting your application you must consider how many advisers you can offer to provide the range of advice Services. It will be for you to decide how many advisers you can provide and how many you would additionally be able to make available if you needed to expand your Services to deal with increased demand.

2.8 Operation of the Service

The booking of appointments for each surgery will be arranged by the respective prison establishment. providers will have a named contact at each establishment who will be responsible for the practical arrangements of providing the Service, for example arranging access to the establishment, booking of appointments, escorting of clients etc. Successful applicants must comply with the reasonable requirements of the prison on arrangements for access to the prison and running the advice surgeries.

2.9 Note on operating a Surgery where the demand is low

Where you are informed by the prison the demand for a surgery is low, i.e. only one or two clients, you should normally ask the prison to postpone the surgery until more clients have requested advice. You should only operate a surgery if the prison informs you that one of the clients would otherwise either have been released from custody before the next scheduled Surgery or would have to wait more than 10 working days for advice.

2.10 Language Provision

Providers must also be aware of clients statutory right to communicate in Welsh and detail in their bid how they will provide a Service for those whose language of choice is Welsh.

2.11 Technical requirements

Organisations must have one central telephone number, which will be held by the prison establishment and LSC and on which the your organisation will be contactable.

2.12 Contract for the Service

Appendix Two contains the *draft* Contract for this Service. We will provide notice of any changes on our website.

In addition Appendix One sets out the Performance Standards that successful providers must comply with.

2.13 Legal status of Applicants

We understand from previous tender processes that organisations may wish to join together in groupings or consortia or expand to put in Tenders which create subcontracting arrangements. However, at the present time, we only wish to contract with a single legal entity for the purposes of providing these services.

Therefore, should you wish to join up with others it will be necessary to form a new single legal entity to provide the advice services required. This will mean that the single entity will be responsible for ensuring the performance of the provider's obligations under the Contract and that a Client's retainer will always be with the single entity.

Where you wish to join together, we will not require you to do this before putting in your Tender. However, you would need to confirm to us in writing at the time you Tender that this is the case, and confirm that should you be offered a Contract the single legal entity will be in place before the date on which the Services commence. The award of a Contract will be conditional upon the single legal entity being in place.

We will also not accept any subcontracting arrangements (e.g. where you will pay another organisation to deliver part of the Service). Instead your organisations must be able to provide all the Services you are tendering for, without the need to refer any of these matters or levels of work to other organisations (although the Contract does permit the use of agents and Approved Representatives in certain circumstances).

2.14 Important note for current providers under the Unified Contract (Civil)

If you are an existing LSC provider, and are interested in applying to tender for this additional work, then you must still complete the Tender Form, regardless of whether you are already delivering services in the Debt Category of Law.

2.15 Contracting with new providers for this work

Further to paragraph 2.16 (Application for Specialist Quality Mark), to meet the Essential Criteria, if you do not hold a Unified Contract (Civil) you must enclose with your Tender Form the required supporting documentation (see Section 2.16 below), including your Office Manual, to apply for the Specialist Quality Mark.

If awarded a Contract you may also be required to fill in additional LSC forms (applying for an account number etc.)

2.16 Application for Specialist Quality Mark (SQM)

As per the Essential Criteria, if you are a new provider, or an existing provider whose current contract does not cover debt, you will need to submit those forms required for you to achieve the SQM qualification. You will need to submit one set of the following SQM documents (which can be found on our website) for each office from which you intend to deliver the Service:

- QM1;
- SQM Self Assessment Checklist
- Supervisor Self Declaration Form
- Status Enquiry Form (SIF and OSS)

- Copy of your Office Manual.

N.B: It will be a condition of any award of contract, that, where it has not already done so, the organisation must pass the desktop stage of the SQM in the Debt Category of Law in the office from where the Service is to be delivered (by outreach, in the case of the surgeries), prior to the Service commencing.

If you are successful in being awarded a contract, between the award and the start of the Service, we will then conduct an internal, paper-based audit of the documents (known as a 'Desktop Audit') and your Office Manual to determine whether to award the SQM. We reserve the right to conduct further enquiries as to suitability, or to audit new providers within the duration of the Contract, where appropriate.

2.17 Number of organisation required for the Service

The maximum number of organisations that we will contract with for the Service is 12 but we would prefer to contract with as few successful applicants as practicable. Our preferred contracting solution will be to contract with two organisations each covering either all four prisons or at least two prisons each (and jointly covering all four prisons).

2.18 When must the organisation be ready to deliver these Services?

It is an Essential Criterion of all the invitations in this IFA that the applicant must be able to commence delivering the Service must be available in all prison establishments from January 2009 at the latest. In the event that a organisation can delivery the Services sooner, we will look to facilitate this with the relevant prison..

This will be a fundamental condition of any award of contract. Failure to be able to provide the Services by 31st January 2009 may amount to a fundamental breach and the Contract will be terminated.

Our intention is to award contracts around mid October 2008.

If you have a realistic service delivery plan for delivering some of the Services earlier than 31st January 2009 this will be regarded favourably when we assess your bid.

2.19 Approved advisers

The prisons at which the Services are to be delivered require the advisers to undergo relevant security checking appropriate to the establishment they are entering.

This is normally what is called a "standard check" which consists of:

- An identity check;
- Confirmation of entitlement to work in the United Kingdom;
- Criminal convictions check;
- Criminal Record Bureau Check (CRB); and
- National Security Vetting, as and where appropriate.

In order to expedite the process you will be required to submit details of the advisers who will be operating the Service using the 'NOMS Cymru – Security Clearance Form' (attached at Appendix 3) immediately upon the award of the contract.

2.20 Payment for the Services

providers will receive two types of payment rate under this Service.

There will be a fixed payment rate of £200 per half-day advice Surgery (£400 for a full day Surgery).

Additionally each client will be eligible for an additional 45 minutes follow up work (not usually face to face advice) that will be paid at an hourly rate of £40 an hour (although we would expect this additional payment only to be claimed where it was not appropriate to immediately sign up the client for Legal Help) and the contract will require that the client be immediately signed up to Legal Help or referred where appropriate.

Both fees exclude VAT, but includes travel and waiting time and any disbursements incurred.

For holders of an LSC Unified Contract, where the provider subsequently undertakes Controlled or Licensed Work on behalf of a client as a result of the Surgery, this work will be paid for under the terms of the Unified Contract (Civil) Specification.

2.21 Important note: No guarantee of work

The award of a Contract to provide this Service does not guarantee a minimum amount of advice work. There is no guarantee that you need to carry out any number of Surgeries in the rota weeks tendered for or that you are awarded as the volume of requests for advice under this Service will depend on a number of factors outside LSC control.

Whilst you will have a contract to provide a Service, the work is ultimately obtained under open market conditions, where clients are free to choose a legal representative of their choice to advise or represent them.

However the LSC will commit to paying for one half-day surgery per week in each prison to the organisation on the rota to provide surgeries during that week

Section Three: The Tender Process

3.1 Key date

The closing date for submitting tenders is **12 noon on Friday 26th September 2008.**

This is a competitive tender and organisations must take care to ensure they:

1. Comply with the Conditions of Tender set out in Section Four;
2. Demonstrate how they meet the relevant criteria as set out for each individual Service we wish to procure, contained in Section Five; and
3. Fill out the Tender Form and submit all relevant information (Appendix Five – see standalone document on the website).

3.2 Preparation of Tender

Applicants are required to complete and provide all information required by the LSC in accordance with the Conditions of Tender and the IFA. Failure to comply with the Conditions and the IFA may lead the LSC to reject a Tender response.

The LSC relies on applicants' own analysis and review of information provided. Consequently, applicants are solely responsible for obtaining the information which they consider should be submitted in order for the LSC to make decisions regarding the content of their Tenders and to undertake any investigations considered necessary in order to verify any information provided to it during the procurement process.

3.3 What documents do you need to prepare your Tender?

Applicants should read this IFA and all relevant documentation carefully before completing the Tender Form. Failure to comply with these requirements for completion and submission of the Tender may result in the rejection of the Tender. Applicants are advised therefore to acquaint themselves fully with the extent and nature of the services being procured by the LSC and the associated contractual obligations.

If any of the application documents are missing or incomplete the tender may be rejected prior to assessment.

Responses must be word-processed for ease of reading.

Section Five contains the criteria, which describe the types of service we wish the successful organisations to deliver. Should you be interested in delivering the service you must demonstrate how you meet the criteria.

The extent to which you meet the criteria will be assessed on the basis of the responses you give to the questions set out in the Tender Form.

Please read the criteria carefully and ensure that you address all the points listed in your answers on the Tender Form.

You must submit:

- The Tender Form (with any additional pages numbered sequentially e.g. 1 of 6)
- Application for SQM (if you are a new provider, or an existing provider whose current contract does not include Debt) including:
 - QM1 – Quality Mark Application Form - requests the contact details of the organisation as a whole;
 - SQM Self Assessment Checklist - requests brief written confirmation of how the organisation meets, or intends to meet, each separate requirement in the SQM;
 - Supervisor Self Declaration form – requests information about how the supervisor for publicly funded civil work will meet the supervisor requirements in the SQM;
 - Status Enquiry Forms x 2
 - 1: (SIF1) – requires organisations to declare any claim against the Solicitors' Indemnity Fund within the last 5 years;
 - 2: Status Enquiry Forms (OSS1,2,3) which the LSC submits to the regulator to check for disciplinary proceedings or any other adverse findings by regulatory bodies against the firm or staff as part of your application.
 - Office Manual

3.4 The Tender Form

To apply, organisations must complete a Tender Form. You may apply for one or more prisons, and should use the same application form for all prisons you wish to apply for.

The Tender process is set out below. If you cannot meet the requirements of the Essential criteria set out in Section Five please do not complete your responses to the Selection criteria, as your Tender Form will not be assessed.

We will rely on the information that you provide on this Tender Form in evaluating the criteria, and it is essential that you complete the Tender Form fully and accurately so that you do not misrepresent your position. We may clarify the information you supply with you, although you should not assume we will do so.

3.5 Criteria

The selection criteria are split into two main sections:

- (a) Essential criteria
- (b) Selection criteria

The scoring systems for and application of these criteria are described below.

Please ensure that you address all the points listed in the criteria in your answers on the Tender Form and that you answer every question on the form. The criteria are contained in Section Five of this IFA.

3.6 Scoring System & Assessment of bids

All tenders forms received by the closing date set out above will be assessed by a panel composed of LSC and NOMS representatives.

If you hold a Unified Contract (Civil) or provide advice work funded by the LSC we may corroborate the information given on your Tender Form with the relevant LSC Regional Office.

Essential Criteria

Section Five contains a list of criteria all of which are essential. Any bid that fails to meet any of these essential requirements will not be considered further.

Essential criteria will therefore be assessed on the basis of pass or fail. An applicant must pass all of the Essential criteria.

Selection Criteria

Section Five contains a list of Selection Criteria. Selection Criteria will be assessed (on a per prison basis) in the order of importance and against the marks available. Applicants will then be ranked according to the marks allocated to them.

3.7 Awarding Contracts

We will award contract work on a prison by prison basis. Once we have ranked the bids according to the system set out above, we will award places on the rotas to those organisations who have met the Essential criteria, starting with highest ranking on the Selection criteria until 100% of the rota weeks have been allocated.

If we have more than one organisation 'tied' on the same ranking we reserve the right to conduct interviews as set out below.

Where a Tender received by us is unsuccessful or rejected, applicants will be given written reasons as to why it was unsuccessful or rejected. There will be no right of appeal against our assessment of your tender or our decision to reject your application if it is incomplete.

3.8 Tiebreak situations - interviews of shortlisted applicants

If a number of applicants are "tied" as set out above these applicants may then be invited to attend an interview with a panel of LSC and NOMS representatives. At this interview the applicants may be invited to further explain their plans or the Service they are to provide, and answer questions on their tender and we may distinguish between the "tied" applicants on the basis of these interviews, considering which bid overall meets the objectives of this Service and the criteria.

3.9 How to submit your Tender

Tenders should be sent by hand delivery, recorded delivery/ guaranteed post, courier, tracked DX or other form of delivery where proof of delivery is given to you by an independent source. **We must receive tenders by 12 noon on Friday 26th September 2008.**

For the avoidance of doubt it is not a condition of this tender that you may only use hand delivery, recorded delivery/ guaranteed post, courier, tracked DX or other form of delivery where delivery is guaranteed and proof of delivery is given to you by an independent source. If you choose to use ordinary post or any other form of non-guaranteed delivery (except for fax or email which are not permitted under any circumstances) we will consider your application if it arrives before the deadline. However, if it arrives after the deadline or does not arrive at all, any delivery failure will not constitute exceptional circumstances under the Conditions of Tender at 4.1 below.

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

Tenders will be received any time up to the deadline stated above.

All applications, however sent, must be marked "Debt Advice Service for Wales Prisons – Private & Confidential - for the attention of Tracy Scott".

Please return applications to:

Legal Services Commission
Marland House
Central Square
Cardiff
CF10 1PF

DX 33006 CARDIFF-1

Apart from confirming receipt by telephone in response to your enquiry to a LSC office, please note that we will not check receipt and/or notify you under any circumstances and it is ultimately your responsibility to take all necessary steps to ensure that your application has arrived before the deadline. Please note that we will not acknowledge receipt of any applications in writing.

3.10 Conditions of the Tender Process and disclosure of information

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details would be disclosed once the selection process is complete. Where possible, we would consult with you before any disclosure was made. The rules of the tender process (including application and selection rules) contained in this Information for Applicants are not legally binding and no contract is formed between applicants and the LSC. However, this Information for Applicants, the Tender Form and documents submitted as part of your tender, will form part of the contract for the successful organisation(s).

The Conditions of Tender are set out in Section Four and the closing date and time for Tenders to be received by us, is 12 noon on Friday 26 September 2008.

3.11 Questions about this Tender Process

If you have questions you are welcome to ask them up until 5pm on Friday 29th August 2008.

The LSC Wales Office will be happy to respond to general questions on the background material of the LSC and the civil contracting scheme. Additionally the office will also collate any questions that potential bidders have about the practicalities of providing advice in prisons and liaise with NOMS in order to answer those queries.

Questions on information contained in this document or which we consider to be of wider interest will be collated and answered centrally in writing, to ensure that all organisations and interested parties have equal access to the information in the answers. These questions and answers will be published regularly on our website with answers published on or before Friday 12th September 2008. All personal or identifying information will be removed prior to publication.

Please email your questions direct to the following dedicated email address:
tracy.scott@legalservices.gov.uk

3.12 Timeline

Stage	Activity	Timescale
Stage 1	Information for Applicants including Tender Form and Draft Contract	15 August 2008
Stage 2	Deadline for Questions	29 August 2008
Stage 3	Answers to all questions posted on website	On or before 12 September 2008
Stage 4	Closing date for tenders to be received.	26 September 2008
Stage 5	Initial decisions made on tenders	Week commencing 6 October 2008
Stage 6	Possible Interviews (week ending with 3 days notice)	Week commencing 13 October 2008
Stage 7	Final date decisions made, offer and rejections letter sent.	17 October 2008

Section Four: Conditions of Tender

Conditions of Tender

4.1 Tender Forms will be received until **12 noon on the closing date Friday 26 September 2008**. No Tender Forms will be accepted after this time unless there are exceptional circumstances as defined in condition 2 below. Outside these exceptional circumstances we will not consider any late responses nor will we consider requests for extension of the time or date fixed for the submission of responses.

4.2 "Exceptional circumstances" means a cause which prevents the Applicant from meeting the stated time and date for submission of applications and which is directly attributable to an event or accident which:

- (a) was beyond the actual contemplation of the organisation concerned;
- (b) would ordinarily be beyond the contemplation of a reasonable organisation; and
- (c) the impact of the event or accident on the delay was not attributable to any act or omission of the organisation.

For example, act of God, war or national emergency, acts of terrorism, fire, flood, or storm. For the avoidance of doubt, if you submit your application by ordinary post or ordinary DX or any other method which does not result in proof of delivery, then failure of any of these methods will not constitute "exceptional circumstances".

4.3 All applications shall be signed by a duly authorised director, partner or designated member of the applicant.

4.4 We reserve the right to amend the Conditions of Tender, the Tender process/procedure and/or the criteria, at any time in writing before or after the application closing date, by giving general notice on our website.

It is the obligation of applicants to make sure that their Tender Form is fully and accurately completed and accompanied by the appropriate documents. We are under no obligation to contact you to clarify your Tender or to obtain missing information or documents. It may not be possible to consider a Tender if incomplete information is given at the time of Tender, or if any particulars and data asked for in the IFA or Tender Form are not provided in full.

We reserve the right to take into account any knowledge of an organisation that we may have, but organisations should not assume that any such information will be taken into account and should restate it on their Tender Form if they consider it relevant. For organisations that already hold a Unified Contract (Civil), we may corroborate the information given on your Tender Form with your local LSC office.

4.5 You are required to reply to all questions on the Tender Form, even if you have previously provided this information or if you think we are already aware of it (e.g. if you hold an existing Contract with us). This is to ensure that we can compare each application and applicant in a fair, like-for-like and reasonable manner.

4.6 We may request organisations give additional information/clarification at any time during the Tender process. You should be prepared to discuss any aspect of your response with us.

- 4.7 Any questions and answers posted on our website during the Tender process (or before) will not form part of the Contract. Information on errors and omissions may also be posted on the website during the Tender process. Where due notice is given, such information may form part of the Contract.
- 4.8 After evaluation is complete, we will retain copies of all responses for such time as we consider reasonable to satisfy our audit obligations and for other purposes in accordance with condition 4.18 below.
- 4.9 We reserve the right to cancel this invitation in its entirety at any time at our absolute discretion.
- 4.10 If you are successful your application and any documents submitted as part of the application, may form part of your Unified Contract (Civil).
- 4.11 Tender Forms are submitted on the conditions stated in this IFA (as may be amended). Tender Forms submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.
- 4.12 By submitting a Tender Form, you are agreeing to be bound by the terms and conditions in the Contract if you are awarded one.
- 4.13 Applicants are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their Tender and all other stages of the selection and evaluation process. Under no circumstances will the LSC, or any of their advisers, be liable for any costs.
- 4.14 All intellectual property rights in this IFA, associated documents, Tender Forms, and Contract Documents are and shall remain our property.
- 4.15 While we have taken all reasonable steps to ensure, as at the date of this document, that the facts which are contained in this document are true and accurate in all material respects, we do not make any representation or warranty as to the accuracy or completeness or otherwise of this document, or the reasonableness of any assumptions on which this document may be based. All information supplied by us to organisations, including that within this document, is subject to organisations' own due diligence. We accept no liability to organisations whatsoever resulting from the use of this document, or any omissions from or deficiencies in this document.
- 4.16 Organisations should note that any quantities or volumes contained in the IFA are for indicative purposes only and any future quantities or volumes may vary from those stated. The award of a contract does not guarantee a minimum amount of work
- 4.17 It is your responsibility to obtain at your own expense all additional information necessary for the preparation of your response to the application documents. No claims of insufficient knowledge will be entertained.
- 4.18 We may use the information included in your response for any reasonable purpose connected with this application exercise.
- 4.19 Any organisation who directly or indirectly canvasses any employee of the LSC concerning the award of the Contract(s) will be disqualified.
- 4.20 All organisations are recommended to seek their own financial and legal advice.

Confidentiality and Freedom of Information Act 2000

4.21 Applicants should note that under the Freedom of Information Act 2000 (“the FOIA”), we may be required to disclose details of your application to third parties, either during or after the application process. We can only withhold information where it is covered by a valid exemption as set out in the FOIA.

If you are concerned about possible disclosure you should clearly identify the specific parts of your application and supporting documentation that you consider commercially sensitive or confidential (within the meaning of the FOIA), the harm that disclosure may cause and an estimated timescale of that sensitivity.

You should be aware, however, that the receipt by us of information marked ‘confidential’ does not mean that we accept any duty of confidence in relation to that marking. Neither do we guarantee that information identified by you will not be disclosed, where the public interest favours disclosure.

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details will be disclosed once the selection process is complete. The rules of the Tender process (including application and selection rules) contained in this IFA are not legally binding and no contract is formed between applicants and the LSC. However, this IFA, the Tender Form and documents submitted as part of the Tender, will form part of the Contract for the successful Tenderer.

Definitions

4.22 When used in this IFA, the following expressions shall have the meanings set out below or in the *draft* Schedule.

“Act” means the Access to Justice Act 1999;

“Category of Law” or “Category” or “Category of Work” means a category of law defined in the Funding Code (and which may be described in the Funding Code as an “SQM Category”) and any reference to any Category of Law by name alone e.g. “Debt” implies the words “Category of Law” immediately following it;

“Community Legal Service” (or “CLS”) has the meaning given in Section 4 of the Act;

“Contract” means the Debt Advice (FIF) Contract a draft of which is at Appendix 2

“Funding Code” means the code published under section 8 of the Act, including its criteria, procedures and guidance;

“Legal Help” has the meaning set out in the Funding Code;

“Licensed Work” means all Civil Contract Work except that which is Controlled Work;

“LSC” means the Legal Services Commission;

“Reform of the Legal Aid Scheme” means such reforms as we may wish to implement in order better to comply with our statutory duties or fulfill our statutory functions including (a) such changes as we wish to make to, or as are related to, the CLS, CDS, or both,

consequent on, or related to, the paper “Legal Aid Reform: the Way Ahead Cm 6993”; or (b) new approaches to procurement and contracting for the provision of publicly funded legal services;

“Service” means the service to which the invitation to tenders relates, to deliver face-to-face debt advice under the Contract;

“Specialist Quality Mark” or “SQM” means the quality assurance standard published by us from time to time, which all providers must meet to hold a contract with the LSC;

“Tender” means an offer by an organisation to deliver the work contained in an Invitation to Tender;

“Tender Process” means the process contained in this IFA setting out how you must submit your Tender;

“Tender Form” means the designated form on which applicants must Tender for work;

“Unified Contract (Civil)” means the contract for civil legal aid providers first issued in April 2007.

Section Five: Criteria

Essential Criteria

(Not listed in order of importance – all the essential criteria are equally important)

- Organisations must satisfy all the following essential criteria in order to move on to the next stage where the selection criteria will be assessed
- You must answer all questions set out in the Tender Form under each essential criterion.

A. Commencing the Service

The organisation must confirm that you are able to deliver the Service as set out in this IFA and the contract from 31st January 2009. In particular you must confirm that you have sufficient advisers to deliver the Service for which you are tendering.

B. Supervision arrangements

Organisations must have a Supervisor who:

- (a) meets the requirements in specified in the SQM in the category of Debt;
- (b) has at least 3 years experience as a Debt Supervisor; and
- (c) who will supervise the work under the Service and be accessible for advisers to contact when they are providing the Service.

C. Finance

On the written request of the LSC to repay money, the organisation must not have *failed* either to:

1. Make proposals for repayment by any deadline set; or
2. Adhere to a repayment agreement.

D. Specialist Quality Mark

Any organisation tendering that does not hold the Debt SQM must submit the following documents in order to apply for the Specialist Quality Mark (SQM) with its tender application:

- **QM1**
- **SQM Self Assessment Checklist**
- **Supervisor Self Declaration Form**
- **Status Enquiry Forms (SIF and OSS)**
- **Copy of Office Manual**

N.B: It will be a condition of any award of contract, that, where it has not already done so, the organisation must pass the desktop stage of the SQM in Debt, prior to the service commencing.

E. Notice to Terminate

The organisation must not have received a notice to terminate (other than on a no-fault basis) any contract (civil) between it and the LSC in the last two years (1 July 2006 – 1 July 2008).

F. Peer Review

Any organisation that currently holds a Unified Contract must not be operating under a confirmed peer review rating at 4 or 5 in any civil Categories of Law following conclusion of the Peer Review process.

Selection Criteria

Listed in order of importance:

- **Priority will be given to applicants who score the highest number of points under these criteria**
- **You must answer all questions set out in the Tender Form under each criterion.**

1. Preference will be given to organisations that can demonstrate substantial experience within the last 2 years from 1 August 2006 of delivering legal advice services to client detained in prisons or similar places of detention. (maximum 10 points).

2. Preference will be given to organisations with procedures for advisers to identify and deal with non-debt legal problems which a client may have on housing, employment, community care, family, mental health and welfare benefits. The procedure must include how clients will be effectively referred or how the organisation will assist the client directly in these other categories of law (in compliance with an organisation's Unified Contract (Civil) if they hold one). (maximum 10 points).

3. Preference will be given to organisations which as well as providing Debt advice, can also provide specialist legal advice on housing, employment, community care, family, mental health and welfare benefits in line with the ranking below:

- a. All 6 categories (5 points)**
- b. Any 5 categories (4 points)**
- c. Any 4 categories (3 points)**
- d. Any 3 categories (2 points)**
- e. Any 2 categories (1 point)**

4. Preference will be given to organisations who are bidding to provide the Service at more prisons according to the ranking below:

- a. All 4 prisons (3 points)**
- b. Any 3 prisons (2 points)**
- c. Any 2 prisons (1 point)**

5. Preference will be given to organisations that bid for higher number of rota weeks:

- a. 3 or 4 weeks out of a maximum of 4 weeks (2 points)**
- b. 1 or 2 weeks out of a maximum of 4 weeks (1 point)**

Appendix 1: Performance Standards

The Service will work to a range of performance standards that set down the levels of work expected in return for the available funding.

Area	Performance standard
Number of advice sessions carried out in each prison.	As we currently have no management information about the likely demand, no standard will be set in the first three months of the contract. Thereafter the number of half- day sessions per establishment will be set quarterly in advance and providers will be required to deliver 90% of those sessions.
Access to Services	90% of all clients should receive an appointment within 10 working days of requesting it.
Clients who require further assistance beyond the initial 45 minute appointment.	90% of clients who require follow up work on debt legal matters beyond the initial surgery appointment should receive it either from the organisation or through effective referral.
Client satisfaction as captured in annual client feedback exercises	80% of all clients rate the Service as good or excellent.
Complaint resolution	95% of complaints from clients resolved internally 95% of complaints responded to within 5 working days 90% of complaints are fully resolved within 28 working days

What is meant by 'effective referral'?

'Effective referral' is defined as the provider making a referral to another source of legal advice, where the Service provider will make an appointment for the client and hand over the client's details, any instructions taken and any relevant documents to the referral agency. The Service must follow up on the referral to ensure that the client has received the necessary help. providers will also be expected to make referrals to non-legal or general sources of advice, but will not be given a target to meet for these types of referral.

How should you deal with these performance standards in your bid?

You may put in bids for the Service on the basis that:

- you will achieve these performance standards; or
- you will achieve higher levels/standards of work.

Any application which offers to undertake lower amounts of work than the performance standards set out will not be considered. An offer to commit to higher levels of work will be taken into account as giving better value for money, provided the proposals to undertake the extra work are, in our view, realistic and will not impact on quality. If an applicant offers to meet higher performance standards and is successful in winning the Service contract, the higher performance standards set out in their application will become the performance standards in the contract.

Quality Requirements

Although the Service provided under this contract will be for generalist debt advice we will require providers to meet the requirements of the Specialist Quality Mark (SQM).

**The Draft Contract will be published
on the LSC Website shortly.**

Available on the LSC Website

Appendix Four: Background information about civil contracting

A. Funding Code

The Funding Code is the set of rules used to decide which individual cases are to be funded by the LSC as part of the Community Legal Service.

The Funding Code Criteria define what services the LSC will fund, ranging from basic legal advice to representation in court proceedings. Different criteria are set for different types of case according to the Lord Chancellor's priorities.

The Funding Code Procedures set out how the LSC takes decisions about the funding of services as part of the Community Legal Service. For further information see http://www.legalservices.gov.uk/civil/how/funding_code.asp.

B. Levels of Funding Available

All civil contract work is either:

- Controlled Work; or
- Licensed Work

Controlled Work consists of work classified as advice and assistance to clients. In most categories Controlled Work does not authorise clients to be represented by their legal adviser however, some representation at tribunals is allowed in the Mental Health and Immigration categories.

In non-Family cases there are 3 Levels of Service for Controlled Work:

- Legal Help
- Help at Court
- Controlled Legal Representation (or "CLR") which is Legal Representation:
 - Before a Mental Health Review Tribunal;
 - Before the Asylum and Immigration Tribunal;
 - Before the High Court in relation to applications under section 103A of the Nationality, Immigration and Asylum Act 2002; or
 - Provided by a Community Legal Advice Centre or Network and authorised under a separate contract to be funded as Controlled Work.

In Family cases Controlled Work covers:

- Legal Help
- Family Help (Lower)
- Legal Representation provided by a Community Legal Advice Centre or Network and authorised under a separate contract to be funded as Controlled Work.

Licensed Work covers all Legal Representation other than CLR or services funded by Individual Case Contracts. In Non Family cases Legal Representation can take the form of either Investigative Help or Full Representation. In Family cases, Licensed Work covers Family Help (Higher) and Legal Representation other than provided by Individual Case Contracts.

The Unified Contract operates as a license for providers to undertake Licensed Work, normally subject to us approving your client's application and subject to any limits we may place on the volume of Licensed Work cases you may start. For Licensed Work most decisions to allow you to take on a case and provide publicly funded services are taken by us

through our Wales and Regional Offices, but you may also be devolved important powers such as the power to grant funding yourself in urgent cases.

C. Civil Contracting

The following outline of the civil contracting scheme is intended as a general introduction for new applicants and describes the current scheme and the LSC main Unified Contract (Civil), which underpins the scheme.

The Commission contracts with organisations (referred to as 'providers') to provide services within the terms of the Unified Contract (Civil), which defines the legal aid, work that a provider may undertake for clients.

For Controlled Work the decisions to provide services are generally taken by the provider on the LSC's behalf, however this is subject to any controls regarding the number of cases a provider may be authorised to start through the allocation in the Unified Contract (Civil) Office Schedule. providers generally have the LSC's authority to commence Legal Help and Help at Court Matter Starts without further permission, provided they have sufficient Matter Starts available.