

INVITATION TO TENDER TO DELIVER PUBLICLY
FUNDED IMMIGRATION SERVICES IN ENGLAND
AND WALES

**INFORMATION
FOR
APPLICANTS**

Contents

Section 1	Overview of this Information for Applicants (IFA)	p.2
Section 2	Services covered by this IFA	p.3
Section 3	About this IFA	p.4
Section 4	Documents related to this IFA	p.6
Section 5	About the Legal Services Commission and legal aid	p.8
Section 6	Quality Standards for the delivery of services from October 2010	p.12
Section 7	About Immigration Services from October 2010	p.13
Section 8	About the volume and location of services we wish to procure	p.18
Section 9	How to respond to an ITT	p.22
Section 10	How will tenders be assessed and Matter Starts awarded?	p.29
Section 11	Conditions of Tender	p.33
Section 12	Definitions	p.38

Annexes (in separate document)

Annex A	Essential Criteria
Annex B	Selection Criteria and scoring
Annex C	Map of Immigration Procurement Areas and Access Points
Annex D	Breakdown of Procurement Areas and Access Points by Local Authority Area

Section 1: Overview of this Information for Applicants (IFA)

What are we inviting tenders to deliver?

The Legal Services Commission (LSC) is inviting interested parties to submit tenders to carry out publicly funded Immigration Services for eligible clients in England and Wales from 1 October 2010. 'Immigration Services' means delivery of publicly funded face-to-face legal services to clients in the Immigration Category of Law (Immigration and Asylum cases) (see Section 7).

What does this IFA cover?

This IFA contains the information, instructions, rules and Conditions of Tender that will govern the tender process for eight separate Invitations to Tender (ITTs) (see Section 8). Applicant Organisations must read and comply with all instructions and rules contained in the Tender Documents and the Conditions of Tender (see Section 11).

Who may submit tenders?

This is an open process and Applicant Organisations do not need to be current contract holders with the LSC to apply. Any Applicant Organisations interested in undertaking Immigration Services in England and Wales may apply.

What are Applicant Organisations tendering for?

Applicant Organisations are tendering for an allocation of advice cases (known as 'Matter Starts' or 'New Matter Starts') in the Immigration Category of Law (and a licence to undertake representation cases) in specific geographic areas in England and Wales (see Sections 7 and 8).

How do Applicant Organisations submit tenders?

There are eight ITTs covering Immigration Services in England and Wales which will be published on our eTendering system for Applicant Organisations to submit tenders against. We will only accept tenders submitted through our eTendering system which can be accessed at www.legalservices.bravosolution.co.uk (see Section 9).

When can Applicant Organisations submit tenders from?

The ITTs for the Immigration Services outlined above open on 30 November 2009 and you may submit tenders from this date.

When is the deadline for submitting tenders?

The deadline for submitting tenders is 12 noon on 28 January 2010. Tenders received after this deadline will not be considered (see Section 4 for full details of the timetable).

How will tenders be assessed?

Tenders will be assessed by the LSC in accordance with the process set out in Section 10.

What happens if a tender is successful?

If a tender is successful we will enter into a contract with the Applicant Organisation to operate the applicable Immigration Services under the terms of the 2010 Standard Civil Contract (3 year contract to commence on 1 October 2010 and extendable at our option by up to a further 2 years). Visit our website www.legalservices.gov.uk (following the links Community Legal Service (CLS) > Civil Contracts > 2010 Standard Civil Contract) to see the all the contract documentation and accompanying guidance on the terms.

Section 2: Services covered by this Information IFA

- 2.1. This IFA is one of two IFAs we will publish to govern the ITTs for the delivery of Immigration Services across England and Wales from 1 October 2010.
- 2.2. This IFA covers information on the ITTs for the provision of Immigration Services to eligible clients from Providers' Offices across England and Wales.
- 2.3. A second IFA covering information on the ITTs for the provision of face-to-face Immigration Services to eligible clients held in Immigration Removal Centres (IRCs) across England will be published when tenders for the delivery of these services are invited in December 2009.

2.4. Important note on IRC ITTs:

Whilst the ITTs for the two services described above are to be conducted separately (and governed by separate IFAs), it is an essential requirement that an organisation is awarded a contract for Immigration Services, covered by this IFA, in order for any of its tenders for services at an IRC to be successful.

- 2.5. Further information is contained in the separate IFA *Invitation to Tender to deliver Immigration Services in Immigration Removal Centres*, which will be published shortly.

Section 3: About this IFA

Structure

3.1. This IFA is set out into 11 sections for your ease of reference:

- Section 1: Overview of this Information For Applicants
- Section 2: Services covered by this IFA
- Section 3: About this IFA
- Section 4: Documents related to this IFA
- Section 5: About the Legal Services Commission and legal aid
- Section 6: Quality Standards for the delivery of services from October 2010
- Section 7: About Immigration Services from October 2010
- Section 8: About the volume and location of services we wish to procure
- Section 9: How to respond to an ITT
- Section 10: How will tenders be assessed and Matter Starts awarded?
- Section 11: Conditions of Tender
- Section 12: Definitions

3.2. In addition there are four supporting Annexes:

- Annex A: Essential Criteria
- Annex B: Selection Criteria and scoring
- Annex C: Map of Immigration Procurement Areas and Access Points
- Annex D: Breakdown of Procurement Areas and Access Points by Local Authority Area

Conditions of Tender and Definitions

3.3. Section 12 explains all the definitions of phrases capitalised throughout this IFA and the ITTs. Section 11 contains the Conditions of Tender governing this tender process, Applicant Organisations should familiarise themselves with these terms. In addition, you must comply with the instructions and rules in the Tender Documents.

Asking questions

3.4. There will be two different channels through which to direct questions depending on the nature of your query. The two different question types are:

- Questions about the content of this IFA or the eight ITTs
- Questions about how to technically use the eTendering system

Questions about this IFA or the ITTs

3.5. If you have any questions about this IFA or the ITTs you may submit them up until **12 noon on 14 January 2010** (note this is referred to as the 'End date for clarification messages') on the eTendering system.

3.6. All questions must be submitted using the online secure messaging tool within the eTendering System (see Section 9 for more detail about eTendering).

3.7. Questions that we consider to be of wider interest will be collated and answered centrally in writing to ensure that all interested parties have equal

access to information in the answers. These questions and answers will be published regularly on the civil tender pages of our website in a Frequently Asked Questions (FAQ) document.

3.8. A final FAQ document will be published on 21 January 2010.

Questions about how to use the eTendering system

3.9. We will offer a Helpdesk to provide technical support to Applicant Organisations using the eTendering System. However, the Helpdesk is **unable** to assist with problems with your own computer hardware or systems - for these types of issues you should contact your usual IT support.

3.10. Questions may be emailed to the following email address: lscsupport@bravosolution.co.uk. Alternatively, the telephone number for the Helpdesk is 0203 3496610 (charged at a local rate from any national destination).

3.11. Please note that we recommend that you start to complete your tender response early so that you identify any areas where you need help as soon possible, as the team is likely to be very busy in the days leading up to the tender deadline.

Timelines

3.12. A list of planned dates for key activities in this tender process are set out below.

Activity	Timescale
Invitations to tender for Immigration Services are opened and available via the LSC's eTender portal	30 November 2009
Final date to submit questions about this IFA and the ITTs	14 January 2010
Final 'Frequently Asked Questions' to be published	21 January 2010
Deadline for submission of tenders	12pm on 28 January 2010
Applicant Organisations notified if unsuccessful following assessment of the PQQ and Essential Criteria	26 February 2010
All remaining Applicant Organisations notified of outcome of tender process	19 March 2010
Deadline for submission of appeals from those Applicant Organisations unsuccessful following assessment of the PQQ and Essential Criteria (appeal deadline 1)	22 March 2010
Deadline for submission of appeals from those Applicant Organisations not awarded a contract following assessment of Selection Criteria and the process of allocation of Matter Starts (appeal deadline 2)	12 April 2010
Notification of decision on appeal regarding the PQQ and Essential Criteria	12 April 2010
Notification of decision on appeal regarding the Selection Criteria	17 May 2010
2010 Standard Civil Contract including Schedules issued to successful Applicant Organisation	Aug – Sept 2010
Contract start date	1 October 2010

Section 4: Documents related to this IFA

Tender Documents - you **MUST** read these before submitting your tender

NAME	Description	Location
Information for Applicants (IFA)	This document sets out the information, instructions, rules and Conditions of Tender relating to the 8 ITTs	LSC Website pathway: CLS > Tenders
Pre Qualification Questionnaire (PQQ)	Includes: (1) Series of questions (2) Applicant Organisation Information Form (Private Sector or Nfp) (3) QM1 Form (if applying for the SQM)	PQQ pages on the eTendering portal: www.legalservices.bravosolution.co.uk
Invitation to Tender (ITT): There are 8 ITTs: <ul style="list-style-type: none"> • Devon • London • Midlands and East of England • North East, Yorks and the Humber • North West • South East • South West • Wales 	Includes: (1) Tender Information Form (2) Essential Criteria (3) Selection Criteria (4) Supervisor Self Declaration Form	ITT pages on the eTendering portal: www.legalservices.bravosolution.co.uk

Supporting documents- additional supporting guidance and information

Name	Description	Location
2010 Standard Civil Contract	All Contract documentation including: Contract for Signature Standard Terms Office Schedules Specification (including	LSC website pathway CLS > Civil Contracts > 2010 Standard Civil Contract

	Payment Annex)	
Tender FAQ document	Questions and answers of wider interest to Applicant Organisations	LSC website pathway: CLS > Tenders > Civil 2010 Contracts
eTendering guidance*	Guidance on how to use the eTendering system including: (1) eTendering online training or Powerpoint presentation (2) eTendering Quick Guides (3) eTendering Technical FAQ	“Technical Support and Guidance” section on the eTendering portal: www.legalservices.bravosolution.co.uk

*In addition to the LSC eTendering guidance, our provider of the eTendering system, Bravo, has its own Supplier Helpdesk which can be asked through clicking on the '?' options on the eTendering system. This Supplier Helpdesk contains Bravo's own technical support which may assist you further in using the eTendering system.

Section 5: About the Legal Services Commission and legal aid

About the LSC

- 5.1 The Legal Services Commission (the LSC) is responsible for delivering legal aid (publicly funded advice and representation) through high quality service providers to people with legal problems in England and Wales.
- 5.2 The LSC was established under the Access to Justice Act 1999 ('the Act'), replacing the Legal Aid Board in April 2000. It is a non-departmental public body sponsored by the Ministry of Justice. The Lord Chancellor and the Secretary of State for Justice is accountable to Parliament for the LSC's activities and performance, and also appoints a board of non-executive Commissioners to oversee its work.

About legal aid

- 5.3 Legal aid enables people to safeguard their rights and address their legal problems. Our work is therefore essential to the fair, effective and efficient operation of the civil and criminal justice systems. It is also critical in helping to provide access to justice and fair trials (with professional representation) to over two million people each year.
- 5.4 We commission the services people need from solicitors, advice agencies, barristers and commercial organisations (known as our 'Providers'). The skills and commitment of legal aid service Providers are essential to helping people resolve their problems.
- 5.5 We deliver legal services through two schemes: the Criminal Defence Service (CDS) and the Community Legal Service (CLS). Both schemes have eligibility criteria in relation to the means of the client and the nature of the problem, with certain limited exceptions.

The Community Legal Service (CLS)

- 5.6 The CLS consists of a network of Providers (including solicitors and not for profit agencies, such as Citizens' Advice Bureaux and Law Centres), which provides and promotes civil and family legal advice and representation.
- 5.7 Part of this is done through Community Legal Advice, which includes telephone and Internet based services. We jointly fund legal services with local authorities know as Community Legal Advice Centres and Networks.
- 5.8 We also contract with Providers to deliver face-to-face civil legal aid services. Contracts are awarded by Categories of Law, allowing us to allocate funding to the areas where clients need it most.

Client choice

- 5.9 While Providers contract with the LSC to conduct civil advice and representation services, the LSC does not control the allocation of cases or work. Providers with civil contracts obtain clients under open market conditions, where clients are free to choose a legal representative of their choice to advise or represent them.

Quality Assessment

- 5.10 It is a mandatory requirement for our 2010 Contract that all providers that deliver services under the civil or crime contract hold either the LSC's own quality standard – the Specialist Quality Mark (SQM) or the Law Society's quality standard - Lexcel. See Section 6 for more information about these and how to apply for the SQM.
- 5.11 The LSC also operates a quality assessment tool called peer review. Peer review involves independent experienced legal aid practitioners assessing a random sample of a Provider's case files to determine the quality of advice and legal work provided to clients in a particular Category of Law. A standard ratings system is applied to the work as an indication of quality (1 being the highest rating and 5 being the lowest). More information on peer review can be found at www.legalservices.gov.uk (CLS > Quality and Performance > Peer review).

The Funding Code

- 5.12 The Funding Code is the set of rules used to decide which individual cases are to be funded by the LSC and is central to the delivery of legal aid services. The Funding Code criteria define what services the LSC will fund, ranging from basic legal advice to representation in court proceedings and sets out the types of cases known as the Levels of Service. A full copy of the Funding Code can be found at www.legalservices.gov.uk (CLS> Civil legal aid eligibility).
- 5.13 The Funding Codes divides services into levels of cases known as Levels of Service. There are four Levels of Service in civil, three known collectively as Controlled Work and a fourth covering Licensed Work.

Controlled Work

- 5.14 The three Levels of Service in Controlled Work cover basic levels of advice and assistance (and some representation before tribunals):
- Legal Help
 - Help at Court
 - Controlled Legal Representation (CLR) which is limited representation before:
 - o A Mental Health Tribunal
 - o An Asylum and Immigration Tribunal (including appeals).
- 5.15 A minimum and maximum number of Controlled Work cases (known as Matter Starts) are allocated to a Provider who may then assist clients directly without prior authority from the LSC (provided they have sufficient Matter Starts available).
- 5.16 Most payment for Controlled Work is based on a fixed fee per Matter which may be different in each Category of Law and at each Level of Service. In certain circumstances a case may be deemed exceptional and paid outside the fixed fee at prescribed legal aid hourly rates. On a monthly basis, Providers compile and submit a claim to the LSC detailing the value of cases completed that month. Providers are paid a monthly amount for their Controlled Work based on the average value of these monthly claims.

Licensed Work

- 5.17 Licensed Work covers all representation other than CLR (and excluding high cost cases which are managed through specialist contracts). The Contract operates as a license for Providers to undertake Licensed Work (without limits on numbers). However, funding applications need to be submitted to the LSC for each case and the LSC decides whether the Funding Code criteria and the merits test are met. Limits in relation to the work are then set which may be varied on application by the Provider on behalf of the Client.
- 5.18 Payment for Licensed Work is assessed by either the court or the LSC and is paid on the basis of individual claims submitted by Providers.

2010 Standard Civil Contract

5.19 New civil contracts for the delivery of face-to-face civil legal aid advice, including Immigration, will come into force on 1 October 2010 (the contract start date) and have a term of 3 years, subject to rights of early termination and our right to extend for up to 2 years. All Immigration Services (including staff, premises etc.) must commence on 1 October 2010 and an Applicant Organisation must be able to confirm it is ready to deliver these services 8 weeks before the contract start date. The contract is split into:

- Contract for Signature
- Standard Terms (govern the relationship between the LSC and the Provider)
- Specification (governs how work should be delivered and includes the Key Performance Indicators that Providers must meet and the Payment Annex setting out the applicable rates)
- Schedules (sets out the Categories of Law, volume of work and any bespoke terms relevant to the delivery of services at a particular Office location)

5.20 All the contract documentation (and guidance) is available on our website (CLS > Civil Contracts > 2010 Standard Civil Contract) and we would strongly recommend that you familiarise yourself with the terms of the contract prior to tendering.

Who we will contract with

5.21 As part of this tender process we are introducing a Pre Qualification Questionnaire (PQQ), which will ask a series of questions designed to determine whether Applicant Organisations can meet the minimum standards for a contractual relationship with the LSC.

Legal Status of Applicants, subcontracting and consortia bids

- 5.22 We will only contract with a single legal entity for the purposes of providing Immigration Services.
- 5.23 Therefore, should Applicant Organisations wish to merge or 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 Client's retainer will always be with the single entity.

5.24 We will not accept subcontracting arrangements (e.g. where you pay another organisation to deliver part of the service); instead, Applicant Organisations must be able to provide all the services they tender for, without the need to refer any Matters or Levels of Work to other individuals or organisations (although the contract does permit the use of agents in certain circumstances). We will not accept consortia bids for the provision of these Immigration Services.

TUPE

5.25 The LSC does not consider that TUPE will apply to the termination of current immigration contracts and the re-awarding of Civil Standard 2010 Contracts following this tender process but Applicant Organisations should get their own legal advice on this matter and not rely on our views.

Section 6: Quality Standards for the delivery of services from October 2010

- 6.1 It will be a requirement of the 2010 Standard Civil Contract that Providers hold a recognised quality standard – either Lexcel or the Specialist Quality Mark (SQM).
- 6.2 New Providers (i.e. those that do not currently hold the Unified Contract (Civil or Crime) will be subject to a pre-condition of contract award that they either:
 - hold Lexcel; or
 - apply with their tender to hold the SQM in accordance with the process set out below.
- 6.3. Those already holding the SQM in any Category of Law should note that the SQM has recently changed - it now applies to an organisation as a whole rather than being Office or category specific. Applicant Organisations will not need to apply for the SQM if they wish to expand to deliver an additional Category of Law and currently hold the Standard. Further information on these changes is available at www.legalservices.gov.uk (CLS > Quality and Performance > Quality Mark > Specialist Help).

Applying to hold the SQM

- 6.4. To obtain the SQM, Applicant Organisations will need to submit one set of the following documents electronically as part of their PQQ response:
 - Completed QM1 Form; and
 - Copy of their Office Manual
- 6.5. If an Applicant Organisation is successful in being awarded a contract, between the award and the start of the Contract we will conduct an internal, paper-based audit (known as a 'desktop audit') of the QM1 Form and Office Manual to determine whether the organisation is on track to be awarded the SQM. The desktop audit is the first stage of audit that Applicants must go through to be awarded the SQM and there are then further audit stages to achieve the SQM, which will be undertaken within the first 6 months of the contract.
- 6.6. Please note that it will be a pre-condition of any Contract award that, where it has not already been achieved, the organisation must pass the desktop audit stage of the SQM 8 weeks before 1 October 2010 and fully hold the SQM by 1 April 2011.

Lexcel

- 6.7. As Lexcel is an externally run quality standard, any Provider choosing to meet the quality requirements via this route would need to hold it at the time of tendering. Further information on Lexcel can be found at the Law Society's website: <http://www.lawsociety.org.uk/productsandservices/lexcel.page>.

Section 7: About Immigration Services from October 2010

Immigration Services

- 7.1. This section describes the category specific requirements that apply to the Immigration Services we wish to procure. The rules governing how Immigration Services should be delivered are set out in the Standard Civil Contract Specification and in particular at Section 8 – Immigration Category Specific Section.
- 7.2. Below are key terms of the contract we will ask Applicant Organisations to confirm they can meet in their response to an ITT. However, these are not all the obligations you will be required to meet during the terms of the contract and you should read the contract to understand the full extent of your obligations should you be awarded a contract.
- 7.3. The Immigration Category of Law is defined by the Funding Code to cover both Asylum and Immigration Non-Asylum cases (see www.legalservices.gov.uk CLS> Civil legal aid eligibility for further information).
- 7.4. Further background information on our policy behind the Immigration Services that we are commissioning is set out in *Civil Bid Rounds for 2010 Contracts: A Consultation Response* available at: <https://consult.legalservices.gov.uk/inovem/consult.ti/2010Contracts/listdocuments>.

Payment

- 7.5. In addition to the general rules regarding remuneration for work, (Sections 3 and 6 of the Civil Specification) Part D of Section 8 sets out the rules, which are applicable to the immigration Category of Law only.
- 7.6. The Payment Annex to the Civil Specification sets out the actual rates payable, which depend on a number of factors including whether the matter is related to asylum or immigration work, the stage in the case or the type of activity being carried out.

Controlled Work

- 7.7. We will pay you for Immigration Controlled Work properly carried out in accordance with the contract under one of the following payment methods:
 - (a) Standard Fees
 - (b) Hourly rates
- 7.8. In summary, Standard Fees vary according to the stage of the case and are inclusive of profit costs, travel and waiting time. Additional fees are payable for disbursements and advocacy fees.
- 7.9. For example, there is a Standard Fee for providing Legal Help to a client in an Asylum matter. If the same matter requires the client to be further represented at a substantive hearing (under Controlled Legal Representation) a separate Standard Fee will be paid for this work.

- 7.10. A matter may escape the Standard Fee scheme and become payable solely by hourly rates if, following the conclusion of a case, it is determined under the rules of the contract to be an 'Exceptional Matter'.
- 7.11. Certain types of matters or work, for example advice to an unaccompanied asylum seeking child or Bail applications, will be paid at hourly rates.

Licensed Work

- 7.12. Section 6 of the Civil Specification sets out the main rules for remuneration of Licensed Work once an application for a certificate to undertake a Licensed Work case has been granted.
- 7.13. You may (3 months after a certificate is granted) apply to us twice in any 12-month period for a payment on account for disbursements or profit cost (provided that the cumulative payments on account for profit costs do not exceed 75% of the amount you incurred, calculated at the date of each application for the payment on account).
- 7.14. Licensed Work is claimed per case in accordance with the provisions on claiming and assessment in the terms of the contract, the Community Legal Service (Financial) Regulations 2000, the Community Legal Service (Costs) & (Costs Protection) Regulations 2000 and the Civil Procedure Rules.
- 7.15. All Licensed Work claims submitted are subject to assessment by either the court or the LSC.

Start Date

- 7.16. Applicants must be able to commence delivering Immigration Services from the contract start date of 1 October 2010. Where Applicants have committed to put the necessary arrangements in place (i.e. to set up an Office or to recruit a Supervisor or Caseworker against a vacant post), then we will seek verification of this by 8 weeks before 1 October 2010 to ensure that the services tendered for is capable of being delivered from the contract start date.

Key contract terms (Essential Criteria)

- 7.17. The ITTs set out a number of key contract terms (known in the ITTs as the 'Essential Criteria') which an Applicant Organisation tendering to deliver Immigration Services must demonstrate that it is able to meet. Exceptions to these requirements apply to Devon and North East Wales. Detailed wording on each of the Essential Criteria is set out in each ITT and at Annex A.
- 7.18. The Essential Criteria cover the ability (from 1 October 2010) to:
- Deliver Legal Help and CLR in both asylum and immigration non-asylum cases
 - Commence a minimum number of Matter Starts per contract year:
 - 35 in Asylum and 15 in Non-Asylum in areas outside of London
 - 100 Matter Starts in London consisting of at least 35 Asylum and 15 Immigration Non-Asylum Matter Starts
 - Provide specific presence requirements in the geographic area for clients to access services – see further detail below

- Ensure all Caseworkers delivering the Immigration Service are accredited under the Law Society's Immigration and Asylum Accreditation Scheme (IAAS)
- Employ a Supervisor who meets the Supervisor Standard in Immigration;
- Maintain a full time equivalent (FTE) Supervisor to FTE Caseworker ratio of no more than 1 to 6
- Maintain a minimum ratio of one Level 2 (or Level 3) accredited Caseworker for every two Level 1 accredited Caseworkers employed at each Office where Immigration Services are being delivered

7.19. In addition for London only:

- Deliver Licensed Work
- Employ an Authorised Litigator

7.20. Where the criteria refer to 'employ' or 'employed' it means that the Applicant Organisation must hold an employment contract with that staff member. Those employed by the Applicant Organisation should be accessible to clients as and when required.

7.21. Applicant Organisations must also confirm that they have not received a confirmed peer review rating of 4 or 5 has not been received in the Immigration Category of Law (i.e. at the conclusion of the process, following appeal and any follow-up audit).

Presence Requirements

7.22. Providers will be able to deliver these Immigration Services through either a Permanent or a Part-time Presence, the definitions of which are set out in Section 2 of the Civil Contract Specification.

7.23. We consider that the best access for clients is provided by organisations able to provide services through an Office with a Permanent Presence. Full details of how the presence requirements apply are detailed within the individual ITT. However, all Applicants must confirm that they will deliver Immigration Services from an Office that complies with the Permanent Presence requirements in the ITT (see Section 8).

7.24. Where Applicants wish to tender to provide services from more than one Office in the are covered by the ITT (excluding London and Devon ITTs), they must have an Office that at least complies with the Part-time Presence requirements.

Immigration and Asylum Accreditation Scheme (IAAS)

7.25. The Immigration and Asylum Accreditation Scheme (IAAS) is a compulsory accreditation scheme run by the Law Society for all individuals performing publicly funded work. The IAAS is designed to assess that each Caseworker possesses both the knowledge of Immigration law and procedure and the practical skills required to provide good quality legal services in this Category of Law.

7.26. All Caseworkers must be accredited. In addition, the contract sets out what level of accreditation Caseworkers need to have in order to conduct certain types of Immigration Services. For example, only Level 2 Caseworkers can have conduct of a case requiring Controlled Legal Representation.

Immigration Supervisor Standard

7.27. All references to requirements for Supervisors means an individual who meets the Supervisor Standard in the Immigration Category of Law. This means that in addition to the general requirements for Supervisors set out in Section 2 of the Civil Specification, an Immigration Supervisor must:

- (a) be a IAAS Level 2 Senior Caseworker or Level 3 Advanced Caseworker accredited; and
- (b) have achieved the IAAS Supervisor Level of accreditation.

Ratio of Supervisors to Caseworkers of 1:6

7.28. One FTE equates to working at least 35 hours per week. For the purposes of calculating this ratio a Supervisor is defined as someone who meets the Immigration Supervisor Standard and actively supervises.

Ratio of Level 2 or Level 3 Caseworkers to Level 1 Caseworkers

7.29. Each Office delivering Immigration Services must ensure that at least one FTE Level 2 (or Level 3) Caseworker is employed for every two Level 1 FTE Caseworkers employed. As with the Supervisor to Caseworker ratio, one FTE equates to working at least 35 hours per week. However, the calculation of this ratio should include Supervisors within the definition of a Caseworker.

Preference for Immigration Services (Selection Criteria)

7.30. In addition to the minimum requirements covered by the Essential Criteria, we have additional preferences (known in the ITTs as Selection Criteria), which we will use to choose between Providers where we are not able to award all Applicant Organisations a contract due to Matter Starts bid for exceeding the Matter Starts available (see Section 10).

7.31. If an Applicant Organisation is awarded a contract on the basis of Selection Criteria, these preferences will become obligations in the contract, which the Applicant Organisation will be required to maintain. For the detailed wording on each of the Selection Criteria please refer to Annex B.

7.32. Each ITT will set out the Selection Criteria that will be applied, these will include the ability (from 1 October 2010) to offer:

- The best access to an Authorised Litigator
- Drop-in Service Sessions
- The best access to an Immigration Supervisor
- A Level 3 accredited Caseworker
- A Permanent Presence (non-London areas only)

7.33. In addition, we will prefer Applicants that can demonstrate to us a higher level of confidence of their ability to deliver Immigration Services from 1 October 2010 based on:

- Experience of operating services in the geographical area tendered for
- Experience of delivering legal services to clients
- Having a lower percentage of Caseworkers to recruit to deliver the services tendered for

Note on Immigration Services in the Midlands and East of England: Early Legal Advice Process (ELAP)

7.34. In the Procurement Area of the Midlands and East of England, asylum applications will be determined through the Early Legal Advice Process (ELAP). This process is detailed in Section 8 Part F of the Immigration Contract Specification. ELAP contains additional requirements that you must comply with when acting for clients whose applications are subject to this determination process.

7.35. We will jointly evaluate ELAP with the United Kingdom Border Agency (UKBA). The data evaluation process for ELAP will run for a period of 12 months. ELAP will continue for the period of the LSC contract subject to UKBA continuing the determination process. Consequently, if ELAP as a determination process came to an end, Providers will continue to have Matter Starts but the ELAP would no longer apply.

Section 8: About the volume and location of services we wish to procure

Geographic locations of Matter Starts

Access Points

- 8.1 At the lowest level, we have specified those areas of England and Wales with the highest demand for Immigration Services – these will be defined as Access Points. A map of Access Points is set out in Annex C and a breakdown of how these relate to Local Authority areas is set out in Annex D.
- 8.2 We have assigned Matter Starts to Access Points for the purposes of allocating them in this tender process, and you must apply for Matter Starts by Access Point.

Procurement Areas

- 8.3 Access Points sit within wider Procurement Areas. Procurement Areas are broadly based on United Kingdom Border Agency regions. Procurement Areas will be the basis on which we organise ITTs although there will be separate ITTs for the Access Points of London and Devon where we are procuring a service with a slightly different specification from the rest of the Procurement Area.
- 8.4 Further information about Procurement Areas and how they link to the services we wish to procure can be found in the Immigration Procurement Plan, which can be viewed for background information at:
<http://www.legalservices.gov.uk/civil/tendering/9811.asp>.

ITTs and Matter Starts available

- 8.5 Table 1 lists the eight ITTs you can respond to in order to tender for Immigration Services to be delivered from Provider's Offices. The same Essential and Selection Criteria for the delivery of services will apply within each ITT.

Code	ITT	Asylum Matter Starts available	Immigration Non-Asylum Matter Starts available
SE	South East England (excluding London)	3,260	2,770
M	Midlands and East of England	9,340	7,990
NE	North East, Yorkshire and the Humber	11,810	5,610
NW	North West England	5,740	4,380
SW	South West England	1,180	1,130
W	Wales	1,710	1,530
L	London	18,480	24,910
D	Devon	0	120

- 8.6 Table 2 lists the Matter Starts that are available at each Access Points in the Procurement Area covered by the ITT.

Table 2: Matter Starts by Access Point

ITT	Access Points	Asylum Matter Starts offered	Immigration Non-asylum Matter Starts offered
South East England (excluding London)	SEA - Oxfordshire	320	680
	SEB - Buckinghamshire	280	340
	SEC - Berkshire	360	350
	SED - Surrey	220	220
	SEE - Mid and South West Kent	450	90
	SEF - The Kent Coast	450	110
	SEG - Sussex	670	520
	SEH - Southampton	170	170
	SEI - Portsmouth & Isle of Wight	220	150
	SEJ - Hampshire	120	140
South East England (excluding London) Total		3,260	2,770
Midlands and East of England	MA - South Staffordshire, Sandwell and Birmingham	4,210	3,350
	MB - Coventry	790	380
	MC - City of Stoke-on-Trent	810	190
	MD - Derby and South Derbyshire	230	270
	ME - Greater Nottingham	820	770
	MF - City of Leicester	570	500
	MG - Northamptonshire	250	570
	MH - Bedfordshire	470	300
	MI - South Hertfordshire	190	250
	MJ - Cambridgeshire	460	640
	MK - Norfolk	120	360
	ML - Suffolk	170	260
	MM - East Essex	250	150
Midlands and East of England Total*		9,340	7,990

ITT/Procurement Area	Access Point	Asylum Matter Starts offered	Immigration Non-asylum Matter Starts offered
North East, Yorkshire and the Humber	NEA - Tyne & Wear and Gateshead	2,940	1,410
	NEB - County Durham East and Teesside	1,700	840
	NEC - West Yorkshire	4,250	1,630
	NED - South Yorkshire	2,920	1,730
North East, Yorkshire and the Humber Total		11,810	5,610
North West England	NWA - Greater Manchester	2,340	2,380
	NWB - Merseyside	2810	690
	NWC - East & West Lancashire	590	1,310
North West England Total*		5,740	4,380
South West England	SWA - City of Bristol, South Gloucestershire and North Somerset	590	630
	SWB - Gloucestershire	210	250
	SWC - City of Plymouth	380	130
South West England Total		1,180	1,010
Wales	WA - Bridgend, Cardiff and South East Wales	1,290	1,360
	WB - Neath Port Talbot and Swansea	420	170
Wales Total*		1,710	1,530
London	London	18,480	24,910
Devon	Devon	0	120

* In addition, we will be inviting expressions of interest to deliver services through a Part-time Presence in North East Wales for 90 Asylum Matter Starts and 100 Immigration Non-Asylum Matter Starts (see 8.9 below).

Devon ITT

8.7 We will be procuring Immigration Non-asylum services only in the Access Point of Devon as there is some demand for Immigration Non-asylum advice and representation but insufficient Asylum demand to warrant procuring a specific Asylum service.

8.8 We are therefore inviting tenders in Devon for the delivery of 120 Matter Starts in Immigration Non-Asylum. Applicant Organisations wishing to tender in Devon will need to have Part-time Presence in the Local Authority area of either Exeter or Torbay.

North East Wales

8.9 There are a relatively small number of Matter Starts in the Immigration Category of Law available to be delivered in North East Wales. We are therefore inviting expressions of interest from Applicant Organisations in surrounding Procurement Areas wishing to deliver Immigration Services in North East Wales through a Part-time Presence.

8.10 Therefore, as part of the North West England, the Midlands and East of England and Wales ITTs there will be an opportunity for those Applicant Organisations interested in delivering Immigration Services in North East Wales to indicate this in their response.

Minimum Number of Organisations

8.11 Table 3 lists the 12 Access Points where we require at least three separate organisation to deliver Immigration Services as this offers two alternatives for a client should a conflict of interest arise, and reduces the risk to client access should one organisation withdraw.

8.12 We have identified these Access Points as those with the largest projected volumes of Matter Starts and so the greatest number of projected clients that would be impacted.

Table 3: Access Points where we will award Matter Starts to at least three organisations	
Corresponding Immigration Procurement Area	Access Point
London and South East England	L - London
Midlands and East of England	MA - South Staffordshire, Sandwell and Birmingham
	ME - Greater Nottingham
North East, Yorkshire and the Humber	NEA - Tyne & Wear and Gateshead
	NEB - County Durham East and Teesside
	NEC - West Yorkshire
	NED - South Yorkshire
North West England	NWA - Greater Manchester
	NWB - Merseyside
	NWC - East & West Lancashire
South West England	SWA - City of Bristol, South Gloucestershire and North Somerset
Wales	WA - Bridgend, Cardiff and South East Wales

Section 9: How to respond to an ITT

Introduction

9.1 Below we provide an overview of the steps that an Applicant Organisation must follow in order to tender to deliver Immigration Services in any of the Access Points covered by an ITT. These steps are set out in the eTendering system, we suggest you register and look at the system in conjunction with reading this section:

1. Register your organisation once on the eTendering system.
2. Use the eTendering system to prepare a single organisation response to the Pre-qualification Questionnaire (PQQ) regardless of the number of ITTs you are interested in, or the number of Offices you wish to tender to deliver Immigration Services from.
3. Then use the eTendering system to prepare a separate response for each of the ITTs you are interested in. Each single response will comprise of:
 - **The Tender Information Form**
You must complete one of these forms per ITT providing information about each Office from which you intend to deliver Immigration Services (including the number of Matter Starts you wish to bid for and deliver from the Office).
 - **Essential Criteria**
You must prepare a single organisational response per ITT and you must warrant that each Office from which you intend to deliver Immigration Services meets the Essential Criteria. This will include uploading the Immigration Supervisor Self Declaration Form where you have a Supervisor(s) in post.
 - **Selection Criteria**
You must respond to the Selection Criteria confirming how each of your Offices meets each of the Selection Criteria in a particular Access Point (details provided for each Office will constitute an 'Individual Bid').
4. Once you have completed your response you must ensure you submit ('publish') it.

Bidding for Matter Starts

9.2 To bid for Matter Starts:

- You must confirm on the Tender Information Form **and** again at the Selection Criteria stage how many Matter Starts you are bidding to deliver from each Office in a particular Access Point
- For each Individual Bid you must bid for at least the minimum Matter Starts stated in the Essential Criteria
- For each Individual Bid you should not bid for more than the maximum Matter Starts available for the Access Point

- You should not bid for more than the maximum capacity, set at 150 Matter Starts per full time equivalent staff member delivering Immigration Services (full time equivalent equates to at least 35 hours per week)
- You do not need to have employed all Caseworkers and Supervisors by the date you submit your response to the ITT but you must have recruited all staff 8 weeks before the contract start date.

9.3 Further detail as to how we will allocate Matter Starts based on bids submitted is set out in Section 10.

The eTendering system

9.4 E-Tendering is an electronic application process used increasingly by Government and private organisations to procure contracts and commission services. It replaces paper-based forms and uses a secure Internet site as a platform through which interested parties can submit applications. It also offers a secure messaging service enabling Applicant Organisations and the LSC to communicate with each other throughout the tender process.

9.5 E-Tendering offers many advantages over paper-based systems:

- Access to all relevant documents in one place
- Secure portal through which to submit applications and send/receive communications
- Instant submission with no risk associated with postal failure
- Automatic acknowledgement of receipt
- Full audit trail of all transactions etc.

How to register onto the eTendering system

9.6 You can access the LSC eTendering system at:

www.legalservices.bravosolution.co.uk

9.7 To use the eTendering system and to be able to view the PQQ and ITTs you will need to register onto the system. Once you have registered you will receive an automated email sent to your registered email address detailing your username and password to enable you to log into the system in future. For more information on how to use the eTendering system please see the 'Technical Support and Guidance' on the eTendering portal.

Pre Qualification Questionnaire (PQQ)

9.8. The PQQ's purpose is to enable us to assess whether an Applicant Organisation meets our minimum standards of suitability for a publicly funded legal aid contract and to gather certain other information about Applicant Organisations.

9.9. The PQQ covers the following areas:

- Are there any mandatory grounds for rejection of the Applicant under regulation 23(1) of the Public Contracts Regulations 2006 (Applicants or Key Personnel convicted of conspiracy, bribery, fraud, money laundering)?
- Requirement to have 1 year's managerial experience and 3 years' experience of delivering specialist legal advice

- Requirement to have a complaints process, and no history of complaints being upheld and sanctions applied by a regulatory/complaints body, or upheld professional negligence claims, in the last 3 years (in relation to publicly funded areas of law only)
- Requirement to have appropriate professional indemnity, public liability and employers' liability insurance cover
- Requirement to comply with workplace legislation (data protection, equalities and health and safety at work) by having appropriate policies and procedures and an acceptable history of discrimination claims in the last 3 years
- An acceptable history of business conduct including interventions and adverse findings by regulatory bodies, bankruptcy/insolvency, terminations for fault of public sector contracts, criminal convictions and failures to repay money owing on public sector contracts
- Confirmation that the Applicant Organisation has met its tax, VAT and NI liabilities
- Confirmation that the Applicant Organisation will hold an appropriate quality standard (SQM or Lexcell)

9.10. A full version of the PQQ can be found on the eTendering system through the 'PQQs open to all suppliers' link.

9.11. Answers to these questions will be assessed on a pass/fail basis. If an Applicant Organisation fails any question, we will reject their application.

9.12. The requirement to have the required experience, and not to have any mandatory grounds for rejection, are absolute and we will reject any application that does not meet our requirements. Other questions provide an opportunity to set out exceptional circumstances where an Applicant Organisation considers that they cannot meet the requirements but that exceptional circumstances apply which mean that they can meet our required standard even though they cannot give the appropriate answer to our question. For example, a new organisation would not be able to give confirmation that it had professional indemnity insurance in place, but could explain that this was the reason, and we would then decide that in these circumstances it met our overall requirement to have appropriate workplace insurance.

9.13. Where exceptional circumstances are given in a PQQ response, we will undertake an assessment of these to establish whether we would be willing to contract with the Applicant Organisation.

9.14 The PQQ also asks for information about financial sustainability. This information is not assessed, although we may use the financial sustainability information to inform future contract management. You should complete and attach the relevant Applicant Information Form (Private Sector or Not for Profit as appropriate).

Invitation to Tender (ITT)

9.15 As outlined at Section 8, there will be a separate ITT for each Procurement Area in which we are inviting tenders to deliver face-to-face Immigration advice services.

9.16 Applicant Organisations can access the ITTs by clicking on the 'ITTs open to all suppliers' link. This will bring up a list of all eight ITTs that relate to this Immigration tender process.

9.17 From the list Applicant Organisations should select the ITT that they would like to view by clicking on the ITT title. This will bring up an overview of the ITT. Applicants can then decide whether they would like to 'express an interest' to the ITT and 'reply' to it (these links can be found on the left-hand side of the page).

What is in the ITT?

9.18 Each ITT comprises of three sections found in two tabs at the top of the page:

Technical Response:

- Tender Information Form
- Essential Criteria

Commercial Response:

- Selection Criteria

Tender Information Form

9.19 The Tender Information Form is the first information Applicant Organisations will be asked to complete in the Technical Response section of the ITT. Some of this information will be required to be completed again in your Individual Bid (see 9.33).

9.20 We require Applicant Organisations to submit the following information, which will form part of the tender, about each individual Office from which they are intending to deliver a presence in an Access Point:

- Matter Starts that organisations are bidding to be delivered from that Office (Section 1)
- Whether they would like an allocation for tolerance work (see 10.18 below) (Section 1)
- Any existing LSC account number for the Office (Section 2)
- Office address (Section 2)
- Information about staff that will deliver the Immigration Services from that Office (Section 4)

9.21 Applicant Organisations should click 'Yes' if a message comes up when opening the form to enable macros. To add details of an Office to the form Applicant Organisations should click the 'Add New' button on the front page. You will then see a new blank page, which you complete for that Office. Sections 1, 2 and 4 should be completed – Section 3 will automatically populate based on the information provided.

9.22 The information given in Section 4 should relate to the hours and the roles of staff delivering work at that particular Office. For example, if a FTE member of staff will work half their time in one Office and half in another, Applicants should

enter their details in the forms for each Office, giving their time as 17.5 hours (half a full FTE week of at least 35 hours) in both cases. The form will automatically calculate the FTE of every staff member for whom details are provided based on the number of hours per week entered.

- 9.23 Where Applicant Organisations fill in staff details at Section 4 and have posts vacant, they should type 'vacant' into the 'Name of Staff Member' field and complete the rest of the information, which they expect will be true of the post holder they intend to recruit. For example, if an Applicant Organisation intends to recruit a Supervisor, it should select the 'Supervisor' option from the drop down menu.
- 9.24 Once details of an Office have been entered Applicant Organisations should click 'OK' to save it. The front page will now list the location (Access Point) and some further details of the Office that details have just been entered for. If necessary, click 'Add New' to complete another form for any further Offices. Applicant Organisations must add details for each Office from which they are tendering to deliver services from in response to that ITT.

Essential Criteria

- 9.25 In the Technical Response section Applicant Organisations will then be able to see the Essential Criteria and related questions.
- 9.26 The questions in this section will seek confirmation that the Applicant Organisation meets the minimum service requirements to be considered for the award of a contract (see Annex A for a list of Essential Criteria).
- 9.27 Whilst this stage should be completed only once by an Organisation per ITT, we are asking Applicant Organisations to warrant their responses in relation to **ALL** their Offices from which they intend to deliver Immigration Services in Access Points covered by the relevant ITT. For example if an Applicant Organisation wished to bid to deliver Immigration services in the North West Procurement Area from an Office in Merseyside and an Office in Manchester then they would have to ensure that both these Offices could meet the Essential Criteria before answering these questions.
- 9.28 All the questions in this section require an answer of Yes or No.
- 9.29 One of the Essential Criteria relates to an Applicant Organisation's Immigration Supervisors. There is a facility in the right hand side of the screen (Buyer Attachments) to download the Immigration Supervisor Self Declaration Form.
- 9.30 This form should be downloaded and completed with details of each Immigration Supervisor who is currently in post at the Office(s) that an Applicant is tendering to deliver services from as part of their tender. It should then be uploaded with the response.
- 9.31 If an Applicant Organisation does not currently have a Supervisor in post then they must confirm and provide us with an Immigration Supervisor Self Declaration Form once this individual is recruited and in any event at least 8 weeks before the contract start date.

Selection Criteria and Individual Bids

- 9.32 After completing questions regarding the Essential Criteria Applicant Organisations should then go on to consider the Selection Criteria in the 'Commercial Response' tab of the ITT.
- 9.33 The Selection Criteria apply at individual office level and Applicant Organisations will need to respond as to how each individual Office meets the criteria (the Individual Bid).
- 9.34 The Selection Criteria are set out in detail at the top of the page. The options for each Selection Criterion are then summarised and presented in a series of drop down fields against each Access Point. Applicant Organisations should select the appropriate options listed alongside the Access Point in which they want to bid. All fields should be completed (including the number of Matter Starts they are bidding for and the Office post code) for each of the Office(s) (Permanent or Part Time Presence) from which an Applicant Organisation wishes to deliver Immigration Services, based on the services an organisation intends to deliver from that Office – the Individual Bid.
- 9.35 The eTendering system allows Applicant Organisations to submit up to three Individual Bids per Access Point (i.e. If an organisation is planning to deliver Immigration Services from three Offices in the Access Point it should fill in the fields three times – once for each Office). In the event that an Applicant Organisation is tendering to deliver from more than three Offices in an Access Point, it should send a message to the messaging service to request an additional form.
- 9.36 Where an Applicant Organisation is not bidding in an Access Point or is not completing details of an additional Office in an Access Point, it must select the 'Not bidding' drop down option for the application to be successfully submitted.

What happens once a response is 'published'?

- 9.37 Tenders submitted will be treated as sealed bids. This means that the LSC will not open any responses until after the deadline for the tender exercise.
- 9.38 Applicant Organisations can therefore amend and resubmit their responses to the PQQ and/or ITTs up until the closing date for tenders to be submitted.

Devon ITT

- 9.39 Please note there will not be Selection Criteria in the Devon ITT. As such Applicant Organisations tendering in Devon will only need to confirm that they meet the Essential Criteria in addition to completing the PQQ.

North East Wales

- 9.40 Details of any Office from which an Applicant Organisation intends to deliver Immigration Services through a Part-time Presence in North East Wales should be included in the Tender Information Form as part of the response (see details of the Tender Information Form at 9.18).

9.41 If we are able to award available Matter Starts in North East Wales to all those expressing an interest and providing information on the Part-time Presence where the services will be delivered from, we will do so even if this means allocating to all Applicant Organisations on a pro rata basis ensuring that each Applicant Organisations is awarded at least the Minimum Matter Start size (see Section10).

Section 10: How will tenders be assessed and Matter Starts awarded?

Opening Procedure

10.1 Responses submitted by Applicant Organisations will not be opened until after the deadline has passed. An authorised LSC representative will open responses and all responses to the same ITT will be opened at the same time (parallel opening) to ensure fairness.

PQQ

10.2 The PQQ consists of a series of yes/no questions that are designed to test compliance with our requirements.

10.3 We expect all Applicant Organisations to confirm compliance with all our PQQ requirements. If an Applicant Organisation fails the PQQ then they will not be considered further and their application will be rejected.

Essential Criteria

10.4 The Essential Criteria reflect the minimum service requirements that we want all Immigration Providers to meet.

10.5 All Essential Criteria will be assessed on the basis of pass or fail and any Applicant Organisation unable to confirm that they meet all our requirements will have their response to the ITT (including all their Individual Bids) rejected.

Capacity Test to be applied to all Applicant Organisations passing the PQQ and the Essential Criteria

10.6 At this stage, we will only consider bids from Applicant Organisations that have passed both the PQQ and the Essential Criteria (in relation to the relevant ITT).

10.7 Where an Applicant Organisation exceeds the maximum number of Matter Starts of 150 per full time equivalent staff member delivering the services, we will reduce the number of Matter Starts we allocate in accordance with the process set out below.

- If an Applicant Organisation references the same staff member as a full-time equivalent across multiple Offices, we will reduce the number of Matter Starts allocated to the staff member evenly across the number of Individual Bids in which he/she is referred to. For example, if the same staff member delivering Immigration Services is submitted by an Organisation as being a full-time equivalent in two different Offices and submitted as delivering the maximum capacity of 150 Matter Starts in each, we will reduce the bid in each Office to 75 Matter Starts.
- Where an Applicant Organisation is bidding for both Asylum and Immigration Non-Asylum Matter Starts and is in excess of the capacity test we will reduce the Individual Bid proportionally between the two sub-categories.
- We will need to ensure that the matters advertised in the ITTs are allocated to Applicant Organisations who have demonstrated to us confidence that

they are able to deliver Immigration services from 1 October 2010, the contract start date. We will therefore reduce the initial award of Matter Starts to Applicant Organisations who have posts vacant at the time of tendering to reflect a lower level of confidence of delivery against a vacant post. This will be set at 50% of the maximum capacity per FTE (i.e.75 Matter Starts). Where we have allocated this lower number of Matter Starts and the Applicant Organisation is able to confirm the full details of the individuals who have filled the vacancies 8 weeks before the contract start date, the full allocation will be awarded.

- We will undertake a verification exercise against all Applicant Organisations awarded Matter Starts 8 weeks before the start of the contract to ensure that information provided in tenders remains current. We will adjust our offer if the actual staffing levels do not correspond with the capacity test.

Allocation process

Devon ITT

10.8 As there is no Selection Criteria for the Devon ITT, if we are able to, we will award Matter Starts for Devon to all those meeting the Essential Criteria on a pro rata basis and ensure that each Applicant Organisation is at least awarded the Minimum Matter Start size for Immigration Non-Asylum of 15 Matter Starts.

Selection Criteria

10.9 Selection Criteria will only be applied when the total volume of Matter Starts tendered for in an Access Point by those passing the Essential Criteria is greater than the Matter Starts available in an Access Point.

10.10 If we are **not** able to cater for all these Applicant Organisations' Individual Bids for Matter Starts, the Selection Criteria relevant to the ITT will be applied.

10.11 Selection Criteria will be considered against each Individual Bid at Access Point level. This means that Individual Bids in an Access Point from Offices from the same organisation will be considered separately and are in competition with each other. For the avoidance of doubt, Individual scores from individual Offices within the same organisation will not be added together or aggregated

10.12 Set out in Annex B is an outline of the Selection Criteria and how it will be scored. Each answer to a question is allocated a certain number of points. A higher number of points will be awarded to those Individual Bids that demonstrate a better fit with our requirements.

10.13 We will total up the points awarded for each Individual Bid. Individual Bids will then be ranked against each other. The higher the number of total points awarded, the higher the ranking.

10.14 Once we have ranked all Individual Bids we will first award Matter Starts to the Individual Bid(s) ranked the highest and continue down the rankings until all available Matter Starts at the Access Point level have been allocated.

10.15 Where we are unable to distinguish between Individual Bids or a number of Applicant Organisations are tied, we will pro rata available Matter Starts against Applicant Organisations.

Allocation Rules

10.16 The following rules will be applied in allocating Matter Starts:

- a) We recognise that Applicant Organisations will bid for Asylum and Immigration Non-Asylum Matter Starts in varying proportions. We will therefore reserve the right to allocate up to 10% more of the total Asylum Matters allocated to the Access Point.
- b) In the areas where we have stated we will aim for at least three Providers and are unable to award to at least three Applicant Organisations through ranking, we will make a pro rata percentage reduction based on the proportion of work bid for to achieve this.
- c) We will also apply the pro rata percentage reduction in all cases where we are unable to separate bidders after the Selection Criteria have been applied.
- d) Where we allocate bids on a pro rata basis we will never allocate below the Minimum New Matter Start size stated in the ITT.

Tolerance work

10.17 Applicant Organisations who are awarded an allocation of Matter Starts for Immigration Services may also apply for an allocation of tolerance Matter Starts to enable them to conduct a small amount of work outside of the Immigration Category of Law (by ticking the box on the Tender Information Form). This will be limited to 5% of the total contract award.

Appeals

10.18 Where a response to an ITT or Individual Bid is unsuccessful or rejected, Applicant Organisations will be able to request written reasons as to why it was unsuccessful or rejected.

10.19 There will be a right of appeal against a decision by us not to award a 2010 Standard Civil Contract or to reject your application if it is incomplete.

10.20 The right of appeal applies in the following circumstances:

- a) Where the Applicant Organisation does not pass the PQQ
- b) Where the Applicant Organisation does not meet the Essential Criteria
- c) Where the Applicant Organisation's Individual Bid ranks lower than those of other Applicant Organisations on the Selection Criteria and is subsequently not awarded a contract

10.21 All those failing the PQQ or the Essential Criteria will be notified of this outcome before those Applicant Organisations whose tenders progress further. The appeal period on the grounds of not passing the PQQ or Essential Criteria will therefore open and close earlier. Key dates are set out in the timeline in Section 3.

10.22 Appeals should be made through the eTendering system. The Legal Director (or the Legal Director's appointed representative) will review all appeals, and he or she will determine the procedure and will decide whether to invite or require any further information and will notify organisations accordingly before making a determination on the appeal.

10.23 There will be no further right to appeal.

Section 11 Conditions of tender

- 11.1. Applicant Organisations' participation in the tendering exercise for Immigration Services in England and Wales covered by the Civil Standard Contract 2010 are governed by these terms and conditions of tender. Applicant Organisations must also comply with the User Agreement governing use of the LSC eTendering System and all rules and instructions set out in any Tender Document. Failure to comply with any applicable terms, conditions, rules and instructions may lead to your application being rejected as being non-compliant.
- 11.2. Tenders must be submitted by 12 noon on 28 January 2010. The time shall be that specified on the eTendering System. Tenders will not be accepted if they are submitted after this time nor will we consider requests for an extension of the time or date fixed for the submission of tenders. Applicant Organisations must ensure that they submit their tender in good time to take account of any problems or delays in uploading tenders and documents requested by us to the site, accessing the LSC eTendering System owing to heavy usage, internet access or with the Applicant Organisation's own IT systems.
- 11.3. All tenders must be submitted on the eTendering System at www.legalservices.bravosolution.co.uk. Tenders submitted in any other form, or by any other method, will not be considered.
- 11.4. The person who submits a tender must be a duly authorised director, partner or designated member of the Applicant Organisation with appropriate authority to submit this tender for the Applicant Organisation.
- 11.5. We reserve the right to amend at any time any of the Tender Documents and the Contract or to issue clarifications including in response to questions and answers or to correct errors or omissions provided that in all cases any such amendment is not sufficiently material to amount to a new tender or contract for the purposes of the Public Contracts Regulations 2006. We may do this by giving general notice on our the tender pages of website (CLS > Tenders > Civil Contracts for 2010) at and by emailing all Applicant Organisations which have expressed an interest in the relevant ITT.
- 11.6. It is the responsibility of Applicant Organisations to make sure that their tenders are fully and accurately completed and accompanied by the appropriate documents. We are under no obligation to contact Applicant Organisations to clarify their tenders or to obtain missing information or documents, and tenders which are incomplete may not be considered. It is Applicant Organisations' responsibility to obtain at their own expense all additional information necessary for the preparation of their tender.
- 11.7. Applicant Organisations are required to reply to all the questions on the PQQ and ITT, 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 assess each tender in a fair, like-for-like and reasonable manner.
- 11.8. We may request Applicant Organisations to give additional information/clarification at any time during the tender process. Applicant Organisations should be prepared to provide additional information and/or

clarify any aspect of their tender with us. We reserve the right to validate any part of your tender and information subsequently given to us.

- 11.9. Any questions and answers posted on our website during the tender process (or before) will not form part of any contract subsequently awarded (unless we notify Applicant Organisations as part of the answers posted that we will amend the Contract accordingly).
- 11.10. 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 any associated contract management purposes.
- 11.11. We reserve the right to cancel this invitation in its entirety or in part, and not to proceed to award contracts or to suspend any stage of the process at any time at our absolute discretion.
- 11.12. Tenders are submitted on the conditions stated in this IFA (as may be amended in accordance with paragraph 11.5 above). Tenders submitted subject to additional or alternative conditions or other qualifications may not be evaluated and may be rejected as being non-compliant with these terms and conditions.
- 11.13. By submitting a tender, you are agreeing to be bound by the terms and conditions in the Contract if you are awarded one.
- 11.14. Applicant Organisations 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 tender process. Under no circumstances will the LSC, or any of their advisers, be liable for any costs.
- 11.15. Applicant Organisations must not submit a tender (or any document forming part of their tender, including any document submitted in response to a request for clarification) which contains any information which the Applicant Organisation knows to be, or has reason to be, false or misleading. If information given by the Applicant Organisation is subsequently found to be false or misleading, this may lead to the Applicant Organisation's tender being rejected and/or the LSC may decide to terminate any contract awarded to that Applicant Organisation.
- 11.16. All intellectual property rights in the Tender Documents and any associated documents are and shall remain the LSC's property.
- 11.17. While we have taken all reasonable steps to ensure, as at the date of the issue of the Tender Documents, that the facts which are contained in the Tender Documents and associated documents 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 these documents, or the reasonableness of any assumptions on which these documents may be based. All information supplied by us to Applicant Organisations or potential applicants, including that within the Tender Documents, is subject to that Applicant Organisations' own due diligence. We accept no liability to Applicant Organisations or potential applicants whatsoever resulting from the use of the Tender Documents, or any omissions from or deficiencies in them.

11.18. Applicants should note that the award of a 2010 Standard Civil Contract does not guarantee any minimum amount of work. Matter Starts for Controlled Work act as authorisations to undertake work only, are dependent on a successful Applicant Organisation attracting clients, and are subject to amendment under the terms of the Contract.

11.19. All Applicant Organisations are recommended to seek their own financial and legal advice.

11.20. We will only consider a single response from an Applicant Organisation to the PQQ and to each ITT.

If, because an Application Organisation has registered more than once on the LSC eTendering system or for any other reason, more than one response to the PQQ or an ITT is received by the LSC it is understood that the last response submitted by an Applicant Organisation prior to the closing time and date shall be the response that is considered by the LSC in the evaluation and award process.

Applicant Organisations may amend and re-submit their response to the PQQ and/or each ITT at any time up to the closing time and date. If so amended and re-submitted by the Applicant Organisation it is understood that the last response submitted by an Applicant Organisation prior to the closing time and date shall be the response that is considered by the LSC in the evaluation and award process.

11.21. Applicant Organisations agree to keep any tender valid and capable of acceptance by the LSC for a period of ninety (90) days from the closing time and date for the submission of responses.

11.22. The right of appeal for unsuccessful applicants is limited to that set out in 10.19 to 10.24 above.

11.23. Applicant Organisations must not amend or alter any document comprising part of their tender after the closing time and date set out in paragraph 11.2.

11.24. We may share any information contained in your tender with Bravo Solutions Limited for the purposes of administering the tender process.

11.25. Applicant Organisations should note that under the Freedom of Information Act 2000 (the "FOIA") we may be required to disclose details of your application in response to a request from 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.

11.26. If you are concerned about possible disclosure you should clearly identify the specific parts of your tender that you consider commercially sensitive or confidential (within the meaning of the FOIA), the harm that disclosure may cause and an estimated timescale for that sensitivity. Applicant Organisations should familiarise themselves with the Information Commissioner's current position on the disclosure and non disclosure of commercially sensitive information and therefore should not notify us of blanket labelling of all their tender as confidential.

- 11.27. You should also be aware 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 as confidential will not be disclosed where the public interest favours disclosure pursuant to our obligations under FOIA.
- 11.28. 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 tender process is complete.
- 11.29. The LSC, will collect, hold and use personal data obtained from and about the Applicant and its Key Personnel during the course of the tender process ("Personal Data"). The Applicant Organisation must agree to such Personal Data being collected, held and used in accordance with and for the purposes of administering the tender process as contemplated by the Tender Documents and for contract management of any contract subsequently awarded. The Applicant Organisation warrants, on a continuing basis, that it has (a) all requisite authority and has obtained and will maintain all necessary consents required under the Data Protection Regulations (which means the Data Protection Act 1998, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all relevant regulations together with any codes of conduct and guidance issued by the Information Commissioner), and (b) otherwise fully complied with all of its obligations under the Data Protection Regulations, in order to disclose to the LSC the Personal Data, and allow LSC to carry out the tender process. The Applicant Organisation shall immediately notify the LSC if any of the consents is revoked or changed in any way which impacts on the LSC's rights or obligations in relation to such Personal Data.
- 11.30. Without prejudice to any warranties given, 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 the Applicant Organisation and the LSC. However, the relevant parts of your tender will form part of any contract subsequently awarded and under clause 18.1 (b) of the Contract Standard Terms providers warrant the accuracy of information in their tender.
- 11.31. If an Applicant Organisation changes its status or any material element of its tender including management, proposed sub-contractors or Key Personnel between submitting its tender and being awarded a contract, we must be informed of this as soon as possible in writing. We reserve the right (depending on the nature and effect of the change in status) to revoke any contract award made and may request the new Applicant Organisation (post-change) to submit a fresh tender.
- 11.32. Applicant Organisations must not, and must procure that its employees, partners, directors and agents must not
- (a) canvass any officers, employees, agents or advisers of the LSC in connection with this tender process; or
 - (b) offer or agree to pay or give any sum of money, inducement or valuable consideration (directly or indirectly) to any person for doing or having done or causing or having caused to be done in relation to this tender, any act or omission.

- 11.33. Applicant Organisations must not enter into any agreement or arrangement with any other person or organisation about whether they should or should not tender, or to fix or adjust the amount of any tender, or collude with any such other person or organisation in any way, in this tender process.
- 11.34. Nothing in paragraphs 11.32 and 11.33 above prevents Applicants from approaching or recruiting employees or agents to undertake work covered by this tender process on behalf of the Applicant Organisation.
- 11.35. Any breach of or non-compliance with the requirements of 11.32 and 11.33 above shall, without affecting the Applicant Organisation's liability for such breach or non compliance, entitle us not to consider their tender further and/or not to proceed with any decision made to award the Applicant Organisation a contract.

Section 12 Definitions

Many of the phrases used in the Tender Documents are explained in the relevant paragraph of this IFA. Further definitions (including Office, Permanent and Part-time Presence and Authorised Litigator) are set out in the 2010 Standard Civil Contract and are not repeated here.

Set out below are some summary definitions you may find helpful.

“Applicant Organisation” and “Applicant” means a single legal entity tendering to deliver Immigration Services;

“Confirmed Peer Review” means at the conclusion of the peer review process, following appeal and any follow-up audit;

“Data Controller” is a person or organisation that determines the purposes for which, and the manner in which, personal information is processed with reference to the Data Protection Act 1998;

“Drop In Service Session” means face-to-face advice for clients on the day without a prior appointment being made – a session must last for at least 2 continuous hours;

“Equalities Legislation” refers to the:

Equal Pay Act 1970;
Sex Discrimination Act 1975;
Race Relations Act 1976;
Disability Discrimination Act 1995;
Employment Rights Act 1996;
Human Rights Act 1998;
Sex Discrimination (Gender Recognition) Regulation 1999;
Part Time Workers (Prevention Of Less Favourable Treatment) Regulations 2000;
Fixed Term Employees (Prevention Of Less Favourable Treatment) Regulations 2000;
Employment Act 2002;
Employment Equality (Sexual Orientation) Regulations 2003;
Employment Equality (Religion Or Belief) Regulations 2003;
Gender Recognition Act 2004;
Civil Partnership Act 2004;
Equality Act 2006;
Work And Families Act 2006;
Employment Equality (Age) Regulations 2006; or

any other equivalent legislation in a foreign state where the Applicant Organisation employs staff or engages in business activities;

“eTendering System” means the online system that will be used to run the tender process and through which Applicant Organisations must submit tenders;

“Immigration Category of Law,” has the meaning defined by the Funding Code and covers both Asylum and Immigration Non-Asylum cases;

“Immigration Services” means face-to-face advice (and where appropriate

Representation) in the Immigration Category of Law (i.e. covering both Asylum and Immigration Non-asylum). It does not include triage or initial general advice;

“Individual Bid” means the services an Applicant Organisation has tendered to deliver from a particular Office in an Access Point;

“Individual Voluntary Arrangement” or *“IVA”* or is a formal agreement between you and your creditors, to make reduced payments towards the total amount of your debt;

“Information Commissioners Office (ICO)” is an independent authority sponsored by the Ministry of Justice, to oversee the Data Protection Act, the Freedom of Information Act and the Environmental Information Regulations;

“Information for Applicants” or *“IFA”* means the document that contains information, instructions, rules and Conditions of Tender that will govern the tender process and the other Tender Documents (PQQ and ITTs);

“Invitation to Tender” or *“ITT”* means the specific Immigration Services that Applicant Organisations can tender against. For this tender process there are eight separate ITTs which can be accessed via the eTendering system;

“Key Personnel” means any person who has powers of representation, decision or control of an organisation including partners, directors and trustees;

“Partnership Voluntary Arrangement or PVA ” is a formal agreement with the partnership’s creditors to repay their debts either in full or more likely partially over a fixed period of time;

“Regulatory Bodies” means the Law Society, the Solicitors’ Regulation Authority, Bar Council, National Citizens’ Advice Bureau or the equivalent organisation in a foreign jurisdiction;

“Specialist Legal Advice” means giving legal advice where you are taking action on behalf of the clients in order to move the case forward, with the adviser taking responsibility for further action. This includes negotiation and representing the client to third parties on the telephone, by letter or face to face. This also includes providing litigation and advocacy services. It does not include triage or initial general advice; and

“Tender Documents” means this IFA, the PQQ and ITTs.