

INVITATION TO TENDER TO DELIVER
PUBLICLY FUNDED IMMIGRATION
SERVICES AT IMMIGRATION REMOVAL
CENTRES

**INFORMATION
FOR
APPLICANTS**

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

What are we inviting Applicant Organisations to deliver?

The Legal Services Commission (LSC) is inviting interested parties to submit tenders to carry out publicly funded Immigration Services for clients in 9 Immigration Removal Centres (IRCs) in England. 'Immigration Services' means delivery of publicly funded face-to-face legal services to clients in the Immigration Category of Law (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 **two** separate Invitations to Tender (ITTs), the first covering Onsite Surgeries and the second covering the Fast Track Scheme. Applicant Organisations must read and comply with all instructions and rules contained in the Tender Documents and the Terms and 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. However, any Applicant Organisations interested in undertaking Immigration Services in IRCs must also tender and be awarded a contract to deliver Immigration Services in England and Wales, excluding Devon (see Section 2).

What are Applicant Organisations tendering for?

Applicant Organisations are tendering for an allocation of Rota weeks to deliver Immigration Services at Onsite Surgeries at one or more of the 9 IRCs. Applicant Organisations may also tender for an allocation of Rota slots to deliver Immigration Services to Fast Track clients in Harmondsworth and/or Yarl's Wood (see Sections 7 and 8).

How do Applicant Organisations submit tenders?

The two ITTs 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 two ITTs outlined above open on 16 December 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 5 February 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 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).

Section 2: Services covered by this IFA

- 2.1. This IFA is one of two IFAs we have published to govern the ITTs for the delivery of publicly funded Immigration Services across England and Wales from 1 October 2010.
- 2.2. This IFA covers the two ITTs for the provision of face-to-face Immigration Services to clients held in Immigration Removal Centres (IRCs) across England.
- 2.3. We have already published an IFA covering the ITTs for the provision of Immigration Services to clients from Providers' Offices across England and Wales was published on 30 November 2009 and closes at 12 noon on 28 January 2010.

Important note on the IRC ITTs:

- 2.4. 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 Applicant Organisation is awarded a contract to deliver publicly funded Immigration Services in England and Wales (excluding Devon) from an Office, in order for any of its tenders for services at an IRC to be considered.
- 2.5. You will be asked to acknowledge in your response to the ITTs that the above essential requirement is a pre-condition of any award of contract to deliver Immigration Services at any of the IRCs.
- 2.6. Further information, about tendering to deliver Immigration Services from an Office is contained in the separate IFA entitled '*Invitation to Tender to deliver publicly funded Immigration Services in England and Wales*', which is published on our website following the links Community Legal Service (CLS) > Civil Contracts > 2010 Standard Civil Contract.

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 (IFA)
- 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 at IRCs from October 2010
- Section 8: About the volume and location of services we wish to procure at IRCs
- Section 9: How to respond to an ITT
- Section 10: How will tenders be assessed and Rota weeks or slots awarded?
- Section 11: Terms and Conditions of Tender
- Section 12: Definitions

3.2. In addition there are three supporting Annexes:

- Annex A: Essential Criteria
- Annex B: Selection Criteria and scoring
- Annex C: Detained Fast Track and Non-Suspensive Appeals Process Charts

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 Terms and 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 two 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 22 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 an 'IRC Frequently Asked Questions (FAQ)' document.

3.8. A final IRC FAQ document will be published on 29 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 IRC Services are opened and available via the LSC's eTender portal	16 December 2009
Final date to submit questions about this IFA and the ITTs	22 January 2010
Final 'IRC Frequently Asked Questions' to be published	29 January 2010
Deadline for submission of tenders	12 noon on 5 February 2010
Applicant Organisations notified of outcome of tender process	11 June 2010
Deadline for submission of appeals from Applicant Organisations not awarded IRC work	5 July 2010
Notification of decision on appeal	1 Sept 2010
2010 Standard Civil Contract including Schedules issued to successful Applicant Organisations	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 Terms and Conditions of Tender relating to the two 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 2 ITTs: <ul style="list-style-type: none"> • Onsite surgeries at all IRC; • Fast Track Scheme at Harmondsworth and Yarl's Wood 	Includes: (1) Tender Information including Tender Information Form (2) Essential Criteria and Selection Criteria	ITT pages on the eTendering portal: www.legalservices.bravosolution.co.uk

Supporting documents- contract documents, additional supporting guidance and information

Name	Description	Location
2010 Standard Civil Contract	All Contract documentation including: Contract for Signature Standard Terms Schedule Specification (including Payment Annex)	LSC website pathway CLS > Civil Contracts > 2010 Standard Civil Contract
Tender FAQ document	Questions and answers of wider interest to Applicant	LSC website pathway: CLS > Tenders > Civil 2010 Contracts

	Organisations	
eTendering guidance*	<p>Guidance on how to use the eTendering system including:</p> <p>(1) eTendering online training or Powerpoint presentation</p> <p>(2) eTendering Quick Guides</p> <p>(3) eTendering Technical FAQ</p>	<p>“Technical Support and Guidance” section on the eTendering portal: www.legalservices.bravosolution.co.uk</p>

*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.

Work done under rota based systems

- 5.19 In addition to our mainstream services we run a number of additional civil legal aid services under exclusive arrangements. This includes services such as debt advice in prisons and Immigration Services in Immigration Removal Centres. The latter are the subject of this IFA .

2010 Standard Civil Contract

- 5.20 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 location)

- 5.21 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

- 5.22 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

5.23 We will only contract with a single legal entity for the purposes of providing Immigration Services.

5.24 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.

5.25 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 Rota weeks/slots 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

5.26 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 (please note we only require one application for the SQM per Applicant Organisation so if this has already been submitted with a response to a PQQ it need not be submitted again – see paragraph 9.7).
- 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 at IRCs from October 2010

Immigration Services

- 7.1. This section describes the category specific requirements that apply to the Immigration Services we wish to procure at IRCs. 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. Part E of Section 8 explains in further detail how the IRC Rota services, at all IRCs, will operate.
- 7.2. There are two types of IRC Rotas under which we are offering Providers weeks or slots to appear on the Rotas:
1. Onsite Surgery Rotas (weeks) at each of the IRCs; and
 2. Fast Track Scheme Rotas (slots) at Harmondsworth and Yarl's Wood.
- 7.3. Below, under Essential Criteria are some 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.
- 7.4. 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 Rota weeks/slots bid for exceeding the Rota weeks/slots available.
- 7.5. 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).

Immigration Removal Centres Exclusive Schedule

- 7.6. Paragraph 8.5 of the Standard Civil Contract Specification confirms that Contract Work at IRCs is subject to Exclusive Schedule Arrangements. This means that only Providers successful in this tender process and who are awarded an Immigration Removal Centres Exclusive Schedule will be permitted to deliver services in their applicable IRC(s) from 1 October 2010 (subject to the exceptions listed in the civil Specification).

Onsite Surgery Rotas

- 7.7. The description below applies to Onsite Surgeries at the following IRCs:

- Brook House
- Campsfield
- Colnbrook
- Dover
- Haslar
- Harmondsworth
- Tinsley House
- Lindholme
- Yarl's Wood

- 7.8. For each IRC, the contract year is divided into 52 Rota weeks. Only one Provider per IRC will be on the Rota for any given week and that Provider must, through the use of Level 2 caseworkers only, provide all the Onsite Surgeries required by that IRC for that Rota week.
- 7.9. The number of Onsite Surgeries required in each Rota week will depend on the client demand for services at the particular IRC. Based on current volumes, each IRC generally requires Onsite Surgeries to take place, as a minimum, twice a week (historically, these have taken place on Tuesdays and Thursdays).
- 7.10. A Provider must have capacity to offer the IRC at least ten appointments at each Onsite Surgery. For example, where the IRC requires on a particular Rota week an Onsite Surgery on a Tuesday and a Thursday, the Provider must have capacity to offer ten appointments to clients on both days.
- 7.11. Currently, clients who wish to attend an Onsite Surgery will attend the IRC library in order to have their name added to the IRC Rota. The IRC library staff generally email or fax the Provider the day before the Onsite Surgery detailing the number of client appointments required and the client's language needs (in order that, if necessary, the Provider can arrange any translation services).
- 7.12. The Provider must offer each client a 30-minute advice session (regardless of the client's means or the merits of their cases). The purpose of the advice session is to ascertain the basic facts of the client's case and to make a decision as to what further action can be taken. It is a requirement under the contract that you must also ensure that each client receives advice in relation to temporary admission and bail.
- 7.13. Following this advice, and subject to both the means and merits test, further services may be provided to eligible clients under Controlled Work and in accordance with the terms of the Specification, which govern this level of service.
- 7.14. In a Rota week the maximum number of clients that a Provider will see is 20. Approximately 25% of those clients seen will result in a Controlled Work Matter Start being opened. Therefore, successful Providers will also receive an initial nominal allocation of Immigration Matter Starts (relative to the number of Rota weeks) to cater for this Controlled Work, which we will continue to review to meet any demand.
- 7.15. The volume of work through Onsite Surgeries is variable. Surgeries are not always full and sometimes do not take place due to lack of demand. However, a Provider must ensure it has sufficient numbers of Level 2 caseworkers available each Rota week to meet its obligations to deliver all Onsite Surgeries for that week.

Payment

- 7.16. The Payment Annex to the Civil Specification sets out the Standard Fees (exclusive of VAT) payable for each day an Onsite Surgery is scheduled to take place as follows:

On Site Surgery – advising 5 or more clients	£400
On Site Surgery – advising 4 clients or less	£200

7.17. Where a Provider grants Controlled Work to a client following on from advice given at the Onsite Surgery, the Provider may claim hourly rates for that Controlled Work as set out in the Payment Annex. The normal payment and assessment rules for Controlled Work under the Contract apply (See Section 8 of the Specification for more detail).

Fast Track Scheme Rotas

7.18. The description below applies to Fast Track Scheme Rotas at Harmondsworth and Yarls Wood only, as only these IRCs provide for the UKBA's Detained Fast Track (DFT) and Non-Suspensive Appeal (NSA) Schemes which aim for clients' cases to be "fast tracked" through the immigration process. Process charts for both the DFT and NSA Schemes are set out at Annex C.

7.19. For each IRC the contract year is divided into 52 Rota weeks. The Rota week is then divided into 5 Standby days (Monday through to Friday). Each Standby Day is divided into the following Rota slots. Each Rota slot equals a client that the IRC is likely to receive to process through its Fast Track scheme:

Name of IRC	Approximate number of Rota slots per Standby Day	Approximate total number of Rota slots per Rota week	Approximate total number of Rota slots per Rota week available in the Contract Year
Harmondsworth	14	70	3,640
Yarls Wood	6	30	1,560

7.20. The above estimates are based on historical figures, but the actual number of clients each week will depend on the client demand for services at the particular IRC. Therefore a Provider may not always receive a client for each Rota slot that is allocated on a Standby Day.

7.21. The Rotas are run by the UKBA. Providers allocated Rota slots on a Standby Day will receive calls from the UKBA based on the number of Rota slots it has been allocated. The calls from the UKBA will refer to the Provider the DFT and/or NSA Client who require advice and assistance in preparation for the substantive interview, which is usually conducted the following day (the "Attendance Day").

7.22. The Providers must have capacity to allocate each client a Level 2 caseworker to contact the client on the Standby Day and attend the IRC at the subsequent Attendance Day when the substantive interview will take place. Level 1 caseworkers are not permitted to undertake any work in relation to Fast Track clients.

- 7.23. Once a client has been referred to a Provider on a Standby Day they must contact the client to assess their eligibility for legal aid and to advise them accordingly. Telephone advice can be given prior to the signing of the Controlled Work application form (see Section 3.29 of the Standard Civil Contract Specification).
- 7.24. The IRC will notify you when a decision has been made on your DFT or NSA Client's application for asylum. You must then attend your DFT or NSA Client at the IRC, so that you can provide further advice when the decision has been given. Section 8 of the Civil Specification gives more detail about the post-Attendance Day services.
- 7.25. In addition to Rota slots, successful applicants will be awarded additional Matter Starts in the Immigration Category of Law to cater for any Controlled Work cases required as a result of assisting clients obtained through either rota arrangements.

Yarl's Wood IRC

- 7.26. The Fast Track Scheme at Yarl's Wood is exclusively for female clients. When taking on clients under the combined DFT/NSA Rota Providers should have regard to the particular issue of gender and the AIT and UKBA guidelines that have been published in relation to this issue. Providers would be expected to provide a female Level 2 caseworker (and or interpreter) if the client requests one.

Payment

- 7.27. There is a Standard Fee claimable of £37.80 if on any Standby Day a Provider is allocated Rota slots it does not receive any calls from the UKBA during that Standby Day.
- 7.28. If a Provider receives one or more calls from the UKBA with details of a client requiring the Provider's services, then the Standard Fee is **not** claimable. Instead, subject to eligibility tests, Controlled Work will be granted. Remuneration for a Controlled Work case at the hourly rates set out in the Payment Annex and the normal payment and assessment rules for Controlled Work under the Specification apply.

Licensed Work

- 7.29. 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.
- 7.30. 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).
- 7.31. 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.

7.32. All Licensed Work claims submitted are subject to assessment by either the court or the LSC.

Technical requirements

7.33. For both Onsite Surgery and Fast Track Scheme Rotas, Providers must have one central telephone and fax number, which will be held by the UKBA, each IRC and the LSC and on which the Provider and its staff members will be contactable. This may be a mobile telephone number. Your telephone system must also be able to respond to multiple calls. For example during peak periods, if a caseworker is already taking a call but another call for advice is made to that number, the Provider must have a divert or messaging facility so that the call can be received and responded to promptly.

Start Date

7.34. 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. 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 are capable of being delivered from the contract start date.

Key contract terms (Essential Criteria)

7.35. The ITTs set out a number of key contract terms (known in the ITTs as the 'Essential Criteria') which an Applicant Organisation must meet in relation to all IRCs it is tendering to deliver Immigration Services at. Detailed wording on each of the Essential Criteria is set out in each ITT and at Annex A.

7.36. The Essential Criteria cover the ability (from 1 October 2010) to:

- Confirm that the Applicant Organisation has tendered for a contract to deliver Immigration Services from an Office in England and Wales (excluding Devon) and acknowledge that award of such a contract is a pre-condition of an IRC contract award
- Deliver Immigration Services for detained clients in IRCs in accordance with the terms of the contract
- Deliver Immigration Services at all levels (Legal Help, CLR and Legal Representation)
- Ensure all staff members delivering the Immigration Service are accredited to at least Level 2 under the Law Society's Immigration and Asylum Accreditation Scheme (IAAS)
- Maintain a full time equivalent (FTE) Supervisor to FTE Caseworker ratio in the Immigration Category of Law of no more than 1 to 6
- Have access to translation services as requested by clients at short notice
- For Fast Track Schemes only, have at least one FTE Level 2 staff member for each 100 Rota slots bid for
- For the Fast Track Scheme in Yarl's Wood, to have access (either through employment or a formal written arrangement with an Agent) to a Level 2

accredited female caseworker who is available to comply with any female client requests to see a female caseworker.

7.37. Where the criteria refer to 'employ' or 'employed' it means that the Applicant Organisation must hold an employment contract with that staff member.

Immigration and Asylum Accreditation Scheme (IAAS)

7.38. 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.

7.39. All caseworkers must be accredited to at least Level 2. All work carried out under or as a result of a Rota slot must be done by at least a Level 2 accredited caseworker. The contract sets out what level of accreditation caseworkers need to have in order to conduct certain types of Immigration Services.

Immigration Supervisor Standard

7.40. 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 an 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

7.41. 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.

Preference for Immigration Services (Selection Criteria)

7.42. As mentioned above, 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 Rota weeks/slots bid for exceeding the Rota weeks/slots available (see Section 10).

7.43. 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.

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

- A Level 3 accredited caseworker

- A greater level of experience of delivering specialist Immigration legal advice to detained clients
- A greater level of experience of making fresh asylum applications
- A greater level of experience of making successful bail applications
- A greater level of experience of Immigration Judicial Review claims under CPR 54

7.45. Where we are testing levels of experience, Applicant Organisations will be able to demonstrate this through private work as well as publicly funded work.

7.46. In addition, for the Fast Track Scheme Rotas we will prefer Applicants that can demonstrate to us a greater level of experience of delivering advice and representation under the UKBA's detained Fast Track process. We will also prefer Applicant Organisations that can give us a greater level of confidence of delivery by having fewer Level 2 caseworkers to recruit to deliver Immigration Services through the Fast Track Scheme Rotas.

Note for Applicants regarding Oakington IRC

7.47. Whilst there is currently an IRC service operating in Oakington, the Home Office has announced its intention to close this centre. We therefore do not intend to tender for Immigration Services in Oakington at this stage. If it later becomes apparent that there is a need for a service here from October 2010 we will aim to invite tenders for this work early next year as part of the remaining civil bid rounds.

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

Geographic locations of IRCs

8.1. The Table below confirms the locations of all the IRCs

Immigration Removal Centre	Immigration Procurement Area where the IRC is located
Onsite Surgeries	
Brook House	London & South East England
Campsfield	London & South East England
Colnbrook	London & South East England
Dover	London & South East England
Haslar	London & South East England
Harmondsworth	London & South East England
Tinsley House	London & South East England
Lindholme	North East, Yorkshire and the Humber
Yarl's Wood	Midlands and East of England
Fast Track Schemes	
Harmondsworth	London & South East England
Yarl's Wood	Midlands and East of England

Minimum number of Providers

- 8.2. At Onsite Surgeries, where three or more Providers are tendering, we will require least three Providers to deliver the services at each of the 11 IRCs.
- 8.3. At both Harmondsworth and Yarl's Wood, where five or more Providers are tendering, we will require at least five Providers to deliver the services under the Fast Track Scheme.
- 8.4. There is no set maximum of number of Providers required at any of the IRCs.

Section 9: How to respond to an ITT

Introduction

- 9.1 This section covers how Applicant Organisations must submit a compliant response to an ITT and how to use the eTendering system to do so. If you are tendering to deliver both Onsite Surgeries and Fast Track Schemes you must submit two responses, one to each ITT.

The eTendering system

- 9.2 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.
- 9.3 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.

Registration

- 9.4 Applicant Organisations may have already registered on the eTendering system as part of responding to another of the LSC's Invitations to Tender. If this is the case, you do not need to register again to access the ITTs covered by this IFA.
- 9.5 Applicants Organisations may also have already 'expressed an interest' or in fact completed and published their response to the PQQ on the eTendering system as part of responding to another LSC ITT. If this applies to you, please see the Important Note at paragraph 9.7.

Steps to submitting a tender

- 9.6 Below we provide an overview of the steps that an Applicant Organisation must follow in order to tender to deliver Immigration Services in IRCs through either the Onsite Surgery or Fast Track Scheme Rotas. These steps are set out in the eTendering system, we suggest you look at the system in conjunction with reading this section:
1. 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 IRCs you wish to tender to deliver Immigration Services from (please also see paragraph 9.7 if you have already completed this step as part of a different LSC ITT).

2. Use the eTendering system to prepare a separate response for each of the ITTs you are interested in. Each single response to an ITT will comprise of:
 - **Tender Information**
You must provide details requested about the volume of work you are tendering to deliver and complete a Tender Information Form, providing details for each IRC you are tendering to deliver work at, giving information about the Office that this work will be attached to and supported from.
 - **Essential Criteria**
You must prepare a single organisational response per ITT and you must warrant that the services that you are tendering to deliver in each IRC meet the Essential Criteria.
 - **Selection Criteria**
You must again prepare a single organisational response to the Selection Criteria confirming how your organisation meets each of the Selection Criteria.
 - **Declarations**
You must confirm that the PQQ is up to date and certify on behalf of the Applicant Organisation that your response to the ITT is accurate.
3. Once you have completed your response you must ensure you submit ('publish') it.

Important Note: if you have already expressed an interest or responded to the PQQ on the eTendering system in relation to another LSC ITT.

- 9.7 You must as part of your response to these ITTs submit a response to the PQQ on the eTendering system.
- 9.8 However, you may have already 'expressed an interest' or in fact completed and submitted a response to the PQQ as part of responding to another LSC invitation to tender.
- 9.9 To avoid you having to fill in a new PQQ each time you submit a response to an ITT, the eTendering system is designed so that there is only ever a single PQQ response from your organisation held on the eTendering system. When a particular tender process (that you have responded to) closes, we will extract the response to the PQQ submitted and held on the eTendering system at the exact date and time when that tender process closes.
- 9.10 This means that at any given time you may have already submitted a response to this single PQQ in relation to another ITT. **If this is the case and your circumstances have changed since that response to the PQQ was submitted**, you must amend the response held within the eTendering system as appropriate and resubmit your response to the PQQ, so that your response is accurate, complete and up to date at the date this tender process closes.

- 9.11 If nothing has changed since you last submitted a response to the PQQ and your response remains accurate you will not need to resubmit your PQQ response to us.
- 9.12 However, as part of any ITT, you will be required to confirm that a response to the PQQ has been submitted and that the information contained in the last response remains accurate and up to date at the time of submitting the ITT.
- 9.13 In relation to this tender process, at 12 noon on 5 February 2010, we will extract your response to the PQQ held on the eTendering system. We will assess on the basis of the latest information included in the response to the PQQ submitted to us before this closing time and date.

Pre Qualification Questionnaire (PQQ)

- 9.14 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.
- 9.15 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 Lexcel)
- 9.16 A full version of the PQQ can be found on the eTendering system through the 'PQQs open to all suppliers' link.
- 9.17 Answers to these questions will be assessed on a pass/fail basis. If an Applicant Organisation fails any question, we will reject their application and no tenders will go forward for assessment at the Essential Criteria stage.
- 9.18 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.

9.19 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.

9.20 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)

9.21 As previously outlined, there will be two ITTs - one covering Onsite Surgery Rotas and one covering Fast Track Scheme Rotas.

9.22 Applicant Organisations can access the ITTs either by clicking on the 'ITTs open to all suppliers' link, which will bring up a list of all ITTs currently open, or by clicking on the 'Projects' link through which a link to 'Immigration Removal Centres (IRCs) in England' can be found.

9.23 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?

9.24 Both ITTs comprise of four sections set out in a single page of the eTendering system:

- Tender Information (including the separate Tender Information Form)
- Essential Criteria
- Selection Criteria
- Declarations (see point 2 at paragraph 9.6)

Tender Information

9.25 Tender Information on the number of Rota weeks or slots an Applicant Organisation is bidding for in each IRC is requested at the top of the response to the ITT. Where you are not tendering to deliver services from a particular IRC you should enter '0'.

Onsite Surgeries: Bidding for Rota weeks

9.26 To bid for Rota weeks:

- You must confirm as part of the Tender Information section in the ITT how many Rota weeks per year you are bidding to deliver in each IRC.
- For each IRC that you are tendering to delivering Immigration Services at, you cannot bid for more than 26 Rota weeks

Fast Track Scheme: Bidding for Rota slots

9.27 To bid for Rota slots:

- You must confirm as part of the Tender Information section in the ITT how many Rota slots per year you are bidding to deliver in each IRC.
- For each IRC that you are tendering to deliver Immigration Services at you must bid for at least 52 Rota slots, this equates to 1 Rota slot per Rota week per year.
- For services in Harmondsworth you cannot bid for more than 1,820 Rota slots per year
- For service in Yarl's Wood you cannot bid for more than 780 Rota slots per year.

9.28 Further detail as to how we will allocate Rota weeks and slots based on bids submitted is set out in Section 10.

Tender Information Form

9.29 Applicant Organisations must then complete and upload with their response to the ITT, the Tender Information Form. We require Applicant Organisations to submit the following information on this form, which will form part of the tender, about each IRC at which they are tendering to deliver Immigration Services at in the ITT:

- Any existing LSC account number for the Office that will support the delivery of services at that IRC (Section 2)
- Office address (Section 2)
- Information about staff members that will deliver the Immigration Services at that IRC (Section 3)

9.30 Applicant Organisations should click 'Yes' if a message comes up when opening the form to enable macros. To add details of an IRC 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 IRC. All sections (1-3) should be completed.

9.31 The information given in section 3 should relate to the hours and roles of staff members delivering work at that particular IRC. For example, if you have an FTE member of staff who will work half their time in one IRC and half in another, you should enter their details in the forms for each IRC, giving their time as 0.5 FTE on each form.

9.32 Where Applicant Organisations fill in staff member details at Section 3 and have posts vacant for which they intend to recruit, 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. For the Fast Track Scheme ITT this information will be used to cross check responses provided to the Essential Criterion on capacity and the Selection Criterion on Level 2s to recruit (see Section 7 and Annexes A and B for further detail on the criteria).

9.33 Once details of an IRC have been entered, Applicant Organisations should click 'OK' to save it. The front page will now list the IRC and some of the details that have just been entered. If necessary, click 'Add New' to complete details for any further IRCs. Applicant Organisations must add details for each IRC at which they are tendering to deliver services in response to that ITT.

Essential Criteria

9.34 Section 2 of the ITT sets out the Essential Criteria and related questions.

9.35 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 to deliver Immigration Services at any IRC (see Annex A for a list of Essential Criteria).

9.36 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** the Immigration Services they wish to deliver at the IRCs as part of their response to the ITT. For example, if an Applicant Organisation wished to bid to deliver Immigration Services in Dover and Brook House IRCs, then it would have to ensure that the services provided in both IRCs could meet the Essential Criteria before answering these questions.

9.37 All the questions in this section require an answer of Yes or No.

Selection Criteria

9.38 After completing questions regarding the Essential Criteria Applicant Organisations should then go on to consider the next section covering Selection Criteria. Selection Criteria are not all equally weighted and you should review Annex B which contains the scoring mechanisms for the Selection Criteria for both ITTs.

9.39 Like the Essential Criteria, the Selection Criteria also require answers which apply at organisational level. Each Selection Criterion is linked to a question for which there are a number of possible answer options presented in a series of drop down lists.

9.40 For each Selection Criterion Applicant Organisations are required to select the appropriate option from the drop down list. Applicant Organisations must respond to all Selection Criteria.

What happens once a response is 'published'?

9.41 Responses to ITTs 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.

9.42 Applicant Organisations can therefore amend and resubmit their responses to the ITTs up until the closing date for tenders to be submitted.

Section 10: How will tenders be assessed and Rota weeks and slots 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.

10.4 At 12 noon on 5 February 2010, we will extract your response to the PQQ held on the eTendering system. We will assess on the basis of the latest information included in the response to the PQQ submitted to us before this closing time and date.

Essential Criteria

10.5 The Essential Criteria reflect the minimum service requirements that we want all Providers delivering Immigration Services in IRCs to meet.

10.6 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 rejected.

Selection Criteria

10.7 Selection Criteria will be applied when the total volume of Rota weeks or slots bid for at an IRC by those passing the Essential Criteria is greater than the total Rota weeks or slots available in that IRC.

10.8 If we are **not** able to cater for all these Applicant Organisations' bids at an IRC, Selection Criteria relevant to the ITT will be applied.

10.9 Selection Criteria will be considered against each Applicant Organisation.

10.10 Set out in Annex B is an outline of the Selection Criteria and how they 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 Applicant Organisations that demonstrate a better fit with our requirements.

10.11 We will total up the points awarded to each Applicant Organisation. This will give each Applicant Organisation a single total score for the Selection Criteria.

10.12 The Applicant Organisation's single score will then be used to in the ranking of all bidders for each IRC. So for example, an Applicant Organisation bidding to deliver Rota weeks in Haslar and Lindholme receives a total score for the

Selection Criteria of 30. This score of 30 will be used to place the Applicant Organisation in the ranking of all the Applicants who bid in Haslar, and again to in the ranking of all the Applicants who bid in Lindholme.

10.13 Once we have ranked all Applicant Organisations by IRC we will first award Rota weeks/slots to the Applicant Organisation ranked the highest and continue down the rankings until all available Rota weeks/slots at the IRC have been allocated. This exercise will be undertaken for each IRC where we need to apply Selection Criteria.

Allocation Rules

10.14 The following rules will be applied in allocating Rota weeks/slots:

a) Where we are unable to distinguish between Applicant Organisations and a number of them are tied on the same score, we will pro rata available Rota weeks/slots based on the proportion of work bid for amongst those tied Applicant Organisations.

b) If we have received a sufficient number of tenders and through ranking we are unable to award to at least three Applicant Organisations for Onsite Surgery Rotas and at least five Applicant Organisations for Fast Track Scheme Rotas, we will make a pro rata reduction to achieve this. We will do this by first allocating to the highest scoring Applicant Organisation(s) and then allocating the remaining Rota weeks/slots by making a pro rata percentage reduction based on the proportion of work bid for amongst those Applicant Organisations ranked next to achieve our requisite minimum number of Providers.

c) Where we allocate slots on a pro rata basis for Fast Track Scheme Rotas we will not allocate less than 52 Rota slots per year.

Appeals

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

10.16 There will be a right of appeal against a decision by us not to award an Immigration Removal Centres Exclusive Schedule or to reject your application if it is incomplete.

10.17 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 ranks lower than other Applicant Organisations on the Selection Criteria and is subsequently not awarded work in a particular IRC

10.18 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.

10.19 There will be no further right to appeal.

Section 11 Terms and Conditions of tender

- 11.1. Applicant Organisations' participation in the tendering exercise for publicly funded Immigration Services at Immigration Removal Centres 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 5 February 2010. For the purposes of this deadline, it is understood that the time on the eTendering system shall be the definitive time. 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 tender pages of website (CLS > Tenders > Civil Contracts for 2010) 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 they have previously provided this information or if they 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 an Applicant Organisation's 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 Organisation's 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 client demand at the IRC, 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.
- 11.21. 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.
- 11.22. 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.
- 11.23. 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.
- 11.24. The right of appeal for unsuccessful applicants is limited to that set out in 10.15 to 10.19 above.
- 11.25. 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.
- 11.26. We may share any information contained in your tender with Bravo Solutions Limited for the purposes of administering the tender process.
- 11.27. Applicant Organisations should note that under the Freedom of Information Act 2000 (the "FOIA") we may be required to disclose details of their 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.
- 11.28. If you are concerned about possible disclosure you should contact us and 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.

- 11.29. 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.
- 11.30. 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.
- 11.31. 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.
- 11.32. 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.
- 11.33. 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.
- 11.34. 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.

- 11.35. 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.
- 11.36. Nothing in paragraphs 11.32 and 11.33 above prevents Applicant Organisations from approaching or recruiting employees or agents to undertake work covered by this tender process on behalf of the Applicant Organisation.
- 11.37. 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 11 Definitions

Many of the phrases used in the Tender Documents are explained in the relevant paragraph of this IFA. Further definitions 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;

“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;

“Fast Track Scheme” means the UKBA based scheme which deals with detained clients in IRCs;

“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 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 Terms 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 two separate ITTs which can be accessed via the eTendering system;

“IRC Rota” means either a rota in relation to an Onsite surgery or a Fast Track Scheme at a IRC. Rota has the associated meaning;

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

“Onsite Surgery” means an advice surgery at the designated IRC(s);

“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.

ANNEXES

INVITATION TO TENDER TO DELIVER
PUBLICLY FUNDED IMMIGRATION
SERVICES AT IMMIGRATION REMOVAL
CENTRES IFA

ANNEX A: ESSENTIAL CRITERIA

Onsite Surgery and Fast Track Scheme Rota ITTs
The Applicant Organisation must have submitted a response to an Invitation to Tender to deliver publicly funded Immigration Services in England and Wales (excluding Devon),
By 1 October 2010, at each of the IRCs it is tendering to deliver Immigration Services at, the Applicant Organisation must be able and willing to deliver Immigration Services for detained clients in accordance with the terms of the contract.
By 1 October 2010, at each of the IRCs it is tendering to deliver Immigration Services at, the Applicant Organisation must be able and willing to provide Immigration Services at all levels (Legal Help to Legal Representation) through the employment of an Authorised Litigator.
By 1 October 2010 all the Applicant Organisation's staff members delivering these Immigration Services must be accredited by the Law Society's Immigration and Asylum Accreditation Scheme (IAAS) to at least Level 2.
By 1 October 2010 the Applicant Organisation must employ at least one full time equivalent (FTE) Supervisor (who meets the Supervisor Standard in the Immigration Category of Law and actively supervises) for every six employed FTE Caseworkers. Evidence of this must be provided 8 weeks prior to 1 October 2010.
By 1 October 2010, the Applicant Organisation must confirm that, in relation to each of the IRCs at which it is tendering to deliver work, it will have access to translation services at short notice to translate in any language required by a client.
Fast Track Schemes Rota ITT only
By 1 Oct 2010 the Applicant Organisation must confirm that it will employ at least one FTE member of staff (who is accredited to at least Level 2 of the IAAS) for every 100 Fast track Rota slots bid for.
Yarl's Wood only: By 1 October 2010 the Applicant Organisation must have access (either through employment or a formal written arrangement with an Agent) to a Level 2 accredited female Caseworker who is available to comply with any female client requests to see a female Caseworker.

ANNEX B: SELECTION CRITERIA AND SCORING

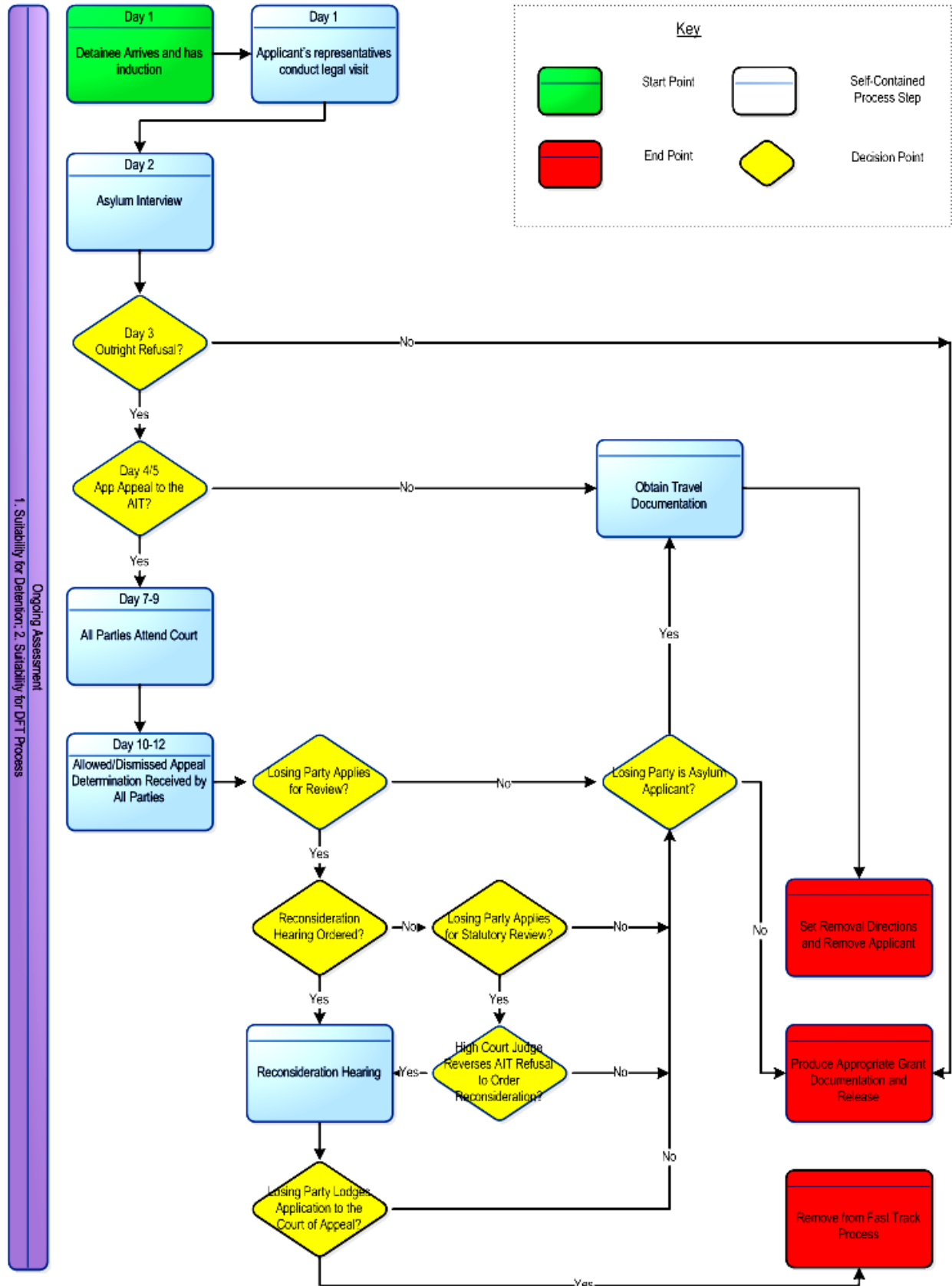
Applicable ITTs	Selection Criteria	Scoring system
All ITTs	Preference will be given to Applicant Organisations who currently employ at least one caseworker who is accredited to IAAS Level 3 (advanced caseworker) or has received acknowledgement from the Law Society of receipt of an application to become accredited at this level.	<p>Marked out of 5</p> <p>Points will be awarded as follows:</p> <ul style="list-style-type: none"> - The Applicant Organisation currently employs a Caseworker who is accredited to IAAS Level 3 (5 points) - The Applicant Organisation currently employs a Caseworker who has received acknowledgement from the Law Society of receipt of an application to become accredited at IAAS Level 3 (1 point) - The Applicant Organisations does not employ an IAAS Level 3 accredited caseworker (0 points)
All ITTs	Preference will be given to Applicant Organisations that have delivered specialist Immigration legal advice in IRCs or prisons to a greater number of clients since December 2008.	<p>Marked out of 10</p> <p>Points will be awarded as follows:</p> <ul style="list-style-type: none"> 80 or more clients (10 points) 50 – 79 clients (8 points) 25 – 49 clients (6 points) 10 – 24 clients (4 points) 5 – 9 clients (2 points) 4 or fewer clients (0 points)
All ITTs	Preference will be given to Applicant Organisations that have had a greater number of fresh asylum applications accepted as Fresh Asylum Claims by	<p>Marked out of 10</p> <p>Points will be awarded as follows:</p>

	the UKBA, since December 2008.	<p>80 or more applications (10 points)</p> <p>50 – 79 applications (8 points)</p> <p>25 – 49 applications (6 points)</p> <p>10 – 24 applications (4 points)</p> <p>5 – 9 applications (2 points)</p> <p>4 or fewer applications (0 points)</p>
All ITTs	Preference will be given to Applicant Organisations that have obtained release for a greater number of clients through successful bail applications since December 2008.	<p>Marked out of 5</p> <p>Points will be awarded as follows:</p> <p>20 or more clients (5 points)</p> <p>10 – 19 clients (3 points)</p> <p>1 – 9 clients (1 point)</p> <p>0 clients (0 points)</p>
All ITTs	Preference will be given to Applicant Organisations that, since December 2008, have had the greatest number of their Immigration Judicial Review claims given the court's permission to proceed under CPR 54.	<p>Marked out of 5</p> <p>Points will be awarded as follows:</p> <p>5 or more claims (5 points)</p> <p>3 – 4 claims (3 points)</p> <p>1 – 2 claims (1 point)</p> <p>0 claims (0 points)</p>
Fast Track	Preference will be given to Applicant Organisations	Marked out of 8

Scheme Rota ITT	that have delivered advice and representation under the UKBA's detained Fast Track process to a greater number of clients since December 2008.	<p>Points will be awarded as follows:</p> <p>20 or more clients (8 points)</p> <p>15 – 19 clients (6 points)</p> <p>10 – 14 clients (4 points)</p> <p>1 – 9 clients (2 points)</p> <p>0 clients (0 points)</p>
Fast Track Scheme Rota ITT	Preference will be given to those Applicant Organisations that can provide us with a higher level of confidence of delivery, through having a lower number of Level 2 caseworkers to recruit (1 caseworker: 100 Rota slots) in order to deliver the Rota slots that the Applicant Organisation has tendered to deliver, at Harmondsworth and/or Yarl's Wood.	<p>Marked out of 5</p> <p>Points will be awarded as follows:</p> <p>No Level 2 caseworkers to recruit (5 points)</p> <p>Between 1 and 3 Level 2 caseworkers to recruit (3 points)</p> <p>Between 4 and 6 Level 2 caseworkers to recruit (2 points)</p> <p>More than 7 Level 2 caseworkers to recruit (1 point)</p> <p>NB. Applicant Organisations may select an 'Exceptional Circumstances' option for use where they consider that none of the other options provided apply to them. Applicant Organisations to whom this is relevant should set out their Exceptional Circumstances and how they meet the relevant criterion. Applicants setting out Exceptional Circumstances will be scored according to how well they meet our criteria and may be awarded scores from 0 – 5.</p>

ANNEX C: DETAINED FAST TRACK AND NON-SUSPENSIVE APPEALS PROCESS CHARTS

Detained_Fast_Track_(Process_Overview)



Detained_Non_Suspensive_Appeals_(Process_Overview)

