

Low Volume Category Notifications Frequently Asked Questions

This FAQ document is aimed at answering queries that providers and representative bodies may have. Please read this document before submitting a question through the e-tendering portal as you may find the answer to your question more quickly here. Due to the high level of correspondence received, it will take approximately 7 working days for us to respond to queries through the portal.

1. When will I hear the results? Other people have heard, why haven't I?

We are sending notifications on the outcome of the tender by category. We began sending notifications on 19th August and aim to complete notification during the week beginning 23 August.

2. How will you notify me of the outcome of my tender?

All notifications will be sent out through the appropriate message board within the eTendering system. An email alert will be sent to the address which was used when you first registered on the system. Please note that you can set up multiple users so that the email alert is sent to more than one person. For technical help using the message boards, please contact the technical support team on 020 3349 6610.

3. How does the assessment process work?

The assessment and allocation process have followed exactly that set out at section 10 of the Information for Applicants, which is available on our website: http://www.legalservices.gov.uk/civil/tendering/low_volume.asp

4. I have been successful in my tender. What happens next?

Successful applicants are not required to contact us to accept a contract offer. If they do not wish to accept a contract offer, they should notify us as soon as possible.

Those applicants that are successful will be contacted shortly after notification of award to undertake the pre-contract verification check. This process is to check that organisations are ready to deliver the services they were awarded. In our letter we will detail the information we need. This may include verification of staff and premises being in place and requests to supply any supervisor declaration forms and, if relevant, any Specialist Quality Mark application information not provided at the time of tendering.

Once the verification process is complete, contract documentation will be issued ready for organisations to begin delivering services from 14 October.

5. I have been unsuccessful in my tender and wish to appeal. How do I do this?

Rights of appeal are set out in the IFA at paragraphs 10.22 – 10.28.

There is no right of appeal against a decision to reject a tender if it is incomplete (e.g. a blank or incorrect Tender Information Form is submitted). Nor is there a right of appeal against the number of Matter Starts awarded.

Where there is a right of appeal, the deadline is set out in the notification letter. In all cases this will be two weeks from the date of notification.

Applicants should submit their appeals in writing via the eTendering message board. There is not a standard form available for appeals; instead applicants should set out the representations they wish to be considered on appeal.

6. My tender has been rejected because of a blank or incomplete form, but I'm sure that I completed all the information necessary- how can I prove this?

We have assessed the version of the form which you uploaded into the eTendering system and submitted to us.

To check the version of the Tender Information Form which you submitted to us, you need to go back into your response to the ITT in the eTendering system (within the ITT you can find your response through the "Actions" menu on the left hand side). You should go to the question in the Technical Response where the Tender Information Form is uploaded, and select "Download". This will allow you to open the version of the form which you have submitted to us, and check what sections were completed.

For technical help on how to view documents which you have attached and submitted, please contact the Bravo Solution Technical Helpdesk by emailing lscsupport@bravosolution.co.uk or by telephoning 020 3349 6610.

If you have any further queries once you have viewed what you attached, please contact us through the messaging system.

6. What are the timescales for appeals?

Appeal deadlines are set out in your notification letter. We will not consider appeals until after the deadline, when we will consider them all together. We cannot at this stage give precise timescales for considering appeals, as we do not yet know the volume, but we aim to review appeals within a month.

7. What happens if appeals are successful, but all the matter starts have already been allocated in my Procurement Area?

Any applicants that successfully appeal will re-enter the tender process. Successful appeals will not impact on allocations and contract offers already made.

Where the tender process was non-competitive and there were no selection criteria (i.e. all categories except Actions Against the Police and Education), the applicant will be awarded the allocation they would have received had they not initially failed the essential criteria.

Where a tender was competitive and the tender failed at the essential criteria, we will assess the tender against the selection criteria and rank it based on the score received in line with the allocation process set out in section 10 of the IFA. If it ranks highly enough, then the applicant will be awarded matter starts.

Where a tender was competitive and the tender was unsuccessful at the selection stage, any successful appeals against scoring will lead to the tender being re-ranked based on the revised score. If it ranks highly enough, then the applicant will be awarded matter starts.

8. Although I have been successful, I have not received as many matter starts as I tendered for. Why is this?

The allocation methodology is detailed at Section 10 of the IFA and this was the process that was followed when allocating matter starts. There are several reasons why the final allocation may differ from the volume of work bid for:

- a) As set out at 10.9 of the IFA, we will first apply the capacity test. If you tendered for more matter starts than your responses indicated that you had the capacity to deliver, your tender would be capped at the capacity limit.

b) In applying the capacity test, if a staff member was listed as working full time across two offices, we had to reduce their hours to 1 FTE. For example, if the same staff member was listed as working 35 hours per week in Office A in Public Law, and also listed as working 35 hours per week in Office B in Public Law, we had to reduce their hours to 17.5 in each office. This would have affected the number of FTE staff used in the capacity test.

c) In the non-competitive categories, all successful organisations were first allocated the minimum Matter Start size before the remaining available matter starts were divided up on a pro rata basis. This means that the pro rata allocations were based on the difference between the minimum and the capped tender size rather than the original tender sizes.

d) In the competitive categories (Actions Against the Police etc. and Education), as set out at 10.14 – 10.21 of the IFA, where we are unable to distinguish between Individual Bids because they are tied on the same score, we will pro rata available matter starts based on the total proportion of work bid for amongst those tied Individual Bids against the available matter starts.

9. Can I request more Matter Starts?

As referred to in question 5, there is no right of appeal in relation to the number of Matter Starts awarded. However, in some circumstances (only if your award is less than your bid), where matter start awards are not taken up by other applicants and this results in matter starts remaining in the Procurement Area, we may come back to organisations with an increased offer. This will happen once the appeals process is complete and only where the volume of matter starts remaining in the Access Point warrants this approach.

10. Why have matter starts gone to new entrants when I am already set up to deliver the service?

Invitations to tenders must be open, fair and transparent, which includes ensuring it is open to new entrants and not just to existing providers.

We have used the information provided by Applicant Organisations to ensure that all those who are awarded contracts meet our minimum requirements as set out in the Pre-Qualification Questionnaire and Essential Criteria. As detailed in response to question 4, we will carry out a verification exercise before the contract starts to ensure that this information remains correct.

11. Can I have a list of all successful applicants, together with the number of Matter Starts they have been awarded?

The tender process has not yet concluded as the appeals and verification processes are not yet complete. We intend to publish a list of final awards following the conclusion of the tender process, which we anticipate will be in mid-September. Details of the outcome of the tender will be published on our website.

A list of matter starts provisionally awarded in each Procurement Area is available in Annex A.

12. When does the contract run from until?

The 2010 Standard Civil Contract begins on 14 October and will last for 3 years. The first Schedule period will run from 14 October 2010 – 30 October 2011. Contract documents are available on our website on the following page:

<http://www.legalservices.gov.uk/civil/8758.asp>

Annex A – Provisional Allocations

N.B. No summary is available for Clinical Negligence as applicants did not bid for Matter Starts

Actions Against the Police etc.

PA	NMS Available	NMS bid for (Capped)	NMS Awarded
South East	160	380	160
East Midlands	540	960	540
Eastern	210	330	218
London	1010	6372	1100
Merseyside	590	1323	599
North East	620	810	620
North West	470	2185	485
South	180	215	185
South West	280	370	283
Wales	330	120	120
West Midlands	420	516	419
Yorkshire and Humberside	740	1730	740

Consumer

PA	NMS Available	NMS bid for (Capped)	NMS Awarded
South East	70	66	66
East Midlands	90	198	90
Eastern	100	100	100
London	100	765	241
Merseyside	50	165	60
North East	60	70	60
North West	30	120	75
South	50	51	50
South West	160	150	150
Wales	120	135	120
West Midlands	80	130	80
Yorkshire and Humberside	60	135	90

Education

PA	NMS Available	NMS bid for (Capped)	NMS Awarded
South East	80	110	80
East Midlands	60	0	0
Eastern	180	532	180
London	1000	4710	1007
Merseyside	60	40	40
North West	80	200	80
South	60	96	60
South West	200	411	200
Wales	110	220	110
West Midlands	150	338	154
Yorkshire and Humberside	110	190	110

Personal Injury

PA	NMS Available	NMS bid For (Capped)	NMS Awarded
South East	40	115	50
East Midlands	110	317	109
Eastern	110	392	111
London	140	1240	248
Merseyside	140	580	140
North East	400	1800	398
North West	60	270	70
South	70	70	70
South West	120	319	120
Wales	220	763	219
West Midlands	110	395	110
Yorkshire and Humberside	350	667	349

Public Law

PA	NMS Available	NMS bid For (Capped)	NMS Awarded
South East	120	435	135
East Midlands	340	695	340
Eastern	180	630	178
London	830	5341	871
Merseyside	140	655	141
North East	90	91	90
North West	120	250	120
South	150	250	149
South West	170	728	170
Wales	60	140	60
West Midlands	200	916	200
Yorkshire and Humberside	330	620	330