



INFORMATION FOR APPLICANTS



Specialist Support Service

Housing in Wales Immigration in England and Wales

Introduction to the Legal Services Commission

The Legal Services Commission (“the LSC”) is a Non-Departmental Public Body sponsored by the Ministry of Justice and created by the Access to Justice Act 1999.

The LSC provides legal aid and legal advice and information in England and Wales through two schemes: the Community Legal Service (CLS) and the Criminal Defence Service (CDS). The LSC contracts with firms of solicitors, not-for-profit organisations and other commercial organisations (collectively known as our “Providers”) to provide frontline services, either through face-to-face advice or telephone advice.

A small proportion of the LSC budget is used to fund services which compliment those frontline services. These ‘second-tier’ services include the “Specialist Support Service” (“the Service”), which provides support to eligible Providers, ie those with the Specialist Quality Mark or General Help with Casework Quality Mark, in a number of categories of law.

The current Specialist Support Service contracts expire on 31st March 2008 and in January 2008 the LSC carried out a procurement exercise to award new contracts. Unfortunately we were unable to award contracts in the following categories:

- Housing in Wales; and
- Immigration in England and Wales

The purpose of this tender exercise is to procure the services of organisations that are experienced in and capable of delivering expert specialist advice in these categories as soon as practicable. This Service is to be delivered to eligible Providers and will not be provided directly to clients.

The Specialist Support Service from July 2008

The key facets of the Service is that the contract holders (“Service Provider”) should be seen as one of the leading practitioners in the field of law and will therefore have the credibility to provide advice and guidance to other organisations. Ideally they will provide a telephone service, from 10am to 4pm Monday to Friday (or such of those days as have been allocated to the contract) (“the Stand-by Period”), to take calls from eligible Providers seeking specialist support. However in the tender exercise that was carried out in January 2008, we were unable to find a suitable Service Provider to cover the whole Stand-by Period. We may therefore award a contract to cover less than the whole period. The Service must be provided by “Approved Advisers” (meeting our quality and experience criteria) and each contract will have a defined maximum number of allowable advice hours (“Specialist Support Advice Hours”). The contracts will run until 31 March 2011 subject to an early termination.

On a quarterly basis each Service Provider will be asked to produce a 'Quarterly Update' setting out any relevant changes in law and highlighting and addressing any issues identified through the provision of the Service. This Quarterly Update may be published on the LSC's website or in our FOCUS newsletter (or indeed circulated to other periodicals for publication).

Although the Service previously included the provision of training courses and direct casework, these elements are no longer being included within the Service contract. Instead we will expect Service Providers to take on cases under their LSC casework contracts (currently the Unified Contract) or, if they do not have an applicable LSC contract, to formally refer the matter to a Provider that does. This invitation to tender is therefore only for a telephone consultancy service and for the production of Quarterly Updates.

Although we will publicise the Service to our Providers (including on the LSC website), the Service Provider will have primary responsibility to market and publicise the Service and to take all reasonable steps to ensure that Providers know of and use the Service. We cannot guarantee the number of Specialist Support Advice Hours available under these contracts, merely the maximum allowable. Actual take-up will be based on demand.

What do we want to buy and whom do we want to contract with?

Potential Service Providers should bid for contracts based on the number of Stand-by Hours they want to provide. Applicants must be able to provide a service for at least a whole day every week of the contract duration, ie. 6 hours of availability from 10am to 4pm, and the minimum bid must be for one day. We cannot guarantee to offer specific days of the week to any Service Provider.

The maximum Specialist Support Advice Hours available under each contract will relate directly to the proportion of the Standby Period that is being covered, eg. a contract for two days per week will have 40% of the available Advice Hours.

The telephone can be manned either by your Approved Advisers or by an appropriately trained telephonist who can forward the requests for advice to the Approved Advisers who must then contact the caller on the same day as the call was received. It is not sufficient to merely have a telephone answer machine in operation.

If the successful bidder already has a Specialist Support contract for another category or country from April 2008, we will not pay for the Stand-by Period for this contract.

Experience

The Service is 'specialist' by its nature and we want to contract with suitably experienced experts in each Category.

Bidders must be able to show that their proposed Approved Advisers have at least **five** years' experience of delivering specialist advice in the categories of law they are applying for. All advisers (both at the outset and throughout the life of the contract) must be approved by the Commission.

In the category of Immigration your proposed Approved Advisers must be accredited to at least Level 2 of the Solicitors Regulation Authority (SRA) Immigration and Asylum Accreditation Scheme (IAAS) where applicable. They should also be registered with the relevant regulatory

body for inclusion on their respective lists of accredited advisers (SRA register or the OISC list of regulated advisers).

Barristers who are directly employed by an organisation regulated by the SRA or OISC are required to be accredited under the SRA's IAAS. Organisations regulated by the Bar Council (i.e. barristers working in chambers are not required to be accredited under the IAAS but must demonstrate that they have the 5 years experience of providing the advice services required.

Bidders must also be able to show that they have experience of effectively managing a telephone advice service and ensuring that quality advice is given. Bidders must have the ability to deliver the service, through a dedicated Lo-call telephone number, from the contract start date.

In evaluating the bids we will look at the number of proposed Approved Advisers and Specialist Support Advice Hours being bid for and we will factor in the time necessary for the proposed Approved Advisers to maintain their expertise and SQM supervisor standard where appropriate.

Monitoring

Service Providers will be expected to complete monthly reports showing details of advice provided, duration of calls and Categories of Law in which advice has been provided. This information will be used to monitor performance against the contract requirements and the value for money each provider offers. We will also use other available methods, such as peer review and mystery shopping, to check the accuracy and quality of advice being delivered.

Technical Requirements

The Provider will need to have a Lo-call (the cost of calls to the number must be no more than the cost of calls to 0845 numbers) telephone number through which the service can be accessed.

Service Providers must have access to an email address to receive updates and communications from the Commission.

How many providers do we need?

We will only contract with one Service Provider per Category and we will not accept consortia bids or sub-contracting arrangements.

Ideally the Service should be provided from 10am to 4pm Monday to Friday (or for each day of the week for which you are bidding) for 52 weeks each year (excepting public holidays) and therefore your bid must contain provision for holiday / absence cover.

In your bid you must set out:

1. The number of Standby Days that you are bidding for (the minimum being one six-hour day per week); and
2. Given your staffing arrangements and the number of proposed Approved Advisers, how you will meet the maximum Specialist Support Advice Hours if there is sufficient demand, and how your advisers will maintain their SQM supervisor standard (if appropriate) and expertise.

Remuneration

We will pay Service Providers £30 per hour for the Stand-by Period plus an hourly rate of £70 per hour for the proper, reasonable and proportionate time spent actually providing advice (the Specialist Support Advice Hours). Please see the draft Specialist Support contract for further details. The remuneration includes all costs and disbursements including payment for telephone calls. All rates are exclusive of VAT.

We will pay for the preparation of the Quarterly Updates, on the same basis, at £70 per hour, up to a maximum of £500 per quarter, however bids which offer to provide these updates free of charge or which limit the maximum costs will be treated favourably.

Service Providers awarded contracts for more than one category or country will only receive one set of Stand-by Period Hours (i.e. the contract Stand-by Period is 10am to 4pm Monday to Friday regardless of the number of Categories covered by the contract and therefore the maximum payment is £900 per week for the Stand-by Period).

We will pay Service Providers monthly in arrears.

We will not make any additional payment under the contract. Bidders should therefore factor the cost of marketing, administration, disbursements and attendance at liaison meetings into their bid.

Selection Criteria

We have divided the selection criteria into two sections:

Section 1 – Essential criteria;
Section 2 – Desirable criteria.

Section 1 contains a list of criteria that any organisation bidding for contracts must meet. This section takes into account the LSC's performance and quality requirements. Any bid that fails to meet the essential requirements of Section 1 will not be considered further.

For bidders that satisfy the Section 1 criteria, Section 2 contains desirable elements and will be assessed relative to other bids. Your answers to the Section 2 questions will be taken into account on assessment. The various elements set out in Section 2 are "desirable" only. These desirable criteria will each be scored between 1 (poor) and 5 (excellent) and the following weighting will then be applied to each criterion:

- Question 6 – scores will be multiplied by 4
- Question 7 – scores will be multiplied by 3
- Question 8 – scores will be multiplied by 2
- Question 9 – scores will be multiplied by 1.

The various criteria will be tested through the questions set out in the Application Form. There will also be space to provide additional information that you believe is relevant to your bid.

Please ensure that you address all the points listed in the criteria in your answers on the Application Form and that you answer every question on the form. The selection criteria are set out in Schedule 2.

The Selection Process

To apply, bidders must complete the relevant Application Form and, where appropriate, the Supervisor Standard Self Declaration Form(s). The application process is set out below. **If you cannot meet the Essential Criteria then do not apply, as your bid will not be assessed.**

If you have previously bid for a Specialist Support Service contract, this bid will be treated as a fresh application.

The selection process will consist of 3 stages as set out below.

A panel of Commission staff will assess the bids.

Stage 1

The bids will be assessed against the Essential Criteria (questions 1 to 5) and any bid that fails to meet all of those criteria will be rejected.

Stage 2

The bids will be scored against the Desirable Criteria (6 to 9) with each question marked out of 5. Any bids that do not score 3 out of 5 for questions 6 and 7 will be discounted. The weighting will then be applied to questions 6 to 9 and the bids will be marked out of 50. The bids will then be ranked in order and only those that score over 40 will be considered further. The contract will then be awarded to the highest scoring bidder over 40 that offers the most service availability.

Example 1 - Bidder A scores 42 out of 50 and offers four days per week, Bidder B scores 41 out of 50 and offers five days per week – the contract would be awarded to Bidder B.

Example 2 – Bidder A scores 42 out of 50 and offers four days per week, Bidder B scores 42 out of 50 and offers three days per week – the contract would be awarded to Bidder A.

In the event that nobody scoring over 40 is offering the full Standby Period, the contract will be awarded to the bidder offering the greatest availability.

In the event that two or more bidders score the same and offer the same availability the LSC will use question 10 as a tie-break, ie those offering to provide the quarterly updates at the lowest price will be awarded the contract.

Stage 3

If there are still bidders with identical scores, those bidders may be invited to interview and the contract will be awarded to the bidder that, at interview, persuades the panel that it is best suited to provide the service.

Appeals

There is no appeal mechanism within this assessment process and no appeals will be allowed.

The Application Process

You should have the following documents:

- This Information for Applicants (IFA) document; and
- The Application Form (incorporated within the IFA);
- The draft Specialist Support Contract.

You should return to us:

- The completed Application Form (with any attached pages numbered sequentially - e.g. 1 of 6);
- Completed Supervisor Standard and Self Declaration Forms (as appropriate);
- Solicitors' firms and Barristers' chambers – accounts for the last 2 years; and
- Not for Profit organisations only – funding matrix, last set of accounts and your Annual Report.

There will be an opportunity for potential bidders to ask questions before they decide whether to submit a tender. Questions must be submitted to the Commission in writing by post or email before **12 noon on 17th April 2008**. We will consider the questions and post our answers on our website on **24th April 2008**. Bidders which submit questions should visit our website for the answers on that date; we will not respond to bidders individually. All bidders are advised to review the questions and answers section on our website on or after that date, prior to finalising your tender. We would draw your attention to the question and answers document produced for the original tender, which is also on our website.

The tender closing date and time for applications is **12 noon on 13th May 2008**. Completed applications must be received by the Commission before 12 noon on that day. Unless there are exceptional circumstances (e.g. fire or accident), late applications will not be accepted. Applications should be sent by registered / guaranteed post or email, but not by fax. If you send your application by Royal Mail or DX, please note that this is at your risk, as there is no guarantee we will receive it. It is your responsibility to telephone us to check we have received your application (however it was sent). We are not responsible for any failure of post, DX or email.

If submitting your application by email, please provide an email address to which we can acknowledge receipt. Unless you receive an email acknowledgement, you should not assume we have received your application. We would advise you to email us **before 5.00 p.m. on 12th May 2008** so that, if you do not receive an acknowledgement back from us, you can email it again before the Friday deadline.

Applications will be assessed during the week of 19th May 2008 and successful applicants notified by 27th May 2008. Contracts will be available for signature during June 2008 and the Service must commence by 1st July 2008.

All applications, however sent, must be marked "**Specialist Support Service Tender – Private & Confidential - for the attention of Simon Stanley**".

Please return postal applications to:

Simon Stanley
Civil Policy Team
Legal Services Commission
First Floor, 12 Roger Street
London, WC1N 2JL
DX 328 London/Chancery Lane

Please return email applications to:

simon.stanley@legalservices.gov.uk.

For any questions about the bid process please contact Simon Stanley.

Conditions of Tender

Applications will be received until 12.00 noon on the application closing date. No applications will be accepted after this time unless there are exceptional circumstances as defined below. Outside these exceptional circumstances we will not consider any late responses nor will we consider requests for extension of the time or date fixed for the submission of responses.

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

- (a) was beyond the actual contemplation of the applicant concerned;
- (b) would ordinarily be beyond the contemplation of a reasonable applicant; and
- (c) the impact of the event or accident on the delay was not attributable to any act or omission of the applicant (for example, act of God, war or national emergency, acts of terrorism, fire, flood, or storm).

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

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

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

We reserve the right to take into account any knowledge of an applicant that we may have, but applicants should not assume that any such information will be taken into account and should restate it on their Application Form if they consider it relevant.

For applicants that hold a current LSC Contract, we may corroborate the information given on your Application Form with your regional office.

You are required to reply to all questions on the Application Form. This is to ensure that we can compare each application and applicant in a fair, like-for-like and reasonable manner.

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

Any questions and answers posted on our website during the application process (or before) will not form part of the contract.

After evaluation is complete, we will retain copies of all responses to satisfy our audit obligations.

We reserve the right to cancel this invitation to apply for the Specialist Support Contract or to award contracts for part of the work advertised in this Information for Applicants only.

If we award a Specialist Support Contract as a result of your application, the Application Form and documents submitted as part of the application, will form part of that contract.

Applications are submitted on the conditions stated in this Information for Applicants (as may be amended). Applications submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.

By submitting an application, you are agreeing to be bound by the terms and conditions in the Specialist Support Contract if you are awarded one.

Applicants will be responsible for and bear all of their own costs, liabilities and expenses which may be incurred in the preparation of their responses or any subsequent application arrangements, regardless of whether a contract is awarded.

All intellectual property rights in this Information for Applicants, associated documents, Application Forms, and Contract Documents are and shall remain our property.

The information contained in the Information for Applicants does not purport to contain all of the information that an applicant may require. While we have taken all reasonable steps to ensure, as at the date of this document, that the facts which are contained in this document are true and accurate in all material respects, we do not make any representation or warranty as to the accuracy or completeness or otherwise of this document, or the reasonableness of any assumptions on which this document may be based. All information supplied by us to applicants, including that within this document, is subject to applicants' own due diligence. We accept no liability to applicants whatsoever resulting from the use of this document, or any commissions from or deficiencies in this document.

Applicants should note that any quantities or volumes contained in the Information for Applicants are for indicative purposes only and any future quantities or volumes may vary from those stated.

It is your responsibility to obtain at your own expense all additional information necessary for the preparation of your response to the application documents. No claims of insufficient knowledge will be entertained.

We may use the information included in your response for any reasonable purpose connected with this application exercise.

Any applicant who directly or indirectly canvasses any employee of the LSC concerning the award of the contract(s) will be disqualified.

All applicants are recommended to seek their own financial and legal advice.

Applicant changing its status

If, between submitting your application and being awarded a contract, your organisation undergoes a significant change in its legal composition from that named in the Application Form, we reserve the right to decide whether to award a contract to the new organisation. Any decision would be solely within our discretion. You must inform us immediately of any such change in writing.

Freedom of Information Act 2000

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

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

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

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details would be disclosed once the selection process is complete. Where possible, we would consult with you before any disclosure was made.

Schedule 1

Service Requirements

Ideally all services will need to be delivered through a telephone service accessible by users from 10am to 4pm Monday to Friday. This service will need to be available for 52 weeks each year (excepting public holidays).

Full details of response times are set out in the draft Specialist Support contract.

Service in England and Wales

Category of Law	Maximum available Specialist Support Advice Hours
Immigration	3500

Service in Wales

Category of Law	Maximum available Specialist Support Advice Hours
Housing	312

Schedule 2

Selection Criteria

Essential Criteria

No.	Criterion
1	You must be able to deliver the Service, as set out in the Information for Applicants document, by 1 st July 2008. In particular you must have a Lo-call telephone number in place by then.
2	<p>All of your proposed Approved Advisers must have at least 5 years experience of dealing with LSC funded cases and of providing specialist advice in the relevant category of law.</p> <p>If you wish to bid for immigration, your Approved Advisers must also be accredited to at least Level 2 of the SRA's Immigration and Asylum Accreditation Scheme.</p> <p>Barristers who are directly employed by an organisation regulated by the SRA or OISC are required to be accredited under the SRA's IAAS. Organisations regulated by the Bar Council (i.e. barristers working in chambers are not required to be accredited under the IAAS but must demonstrate that they have the 5 years experience of providing the advice services required.</p>
3	You must not, on the written request of the LSC to repay money, have failed either to make proposals for repayment by any deadline set OR adhere to a repayment agreement.
4	You must not be prevented from applying to the LSC for a contract by the terms of any written notice of termination or in the absence of any written terms the organisation must not have received a notice to terminate any contract between it and the LSC in the last two years.
5	Any organisation that currently holds a Unified Contract must not be operating under a confirmed Peer Review rating of 4 or 5 in any Categories of Law following conclusion of the Peer Review process.

Desirable Criteria

6	<p>The skills and experience of the proposed Approved Advisers in the Categories of Law in which they will be providing the Service. Preference will be given to bids that present the highest quality advisers. In assessing the bids, weight will be given to those bids which can demonstrate experience in the greatest range of the following criterion and therefore your application form should, where appropriate, deal with each of them:</p> <ul style="list-style-type: none"> • Length of experience at delivering specialist advice; • Whether they are Specialist Quality Mark Supervisors or meet the SQM Supervisors Standards; • Experience of providing training or guidance; • Authorship or editorial involvement in papers, textbooks or other publications. The extent and regularity of this will be taken into consideration; • Holding a masters degree or higher relevant to the Category of Law; • Other demonstrators of recognised expertise in the Category of Law.
7	<p>Effective proposals for the provision of the Service, including proposals for:</p> <ul style="list-style-type: none"> • Ensuring continuity of the service during staff holidays, periods of sickness or if the proposed advisers leave the employ of the bidder; • Number of proposed Approved Advisers in relation to the number of advice hours bid for; • Likelihood that, in addition to providing the specialist support advice, the proposed Approved Advisers will be able to maintain their SQM supervisor status.
8	<p>Experience of the organisation in delivering a telephone based advice service.</p>
9	<p>Experience of delivering advice services to other advice providers rather than directly to clients.</p>

Tie break question

10	<p>Proposals for limiting claims for the preparation of the Quarterly Updates.</p>
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Specialist Support Service Application Form



How to complete this Application Form

All bidders must fill in all sections of the form.

Additionally, if you intend to bid for a contract in more than one category of law, and / or in England **and** Wales, a separate copy of Sections B and C must be filled in for each category and / or country bid for.

All documents should be properly paginated, photo-copy friendly and avoid excessive use of shading. Bids should avoid repetition and focus on addressing the criteria published in the IFA.

Section A: Information about bidder and bid	
Name of Organisation:	
Address:	
Telephone No.:	
Email address:	
Contact name:	
Type of Organisation (eg. not for profit agency, solicitors' firm, barristers' chambers)	

Tender Summary

Please indicate the number of days that you are bidding for to provide a Stand-By Service, including the corresponding proportion of Advice Hours in each Category of Law.

Category of Law	Wales	England & Wales
	Number of days	Number of days
Housing		
Immigration		

Section B: Essential Criteria	
Category of Law:	
England / Wales	
1	<p>Please confirm that you will be able to deliver the Service, as set out in the Information for Applicants document, by 1 July 2008. In particular, confirm you will have a Lo-call telephone number in place by that date.</p>
2	<p>All of your proposed Approved Advisers must have at least 5 years experience of dealing with LSC funded cases and of providing specialist advice in the relevant category of law.</p> <p>Please submit evidence for both criteria as appropriate.</p> <p>If you wish to bid for immigration, your Approved Advisers must also be accredited to at least Level 2 of the SRA's Immigration and Asylum Accreditation Scheme.</p> <p>Please submit evidence as appropriate.</p>

3	<p>Please confirm that, on the written request of the LSC to repay money, you have not failed either to make proposals for repayment by any deadline set, OR adhered to a repayment agreement.</p>
4	<p>Please confirm you are not prevented from applying to the LSC for a contract by the terms of any written notice of termination or, in the absence of any written terms, the organisation must not have received a notice to terminate any contract between it and the LSC in the last two years.</p>
5	<p>Please confirm that, if you are an organisation that currently holds a Unified Contract, you are not operating under a confirmed Peer Review rating of 4 or 5 in any Categories of Law following conclusion of the Peer Review process.</p>

Section C: Desirable Criteria

Category of Law:

England / Wales

6 The skills and experience of the proposed Approved Advisers in the Categories of Law in which they will be providing the Service. Preference will be given to bids that present the highest quality advisers. In assessing the bids, weight will be given to the following and therefore your application form should, where appropriate, deal with each of them:

- Length of experience at delivering specialist advice;
- Whether they are Specialist Quality Mark Supervisors or meet the SQM Supervisors Standards;
- Experience of providing training or guidance;
- Authorship or editorial involvement in papers, textbooks or other publications. The extent and regularity of this will be taken into consideration;
- Holding a masters degree or higher relevant to the Category of Law;
- Other demonstrators of recognised expertise in the Category of Law.

Please submit evidence for each criterion as appropriate.

7

Effective proposals for the provision of the Service, including proposals for:

- Ensuring continuity of the service during staff holidays, periods of sickness or if the proposed advisers leave the employ of the bidder;
- Number of proposed Approved Advisers in relation to the number of advice hours bid for;
- Likelihood that, in addition to providing Specialist Support advice, the proposed Approved Advisers will be able to maintain their SQM supervisor status.

Please submit evidence for each criterion as appropriate.

8	Please submit evidence of experience in delivering a telephone-based advice service.
9	Please submit evidence of experience of delivering advice services to other advice providers rather than directly to clients.

10	What are your proposals for limiting claims for the preparation of Quarterly Updates?

In no more than 500 words, please provide any further information that you think will help us in assessing your application.

I confirm that the information contained within this application form (and its accompanying documents) is true.

Signed:

Print Name:

Date: