

Frequently Asked Questions related to the

Invitations to tender to deliver publicly funded Social Welfare Law and Family Services in England and Wales

Many questions will be answered by the information given in the Information for Applicants document (IFA), which is available on the Tenders pages of our website: http://www.legalservices.gov.uk/civil/tendering/social_welfare_family.asp

The deadline for submitting questions about the content of the IFA or the Invitations to Tender was **2pm on 31 March 2010** (note this is referred to as the 'End date for clarification messages' on the eTendering system).

We will continue to respond to technical queries on how to use the eTendering System. Technical 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).

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

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 in this Frequently Asked Questions (FAQ) document.

A final FAQ document will be published on 7 April 2010.

This FAQ document is broken up into sections for ease of reference. These sections are as follows:

1. [Tender Process](#)
2. [Procurement Areas/Offices/Access Points/Presence](#)
3. New Matter Starts allocated to Procurement Areas
4. [Supervisor requirements](#)
5. Other quality-related requirements
6. [Service and category combinations](#)
7. [Minimum New Matter Start requirement](#)
8. [Capacity test](#)
9. [Assessment of bids and allocation of new matter starts](#)
10. [Consortia](#)
11. [Selection Criteria](#)
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Within each section, there may be a sub-section for SWL or Family-specific questions.

For ease of reference, within each section, new questions are in [blue text](#).

Section 1: Tender Process

1.1 In some cases the questions say that documentary evidence (e.g. for local arrangements) will be required. How is this documentary evidence submitted?

Several criteria require that the Applicant Organisation can show, 8 weeks before contract start date, that it meets the criteria.

We will undertake a verification exercise at this stage and we will, if necessary, request any documentary evidence from you. You do not need to submit any additional evidence at this stage, beyond the documents set out in the IFA.

1.2 If we submit tenders for more than one area (e.g. Solihull and Birmingham), are we obliged to take both on if we are successful with both?

Whilst you will not be 'obliged' to take on all contract awards (for example if your circumstances change) Clause 15.20 confirms that an Organisation must not submit a tender which it knows to be, or has reason to be, false or misleading in accordance with Clause 18 of the 2010 Standard Civil Contract – Standard Terms. Clause 15.37 confirms that a tender must be valid and capable of acceptance up to the 14 October 2010.

In future tender processes, we may introduce, at the PQQ stage, questions that seek to look at an organisation's tendering history with the LSC.

1.3 The Pre Qualification Questionnaire (PQQ) has a closing date of 12 March. However the SWL and Family tender is not due to close until 21 April. Must I submit my completed tender by 12 March?

The current PQQ (PQQ_7) is applicable to all of the remaining civil and the crime contract tenders. As such, the PQQ overview page will always show the deadline for the next tender to close, which is currently the crime tender. The date will be amended as each consecutive deadline is reached.

The deadlines for PQQ's submitted in conjunction with a response to a civil tender are as set out in the relevant IFA:

Mental Health - 31.03.2010

Social Welfare Law / Family - 21.04.2010

1.4 If you have a supervisor/caseworker who undertakes both Family work and Mental Health work should they apportion the "hours per week" on the Tender Information Form e.g. 25 hours family and 10 hours mental health?

Yes. You should enter the staff member's details on both Tender Forms, entering the number of hours they will work in each category on the relevant form.

1.5 If you have a supervisor/caseworker who undertakes work in two different Social Welfare Law/Family categories should they apportion the "hours per week" on the Tender Information Form e.g. 25 hours for Family and 10 hours for Community Care?

That is correct. The Tender Form asks for the number of hours which a caseworker works on the categories of law covered by that section of the form, and then for the percentage of these hours which they work in each category covered by that section of the form. You would need to enter this staff member's details and complete the hours worked on the separate sections of the Tender Forms.

Please see the guidance on completing the Tender Form for more information. This guidance is available on the Social Welfare Law and Family tendering pages of our website:

http://www.legalservices.gov.uk/civil/tendering/social_welfare_family.asp

1.6 I am not able to see all parts of the screen of the Tender Form, so I can't save it. The form doesn't seem to fit on the screen, and I cannot scroll down to get to the OK button so cannot save any of my tender info on the spreadsheet. What should I do?

Some organisations have had difficulties with viewing the whole screen in the Tender Form, because of their screen resolution settings for their computer monitor.

To rectify this problem, you need to change the Screen Resolution settings to at least 1024 x 768. The method for doing this varies between different operating systems. If you are unsure how to do this on your own system, please contact your own IT support or Systems Administrator.

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[1.7 How do I save information I have input into the Tender Form? I thought I had completed it, but when I go back into the form in "Buyer Attachments" it has not saved.](#)

[As set out at 12.28 of the IFA, you need to download the Tender Form and save it onto your own computer. You can then work on it on your own computer and upload it into your ITT before you submit it.](#)

[For more information on how to complete the Tender Form, please see the Tender Form Guidance which is available on our website at:](#)

http://www.legalservices.gov.uk/civil/tendering/social_welfare_family.asp

[1.8 Can you confirm that the mandatory red boxes do not need to be completed unless you are seeking contracts in that area of law ie if tendering only for family do you need to complete the social welfare boxes?](#)

[The questions in the ITT marked with red asterisks are mandatory for all Applicant Organisations. If you are not tendering to deliver the category of work in question, you should select "N/A- Not tendering" option.](#)

1.9 If I have a caseworker who does not currently meet the Supervisor standard, but who will by 14 October, how do I complete their details on the Staff Details section of the Tender Form?

I cannot select the “Vacant” option, as I would if I were yet to recruit the Supervisor, since they are already in post.

For most fields, you should complete details of staff who will be delivering work under the new contract, showing their status as at 14 October 2010.

This applies to the Supervisor/Caseworker status and to the number of hours they will be working on each category.

The exception to this is the information about Panel Membership, which relates to Selection Criteria. The criteria relate to Panel Membership which staff **currently** hold. Your answers to these questions should therefore relate to the **current** situation, not to what it will be at 14 October 2010.

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Section 2: Procurement Areas/Offices/Access Points/Presence

2.1 How can I identify the relevant Procurement Area or Access Point I should be tendering for?

We have produced and published a tool to assist Applicant Organisations in identifying the correct Procurement Area and, where relevant, the correct Access Point. This allows Applicant Organisations to check their Office's postcode against the Procurement Areas and Access Points for SWL and Family. The postcode tool can be downloaded our website:

http://www.legalservices.gov.uk/civil/tendering/social_welfare_family.asp

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2.2 In an area with Access Points, if not all the NMS available in one Access Point are bid for or allocated, can these NMS be made available in the other Access point?

Matter Starts are allocated to specific Access Points and cannot be moved between them. If Matter Starts were remaining in an area – for example 50, we would have to consider either running a further invitation to tender if there was demand for services or releasing more Matter Starts to the successful Applicant(s) in accordance with the rules of the contract.

2.3 You have a requirement that you wish to award contracts to at least 5 providers in a Procurement Area. Do two offices of the same provider count as one or two for this purpose?

As set out at 14.12 to 14.13 of the IFA, we mean “5 Applicant Organisations”. This means that two Offices of the same Provider would count as one for this purpose.

2a: Family Only

2.a.1 We currently deliver Public Family services to clients in several areas across the country as well as in our own procurement area. Under the new contracts, will we be able to continue carrying out Legal Help and Licenced work for these clients?

We would be grateful if you could inform us of whether this is possible and if so how.

Do we need to simply bid for a schedule covering different areas of the country?

In Family there are no restrictions relating to carrying out work, in a Procurement Area where you have tendered to deliver services, for clients who come from other areas.

However, if you wish to deliver services from more than one Office (whether in the same or different Procurement Areas) then, as set out at section 10.3 of the Information for Applicants, you need to submit an individual bid for each office from which you wish to deliver services under the contract.

As per 12.3 of the Standard Terms of the 2010 Standard Civil Contract, in order to deliver work from a particular location, you need to have a schedule for that location, authorising that work. If you do not have a schedule authorising you to carry out work from that office, you will not be able to see clients there.

2b: Social Welfare Law

2.b.1 On Annex C page 2, Essential Criteria for Debt, Housing & WB, it states, for certain ITTs (including Durham, Lincolnshire, South East Wales, West Essex, Shropshire, and Herefordshire and Worcestershire), "By 14 October 2010, if the Applicant Organisation is tendering to deliver these Social Welfare Law Services in the Access Points set out in the ITT, each of its Offices located there must have at least Part-time Presence. If it is tendering to deliver Social Welfare Law Services in the Access Points set out in the ITT, each of its Offices located there must have a Permanent Presence."

Can you please clarify what you are saying here? Do we need a permanent presence in both access points or at the very least just one in the procurement area and then a par time presence in another access point?

Within a Procurement Area the Presence requirements can be different in different Access Points. There can be some Access Points in which the requirement is to have a Permanent Presence, while in others the requirement is to have a Part-time Presence.

The requirements for each Access Point are set out in the Essential Criteria section of the Tender Form which is available in the Buyer Attachments section of the ITT within the eTendering system.

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Section 4: Supervisor Requirements

4.1 Does FTE in office refer solely to numbers of fee-earner/caseworker acting for clients or does it also include support staff. i.e. in a dept consisting of two solicitors, one trainee solicitor and a secretary do I have 2, 3 or 4 FTEs? If this dept is part of a firm consisting of 35 in total including support staff do I have 35 FTEs?

FTEs are referred to in Section 9 of the essential criteria (relating to the Supervisor Standard) and on the Tender Form. In both instances, we are only referring to caseworkers/supervisors who would be carrying out the work which the Applicant Organisation is tendering to deliver. We are NOT referring to support staff.

4.2 Where can we find guidance please for completing the supervisor standard and self declaration form?

Information on the supervisor standard and self declaration form is available from the Specialist Quality Mark pages of our website at:
http://www.legalservices.gov.uk/civil/qm/specialist_help.asp

4.3 Do you require Panel Certificates to be attached to each supervisor's declaration?

No. Panel certificates do not need to be attached at this stage. We may request further information on them at the verification stage which takes place 8 weeks before the contract starts.

4.4 We are proposing to bid for 2 procurement areas. Can a supervisor be based in one office in one of the procurement areas which they supervise but also supervise at another office in the other procurement area?

Yes, but you should consider the Essential Criterion around the Supervisor to Caseworker ratio which applies at Organisation level. For example if a Supervisor supervises 4 caseworkers in one Office, he/she cannot supervise another 4 at another Office, since this exceeds the 1 Supervisor to 6 Caseworkers ratio.

You should also bear in mind Selection Criteria relating to the percentage of time Supervisors are based at the Office.

4.5 The supervisor declaration requires details of the supervisor's qualifications ie panel memberships etc. It also looks at the supervisor's experience over a three-year period for full time workers and 5 years for part time workers. What would the position be for a supervisor who is on a panel but only has 1-2 years' experience?

If an individual has less than 3 years' experience then they will not meet the Supervisor Standard.

4.6 Under Question 2 on the Supervisor Standard and Self Declaration Form we are asked to give date of admittance to a panel. Does this mean the original date of admittance or the latest renewal date?

The "Date of Admittance" refers to the most recent date of renewal or re-accreditation of your Panel membership.

4.7 We have a supervisor who was on maternity leave during the period for which we need to complete casework hours on the Supervisor Self-Declaration Form. How do we indicate this on the form?

A full time Supervisor who has had extended periods of absence for maternity, sickness or compassionate reasons (continuously for a period of three months or more or for a total of 90 days or more within any of the three defined 12 month periods) should complete the Supervisor Self-Declaration form in the same way as a part-time supervisor. This means that they can qualify as a Supervisor by demonstrating a minimum Case Involvement of 1050 hours over the last five years.

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4.8 We has thought that our Supervisor would meet the required standard, on the basis of the portfolio of cases being met and 350 hours casework having been undertaken in the last 12 months. Is this not the case?

Any individual applying to become a supervisor must meet all supervisors requirements in full including the 350 hours case involvement for the three years prior to any date the information is requested. This is to ensure that supervisors continuously meet the requisite standard of experience.

4.9 Can one supervisor supervise in different offices in different procurement areas?

Yes, as long as the supervisor is able to meet the supervisor requirements set out in the contract and in the applicable Quality Standard.

4a Family only

4.a.1 In the section of the Tender Form relating to the supervisor does there is no provision for confirming that the supervisor is a member of the Law Society's Family Panel. There is only mention of other, advanced or specialist, panels. The LSC made it clear in its consultation document that Family Panel membership would be satisfactory in relation to meeting the essential criteria.

The Essential Criteria requires an Applicant Organisation to have a Supervisor who meets the Family Supervisor standard. A supervisor who is a member of the Law Society's Family Panel will meet this component of the Supervisor Standard. The section of the Tender Form requesting staff details including Panel Membership relates to Selection Criteria, NOT to the Supervisor Standard.

4b Social Welfare Law only

4.b.1 The Housing Supervisor Self-Declaration Form available in the ITTs on the eTendering system is different from the Form on the LSC website. Which one should I use?

You should use the form which is in the eTendering system. There have been some changes to the Supervisor Standard for the new 2010 Standard Civil Contract. Because these changes do not affect current contracts, the previous forms relating to the current contract are still available on the LSC website.

4.b.2 The Welfare Benefits Supervisor Self-Declaration Form refers to "Employment Support Assistance" as the benefit replacing incapacity Benefit. The name of this is actually "Employment and Support Allowance". Can we assume that this is what was meant, and complete the form accordingly, or will the form be changed?

We confirm that there is a typing error in the Welfare Benefits Supervisor Self-Declaration Form. For "Employment Support Assistance" please read "Employment and Support Allowance". We are sorry for any confusion this has caused.

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Section 6: Service and Category Combinations

6.1 Can we tender for both Family and Housing and Housing as part of Housing, Debt and Welfare Benefits within the same procurement area?

The rules do not prevent organisations from tendering for both types of work. It is up to each Applicant Organisation to decide what services it wishes to tender to deliver. However, in order to tender to deliver both types of work, you would need to meet all relevant Essential Criteria, set out in Annexes A and B to the SWL and Family Information for Applicants.

You should also consider your organisation's capacity and ability to take on work if awarded a contract. You will not be 'obliged' to take on all contract awards (for example if your circumstances change). However, Clause 15.20 of the IFA confirms that an Organisation must not submit a tender which it knows to be, or has reason to be, false or misleading in accordance with Clause 18 of the 2010 Standard Civil Contract – Standard Terms.

Clause 15.37 confirms that a tender must be valid and capable of acceptance up to the 14 October 2010.

In future tender processes, we may introduce, at the PQQ stage, questions that seek to look at an organisation's tendering history with the LSC.

6.2 Can we tender for Family on its own AND tender for Family and Housing?

As set out at 8.7 of the IFA, the volume of matter starts advertised for Family is the same regardless of whether an Applicant Organisation is tendering for Family Services only or Family Services with Housing. This means that an organisation cannot tender to deliver both types of service; if they did so, they would be competing against themselves.

When completing the tender Form for each Office, Applicant Organisations wishing to deliver Family Services must, as set out at 12.11 of the IFA, indicate whether they are tendering for Family only or Family and Housing.

Family Only

6.a.1 Is it possible for one organisation to apply for both a Family Services Exclusively for Children contract and a general Family Services contract?

The Essential Criteria for Family Services are different from those for Family Services Exclusively for Children. The criteria are set out in Annex A of the relevant Information for Applicants documents. In order to tender to deliver both types of work, you would need to meet both sets of Essential Criteria. We believe that it is unlikely that many organisations will do this, but it is up to each Applicant Organisation to decide what services it wishes to tender to deliver.

6.a.2 Will we be able to undertake Judicial Reviews under the children only contract to challenge failures to provide services to children?

The scope of the Family Services Exclusively for Children contract is set out at section 7 of the Information for Applicants, with further information in the 2010 Standard Civil Contract Specification at Section 7.

This includes all cases which would come under the Family category of law, where you are acting for a child, so does include Judicial Review where you are acting for a child.

6.a.3 If we want to carry out any Children work, do we have to tender for the Exclusive Services for Children contract as well as for a mainstream Family Service Contract?

No. The Family Services contract covers all areas of public and private Family work for all clients, children and adults.

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[6.a.4 Within the same Procurement Area, can a firm make two separate bids for Family Services? One bid would be for public law family and the other for private law family.](#)

[If yes, will the two bids be considered independently of each other?](#)

[A firm can only bid once to deliver the same work within the same Procurement Area. The Family contract is one contract covering Public and / or Private Family Law work, so you can only apply for this once.](#)

[6.a.5 We are a small practice and will be tendering for a public law contract only. Please confirm whether we can continue to commence certificated private law work if we only have a public law contract.](#)

[You may undertake certificated work. However you would need to demonstrate that certificated work was the appropriate level for the work and that you had done any necessary work at the lower levels of service before applying for a certificate.](#)

[6.a.6 We do not offer any financial family advice and our main area of work relates to public law care proceedings on behalf of children, their parents and other family members. We are in an area where we can tender under service specification B. We will bid for a public law contract; please confirm whether we can continue to carry our Rule 9\(5\) work if we only have a public law contract. Please also confirm the position in respect of adoption work - does this fall within the public law or private law family.](#)

[You may undertake Rule 9.5 cases but see answer above. Adoption proceedings are all classified as Public Family work.](#)

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Section 7: Minimum New Matter Start Requirement

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7a. Family Only

7.a.1 We want to apply for Family Public law only in a Service B area. The criteria is for 5 public funding certificates as a minimum. Therefore how do we complete the number of NMS on the ITT form?

The ITT form will not let us put in a zero and the minimum NMS is 75. What do we put in the NMS box?

Do selection criteria apply to firms in Service B areas who only want to do Public Law Family so are not tendering for any/many NMS?

It is an Essential Criterion that you are willing and able to deliver a full range of services from Legal Help to Representation (see Annex A of the IFA). To meet this requirement you will therefore have to bid for at least some Legal Help NMS in Family.

In Service B areas, there is no minimum NMS requirement for Public Law, and it is up to each Applicant Organisation to decide how many NMS it wishes to bid for.

Selection Criteria apply to all firms in areas where more NMS are tendered for than are available.

Section 8: Capacity Test

8.1 Can I only tender using existing staff and if we were to take on another fee earner after obtaining a contract would it be possible to obtain further matter starts for that person?

As is referred to at section 7.18 of the IFA, it is possible to bid on a basis which includes posts vacant at the time of bidding. Sections 13.15 to 13.16 of the IFA set out how we will treat vacant posts when testing an organisations capacity to deliver the work it has tendered for.

If, after contracts have been awarded, the provider subsequently wishes to expand then request for more NMS can be made under the terms of the Civil Specification. However, we can give not guarantee that there will be any additional NMS available.

8.2 Does FTE in office refer solely to numbers of fee-earner/caseworker acting for clients or does it also include support staff. i.e. in a dept consisting of two solicitors, one trainee solicitor and a secretary do I have 2, 3 or 4 FTEs? If this dept is part of a firm consisting of 35 in total including support staff do I have 35 FTEs?

FTEs are referred to in Section 9 of the Essential Criteria (relating to the Supervisor Standard) and on the Tender Form. In both instances, we are only referring to caseworkers/supervisors who would be carrying out the work which the Applicant Organisation is tendering to deliver. We are NOT referring to support staff.

8.3 When we apply for matter starts, can we specify how many of the total number we are applying for will be opened by the supervisor. In other words, if we apply for 450 in Debt and we expect the supervisor to open 30, will you only expect us to have 1.25FTE caseworkers in that category?

The capacity test relates to FTE members of staff but does not relate to whether those staff members are Supervisors or Caseworkers. In the above example you would need 1.5 FTE staff to bid for 450 matter starts.

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Section 9: Assessment of Bids and Allocation of New Matter Starts

9.1 Under Part 1, 14.10 of the Information for Applicants, for Family, Employment and Community Care, it is outlined that where there are two bids that are scored equally the matters available will be pro-rata'd out. However under Part 2, at 14.22 re Debt, Welfare Benefits and Housing, a ranking system is mentioned, but no indication of what the LSC may do if two bids score equally (as we expect in our area). Can you clarify please for Debt, Benefit and Housing tenders, how the matter starts will be allocated if two (or more) bids score equally highly

We anticipate that tied bids will be less likely in Debt, Housing and Welfare Benefits due to the multiple criteria relating to each separate category of law.

However, if in Debt, Housing and Welfare Benefits Applicant Organisations are tied on the same score, we will follow the same approach as outlined for the other categories, subject to the rules set out in 14.23 of the IFA around allocating to all three Categories of Law. That is that the available Matter Starts will be pro rata'd between the tied Applicant Organisations.

9.2 At 14.4 of the IFA you state that we can tender to deliver some tolerance matter starts, and that this will be limited to 5% of the total contract award. Does this mean 5% in addition to the number of matters I tender for, or is it taken from the allocation I have? For example, if I tender for 100 Family NMS, will I be allowed to deliver 100 in Family, plus 5 tolerance, or will I be limited to 95 in Family plus 5 tolerance?

If you indicate that you wish an allocation of tolerance NMS, this will be limited to 5% and will be taken out of the allocation you are given for the category you are tendering for. In the example given, you would be allowed to deliver 95 Family NMS plus 5 tolerance, so that your total allocation would be 100, the total number of NMS you tendered for.

9.3 Please clarify paragraphs 13.15 & 13.16 on page 44 of the IFA.

If I am not allocated all the NMS I have bid for, because some of my posts are vacant, will those NMS be allocated to other providers? If so, what happens if at the 8-week verification point if we have filled those vacancies?

As set out at 13.15, we will reduce the initial award of Matter Starts to Applicant Organisations who have posts vacant at the time of tendering to reflect a lower level of confidence of delivery against a vacant post. This will be set at 50% of the maximum capacity per FTE.

For example, if a provider has bid for 400 Family matters, but only has one member of staff, we will award the full NMS for one member, but only 50% the maximum capacity for the postholder of the vacant post, so we would offer 300 NMS in total. The remaining 100 matter starts would be kept back (not allocated elsewhere) until the verification 8 weeks before the contract starts. If at this point the vacancy has been filled, we would offer these 100 NMS to make up the organisation's full allocation.

If the vacancy has not been filled, we may seek to reallocate those matter starts to successful providers.

9.4 In areas which are divided into Access Points, if not all the matters are taken up in one Access Point, will they be made available in the other Access Point?

No. The Matter Starts will be made available as set out in the summary page of the ITT on the eTendering system. Matters will not be moved between Access Points or Procurement Areas.

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Section 10: Consortia

10.1 We have a single housing provider in the Procurement Area. Can that housing provider be part of a separate consortium in each of the 2 access points joining up with debt and WB providers in each of the access points or can the housing provider only be part of one consortium? If they can be part of more than one would you prefer a single consortium of agencies across the PA or a consortium in each of the access points?

We have said in the IFA that each individual Office of an Organisation can be a member of a Consortium (9.10 vii). If this housing provider has an office in both of the access points and meets the other Essential Criteria in the tender then it can be a member of two different Consortia.

10.2 The Information for Applicants para 9.7 refers to "initial advice"? How is this defined?

"Initial Advice" refers to Legal Help. This is also covered by the requirement, as set out at 9.10.iii of the IFA, that the services which consortium members are tendering to deliver must be accessible to clients from each of the Consortium Members' Offices.

10.3 Must I include the work that other consortium members will deliver from my offices?

No. Each Applicant Organisation in a consortium must tender for the services that **their organisation** wishes to deliver. They should not include in their tender the services that other consortium members would deliver from their premises.

10.4 Should I include consortium members' staff in my staff details?

No. Each Applicant Organisation's tender should reflect the staff that **their organisation** currently employs / will employ from 14 October 2010.

10.5 Can one consortium member submit a PQQ for all consortium members?

No. Each Applicant Organisation (i.e. each consortium member) must submit a response to the PQQ and at least one ITT.

10.6 Must I submit a bid for the work I wish to undertake from other consortium members' offices?

Applicant Organisations are required to submit information on the Tender Form about the office from which they are intending to deliver a presence in a Procurement Area or an Access Point. Where an Applicant Organisation intends to deliver services at one of its offices as part of a consortium, it will only need to respond to the questions relating to the Category(ies) of law it is tendering to deliver as part of the Consortium.

The Applicant Organisation must then include in the same tender, any services it wants to deliver as a single organisation (i.e. any services it intends to deliver from the offices of other consortium members).

In completing the Tender Form, as part of the tender information, the Applicant Organisation will additionally be required to provide details of its fellow consortium members.

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Section 11: Selection Criteria

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11.1 Do Selection Criteria apply at the level of the whole Applicant Organisation or each Office?

If at Office level, what staff members does this relate to?

Selection Criteria need to be completed for each Office from which you are tendering to deliver services, by completing the appropriate section of the Tender Form.

However, some of these Selection Criteria relate to arrangements which are in place at Office level, and some at Applicant Organisation level. Each criterion in the relevant ITT will explain the level it is aimed at.

When completing criteria which apply at Office level this refers to work carried out by those staff members named in the Tender Form as delivering work at that Office.

11.2 In some Categories of Law and/or Access Points, the Presence Requirement is for a Part time Presence. If an Applicant Organisation's Office is open full time, but we only have a Part-Time Supervisor. This could have a knock on effect on the score for the Selection Criterion relating to the availability of our Supervisor for the proportion of time the Office is open, because our part-time supervisor will not be able to be present 100% of the time our full time Office is open.

Are the LSC expecting suppliers in this case to reduce their opening hours during the contract lifetime so that maximum points can be scored?

The Selection Criterion relating to proportion of time a Supervisor is available in an Office concerns the proportion of the time which the Office is **open and delivering services relating to the tender**. Therefore, for example, if the Office was open 5 days a week but only delivering Employment Services 3 days a week on the 3 days the Employment Supervisor is present, you should indicate that the Supervisor is available 100% of the time when the Office is open to deliver Employment Services.

11.3 When the word "caseworker" is used in Selection Criteria (for example, in Family in employing a caseworker who is a panel member) does this refer to caseworkers *as opposed to* supervisors, or does it include supervisors?

In the Selection Criteria for SWL and Family, the word "caseworker" refers to all those who will be delivering work under the contract, regardless of whether they hold Supervisor or Caseworker status.

11a Family

11.a.1 In the run up to the tendering process over the last year, I understood that in Service Specification B areas there would be no expectation that we employ public law specialists if we were bidding for private law contracts. I now read the marking criteria for bids in Area B and realise that I could be marked down. Could you please explain the rationale for this change?

In Service B areas it is not essential that an organisation delivers both Public and Private Law service. Only where there are more bids than matter starts available will we apply the Selection Criteria. Under the Selection Criteria points are available for experience of delivering private and/or public law. An organisation that has experience of delivering both private and public law are likely to achieve more points.

11.a.2 At question 7 of the Selection Criteria for Family Offices it asks if we have advised or represented clients in 25 finance cases since 26 February 2009. Please can you clarify if this relates purely to ancillary relief applications at Court or if it also includes advice under the Legal Help Scheme to include resolution of finances by way of a consent order?

The term "Finance cases" is used as in the 2010 Standard Civil Contract Specification (Section 7, Family) and the Funding Code. Please see these documents for further details. The Specification can be found on the contract pages of our website:

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

The Funding Code and its guidance can also be found through the Funding Code pages of our website:

http://www.legalservices.gov.uk/civil/what_cases_do_we_fund.asp

11.a.3 At Annex A there is a Selection Criterion asking whether the organisation has advised or represented clients face-to-face in at least 10 cases in Public Law Children since 26.02.09. Does this refer to cases started or cases closed since the relevant date?

In the Selection Criteria "Cases" covers all cases where the organisation has advised or represented clients during that period, regardless of whether the case has closed.

11.a.4 We have just recruited a Children Panel member who has done more than 10 cases in Public Law Children since 26 February 2009. It does not seem appropriate to answer 'yes' to the statement that the applicant organisation has done them, as they were done by the supervisor at a previous firm. She is a Family supervisor; but we are operational, so the statement that would entitle us to one point in an A specification area does not seem appropriate. Please can you advise if we can give a positive response to the criterion?

Yes you can.

Although the criterion and the options given in the answers specifically mentioned organisations who are not yet operational, this can be taken to include other circumstances in which an organisation does not have the experience, but members of its Key Personnel do.

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11a.5 For the purpose of Q 8 of the family selection criteria please confirm how you apply the term recruitment where a tender relates to an office to be newly opened and its intended caseworkers are already employed elsewhere within the organisation.

If you already employ all the staff you need to deliver the services in your Offices but perhaps are just intending to move staff around your Offices then you are not intending to recruit any new staff.

11b Social Welfare Law

11.b.1 In relation to 5.1 and 5.2 of the Selection Criteria for Welfare Benefits Tenders, will conduct of applications for judicial review in the Administrative Court in respect of Welfare Benefits be awarded the same points as having made oral or written representations to the Upper Tribunal?

The criterion relates specifically to Upper Tribunal work. Applications for Judicial Review will not meet this requirement.

11.b.2 Question 2 of the Selection Criteria for SWL states that the Applicant Organisation must have provided advice in 50 cases within each category of law. Does the term 'Applicant Organisation' extend to the Applicant Organisation's employees?

Although the criterion and the options given in the answers specifically mentioned organisations who are not yet operational, this can be taken to include other circumstances in which an organisation does not have the experience, but members of its Key Personnel do.

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Section 100: Other Requirements

100.1 Can I only tender using existing staff and if we were to take on another fee earner after obtaining a contract would it be possible to obtain further matter starts for that person?

As set out at section 12.20 of the IFA, it is possible to bid on a basis which includes posts vacant at the time of bidding. Sections 13.15 and 13.16 of the IFA set out how we will treat vacant posts when testing an organisations capacity to deliver the work it has tendered for.

If, after contracts have been awarded a, the provider subsequently wishes to expand then request for more NMS can be made under the terms of the Civil Specification. However, we can give not guarantee that there will be any additional NMS available.

100.2 Tender Form – Section 1 – what does the question “Tendering for tolerance?” relate to?

As set out at section 1.14 of the 2010 Standard Civil Contract Specification, “Tolerance Work” is defined as “work carried out in a Category for which you do not hold Schedule Authorisation, in accordance with the rules set out at Paragraphs 2.39 to 2.45 [of the Specification]”.

100.3 Please can you clarify what you mean by indemnity in Section 11 of the application form? What indemnity are you looking for and what is the relevant form you refer to?

The purpose of the indemnity is to ensure that the Commission is in no worse a position, financially, when contracting with organisations with limited liability (other than registered charities) than it would have been had the Provider been a partnership or sole principal. Organisations with limited liability have traditionally deprived the Commission of the rights of recovery in relation to overpayments given their financial status whereas partnerships or sole proprietorships have not.

A draft version of the indemnity form for Civil contracts has been published on the 2010 Standard Civil Contract pages of our website:
<http://www.legalservices.gov.uk/civil/8758.asp>

100.4 Our Organisation is not a limited company or a limited liability partnership but is made up of 15 corporate partners who are individual limited companies. Do you still require an indemnity form? If so please specify where the form can be obtained from.

We will still require an indemnity form signed by all the owners of the individual limited companies.

A sample of the indemnity form, which will be sent out with contract awards, has now been published on the 2010 Standard Civil Contract pages of our website at <http://www.legalservices.gov.uk/civil/8758.asp>. This form may have to be tailored to the individual constitutional circumstances of the organisation.

100.5 How can we be sure which criteria have to be met at Office level and which at Applicant Organisation level?

Annexes A to F of the Information for Applicants list all Essential and Selection criteria, and set out whether they apply at Applicant Organisation or Office level.

Selection Criteria need to be completed for each Office from which you are tendering to deliver services, by completing the appropriate section of the Tender Form.

However, some of these Selection Criteria relate to arrangements which are in place at Office level, and some at Applicant Organisation level. Each criterion in the relevant ITT will explain the level it is aimed at.

When completing criteria which apply at Office level this refers to work carried out by those staff members named in the Tender Form as delivering work at that Office.

100.6 If we have sent signed indemnity forms as part of the criminal tender do you still need us to send signed indemnity forms as part of the family tender? What happens if you are tendering in several categories or areas for Civil work? Will we have to complete separate forms for each category/Procurement Area?

As set out in Section 12.29 of the IFA, you are not required to upload anything at this time, but simply to commit to providing it at a later stage, in the event of the award of a contract.

The Indemnity Forms completed as part of the Crime 2010 Contracts tender process cover all contracts which an organisation holds or will hold with the LSC. If you have completed one of these forms, you will not have to complete one as part of the Civil tender process.

If you are tendering to deliver Civil work in several Categories or areas, one form will be sufficient to cover all contracts.

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100.7 We are applying for a contract in Welfare Benefits as we do not as yet have one. We do not have a lot of individual Welfare Benefits matters but we do give Welfare Benefits advice when it arises within other categories that we have. Can we include these in our application as the advice can be clearly evidenced on the files?

The criterion refers to your experience of delivering Welfare Benefits cases, which includes all cases within the category of Welfare Benefits. This may include those cases which were mainly carried out under another category of law. As this is a process of self-declaration you and your supervisor are declaring that to the best of your knowledge the supervisor has given the type of specialist legal advice required in the category of law. Please note that information contained on these forms may be verified at a later date.

100.8 Does everything have to be in place now to meet the Tender Requirements, or is it enough to have things in place by 14 October 2010?

The Essential/Selection Criteria in Annexes A to E set out whether a requirement relates to current arrangements or to what you will have in place by the contract start date on 14 October 2010.

100.b Social Welfare Law Only

100.b.1 In the ITT for SWL the requirement is for Service A procurement areas to employ an authorised litigator to be based and regularly working from the Office related to the individual bid. Where the bid is from a consortium is the requirement to have the Authorised Litigator based at the Office providing Housing work or each office within the consortium a minimum days per week or merely available to each member of the consortium and any access points?

We are not requiring Applicant to be prescriptive in their tender as to the level of availability that an Applicant's Authorised Litigator must provide to other Consortium Member's Offices. However, you are required by the contract to try to ensure that Clients have access to all services at each Consortium Members offices.

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