

Social Welfare Law and Family Tender Final Notifications FAQ v2 22 July 2010

Quick Links:

[Unsuccessful tenders - PQQ and Essential Criteria Stage](#)

[Unsuccessful tenders - Selection Criteria Stage](#)

[Successful tenders- queries on allocation](#)

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

We have already notified those providers who have been unsuccessful at PQQ or Essential Criteria stage. Where there is a right of appeal, the deadline is set out in the notification letter.

On 9 July we started to notify Applicant Organisations of the final outcome of the tender process for SWL and Family. This will continue until 19 July. Where there is a right of appeal, the deadline is set out in the notification letter.

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.

2. When will I be notified of other civil tender results?

The timetable for notification of outcomes of other civil tender exercises is available on our website at the following link:

http://www.legalservices.gov.uk/civil/tendering/civil_contracts_for_2010.asp

3. How does the assessment process work?

The assessment and allocation process will be followed exactly as set out at sections 13 and 14 of the Information for Applicants, which is available on our website:

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

Unsuccessful tenders - PQQ and Essential Criteria Stage

1. Is there a right of appeal and how do I appeal?

Rights of appeal are set out in the IFA at paragraphs 14.21 to 14.33 and your notification letter will set out where there is no right of appeal.

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.

2. 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.

3. My tender has failed as a result of a consortium partner failing the PQQ/Essential Criteria. Can I appeal?

As set out at 14.30 of the IFA, where an applicant's tender is unsuccessful because the tender of (an)other consortium member(s) is unsuccessful, there will be no right of appeal for that applicant organisation. Instead, any rights of appeal are limited to the relevant consortium member(s) whose tender failed.

4. What happens if I am successful on appeal, but all the matter starts have already been allocated in my Procurement Area?

If you are successful on appeal your tender will be taken forward to the selection criteria stage. We will assess your tender against the selection criteria and rank it based on the score received in line with the allocation process set out in section 14 of the IFA. If it ranks high enough, then you will be awarded matter starts.

5. 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 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 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 again through the messaging system.

6. I have tendered for several categories of law and have received a letter which states that I have failed in my bid in one category of law. How does this affect my tender for another category?

The letter only relates to the particular category/ies of law mentioned in it. If a category is not mentioned, then it is unaffected.

7. My letter says that I have failed because my postcode is in the wrong area. How can I find out which area I am in?

We have a postcode tool on our website. You can put your postcode into this tool and it will tell you which Procurement Area and Access Point you are in. This tool can also be found in the Documents panel on the right hand side of the SWL and Family tenders page:

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

This page also contains maps of all the Procurement Areas and Access Points.

Unsuccessful tenders - Selection Criteria Stage

1. Is there a right of appeal and how do I appeal?

Rights of appeal are set out in the IFA at paragraphs 14.21 to 14.33.

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.

2. 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.

3. I have tendered for several categories of law and have received a letter which states that I have failed in my bid in one category of law. How does this affect my tender for another category?

The letter only relates to the particular category/ies of law mentioned in it. If a category is not mentioned, then it is unaffected.

4. I have only been awarded a small number of points/zero points when I believe I should have been awarded more because I meet the conditions for scoring the highest number of points. Why is this?

There are several possible reasons for this:

- a) We have based our assessment on your responses to the selection criteria within the Tender Form.

To check the version of the Tender 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 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 again through the messaging system.

- b) Where there was conflicting information in your responses to the selection criteria and information given elsewhere in your Tender Form, we have, as set out at 15.15 of the IFA, accepted the response least favourable to you. For example, if in the selection criteria responses you indicated that you had under 25% of your caseworkers to recruit, but in the staff details section 80% of posts were listed as vacant, we would have scored your tender on the basis of this information.

- c) Where we requested clarification from you, we may have amended your bid based on the clarification received or because no response to our request was received from you.
- d) In Family, we have verified Panel membership details, including applications made, with lists provided by Resolution and the Law Society.
- e) In Family, where a caseworker with Panel membership was referenced as working only 3.5 hours or fewer per week at the office e, full points were not given in the corresponding selection criteria. This is because it was not considered to meet the criterion of demonstrating a specialism as the individual is not in a position to undertake Family Services from the office based on these hours.

Successful tenders- queries on allocation

1. Is there a right of appeal against the number of Matter Starts allocated?

Rights of appeal are set out in the IFA from paragraph 14.21 to 14.33. These do not include a right of appeal against Matter Start allocations. However, applicants do have a right of appeal against the selection criteria if they think their response has been incorrectly marked and this has subsequently resulted in them either not receiving the matters they would have done if they had scored higher, or if this results in them being further down the rankings than they ought.

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

There are several possible reasons:

- a) As set out at 13.9 of the IFA, we will apply the capacity test before proceeding to selection criteria. 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. These limits are set out at section 13.10 of the IFA.
- 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 Family, and also listed as working 35 hours per week in Office B in Family, 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) As set out at 14.10, 14.12 and 14.23 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. This could result in your receiving fewer Matter Starts than you tendered for.

3. The letter refers to a condition of award being passing the desktop audit for the Specialist Quality Mark (SQM) – do I need to do this if I currently hold a contract?

This condition only relates to New Providers (i.e. those that do not currently hold the Unified Contract (Civil or Crime) and that in addition do not hold Lexcel. Those already holding the SQM in any Category of Law need not undertake a SQM desktop audit before the start of the contract.

3. How were the bids assessed and ranked?

We have followed the assessment and ranking system set out in sections 13 and 14 of the Information for Applicants.

4. What do the ranking and scores set out in the notification letters mean?

The ranking relates to where that particular office/consortium has scored in comparison with other applicant offices in the procurement Area or Access Point. The score relates to the number of points that has been received for that particular office/consortium following assessment of their response to the relevant Selection Criteria, submitted as part of their tender.

5. How many points were the Selection Criteria marked out of?

Annexes A-F of the IFA sets out each of the SWL and Family Selection Criteria applicable to each area and the points available. This is available on our website at the following link: http://www.legalservices.gov.uk/civil/tendering/social_welfare_family.asp

6. What are the allocations for other providers in my Procurement Area/Access Point?

We are not in a position to confirm final awards until the tender process (including any appeals) has fully concluded.

7. What period of time is this allocation of matter starts intended to cover?

The allocation covers the first schedule year of the contract which will run from 14 October 2010. The contract is for 3 years.

8. Does my allocation include tolerance matter starts?

If you indicated as part of your bid that you wanted to bid for an allocation of Tolerance matter starts, then your allocation will include this. As set out at 14.4 of the Information for Applicants, this is limited to 5% of the total contract award.