

Statement on Immigration Awards: Updated 5 July 2010

Following the notification of the outcome of the Immigration tenders we have received a number of queries from providers.

In order to help deal with these queries and clarify how awards have been made, we have summarised the most common questions asked in a Q& A below.

The Immigration Information for Applicants (IFA) available on our website at: <http://www.legalservices.gov.uk/civil/tendering/immigration.asp> provides further detail about the tender process and allocations.

If providers have any further queries that are not answered by this document or the IFA, we ask that these are submitted via the eTendering message boards.

1. Why haven't I been awarded what I've tendered for?

Matter Starts have been allocated in accordance with the process set out in Section 10 of the Immigration Information for Applicants (IFA) document. In particular, we refer you to paragraph 10.16 of the IFA that outlines the rules that we have applied in allocating matter starts to providers and which may have affected what you tendered for/your contract award. We have pro rata'd Matter Starts in the following instances:

- Where we are unable to separate applicants after the Selection Criteria have been applied (i.e several applicant offices are awarded the same points and ranking)
- In those areas where we have stated we will aim for at least three Providers and are unable to award to at least three Applicant Organisations through ranking

Additionally, in a number of Access Points we received bids for significantly more Matter Starts than were available resulting in us being unable to award all successful applicants what they had tendered for.

2. Is there a right of appeal against Matter Start allocation?

Rights of appeal are set out in the IFA from paragraph 10.18. 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.

3. What is there a right of appeal against and how do I appeal?

Rights of appeal are set out in the IFA at paragraphs 10.18 – 10.23.

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.

4. 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.

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

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

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

Annex B of the IFA sets out each of the Selection Criteria, which ITT(s) they apply to and the points available. This is available on our website at the following link:

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

7. 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. A provisional breakdown of awards is attached at Annex A – this represents the initial outcome only and may change following completion of the appeals process and the verification exercise.

8. How long is the allocation for?

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

9. It states in my letter that I received '0 points' for the availability of an Authorised Litigator but this was not a Selection Criterion in this ITT. What does this relate to?

For those applicants that were unsuccessful outside of London, their letter will include the selection criteria 'Availability of Authorised Litigator in the Office' because all criteria used across all ITTs are listed. This criterion was not used outside of London. Therefore, in all Access Points outside of London all applicants (including those that were successful) will have received '0 points' for this criterion.

10. It states in my letter that I received '0 points' for the 'Type of Presence' and an Authorised Litigator but I have both of these in place. What does this relate to?

As with the above, for those applicants that were unsuccessful in London, their letter will include these selection criteria because all criteria used across all ITTs are listed. Both these criteria were essential criteria in London. Therefore, all applicants in London (including those that were successful) will have received '0 points' for these criteria as they were not used as part of the selection criteria scoring.

11. Does the award include the Early Legal Advice Process?

As set out at 7.34 of the IFA, in the Procurement Area of the Midlands and East of England, asylum applications will be determined through the Early Legal Advice Process (ELAP).

This process is detailed in Section 8 Part F of the Immigration Contract Specification. ELAP contains additional requirements that you must comply with when acting for clients whose applications are subject to this determination process.

12. When will we know about the IRC awards?

We will be contacting providers about Immigration Removal Centre awards once the appeals process for Immigration awards is completed. This is likely to be in mid August as we will seek to have considered mainstream Immigration appeals by early August.

13. 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

ANNEX A: Provisional breakdown of awards

A provisional summary of awards by Procurement Area is set out below

Procurement Area/ITT	Provisional number of successful offices	Total Immigration NMS requested(after cap of 150 NMS/FTE staff member applied)*	Total Immigration NMS awarded	Total Immigration NMS advertised	Total Asylum NMS requested(after cap of 150 NMS/FTE staff member applied)*	Total Asylum NMS awarded	Total Asylum NMS advertised	Reasons for discrepancy between award and NMS advertised
London	137	51,566	24,903	24,910	43,269	18,477	18,480	Rounding of pro rata'd NMS
South East England	17	3,455	2,540	2,770	2,600	2,219	3,260	No successful applicants for the Kent Coast. Fewer bids received than NMS available in Access Points of Portsmouth & Isle of Wight and Hampshire
Midlands and East of England	44	14,559	7,625	7,990	12,776	8,500	9,340	No successful applicants for East Essex. Fewer bids received than NMS available in Access Points of Suffolk and Norfolk

Procurement Area/ITT	Provisional number of successful offices	Total Immigration NMS requested(after cap of 150 NMS/FTE staff member applied)*	Total Immigration NMS awarded	Total Immigration NMS advertised	Total Asylum NMS requested(after cap of 150 NMS/FTE staff member applied)*	Total Asylum NMS awarded	Total Asylum NMS advertised	Reasons for discrepancy between award and NMS advertised
North East and Yorkshire & Humberside	23	8,194	5,634	5,610	15,917	11,077	11,810	Slight overallocation in Immigration in Access Points of Tyne and Wear & Gateshead and County Durham East & Teesside due to pro rata'ing of tied bids Fewer bids received than Asylum NMS available in Access Point of Tyne and Wear & Gateshead
North West England	15	6,901	4,386	4,380	8,080	5,855	5,740	Slight overallocation in Access Point of Greater Manchester due to pro rata'ing of tied bids
Wales	7	1,862	1,530	1,530	2,918	1,745	1,710	Slight overallocation of Asylum NMS in Access Point of Bridgend, Cardiff and South East Wales due to pro rata'ing of tied bids
South West England	6	1,740	1,005	1,010	1,383	888	1,180	Fewer bids received than Asylum NMS available in Access Point of City of Plymouth
Devon	3	290	121	120	N/A	N/A	N/A	Rounding of pro rata'd NMS

* Based on the total NMS requested by those applicants reaching the Selection Criteria Stage