

Questions and Answers

Reference	Dated Received	Question / Clarification Required	Dated Responded	Answer
1	8/10/07	Some questions appear to have a maximum word count. Others do not. Is there a maximum word count that you are seeking for the individual questions or the document as a whole?	18/10/07	Where stated maximum word count will apply but only to the corresponding question, not the document as a whole.
2	8/10/07	The specification states that premises must be in a City Centre location. Please could you advise on whether we should be considering certain postcodes or is it more important that the centre is accessible to the target wards.	18/10/07	We are looking for applicants to demonstrate that they are able to deliver services from a location, or locations, that are easily accessible, particularly to those living in the priority areas as set out in the Information for Applicants document.
3	8/10/07	We are having difficulty accessing the contract documents on the website. Please could these be made available?	18/10/07	Technical difficulties have delayed the publication of the contract documents. They will however be made available from the LSC website as soon as possible.
4	8/10/07	Do you require the bidder to design and propose a logo and branding for the Community Legal Advice Centre or is there a national logo and branding with which we need to comply?	18/10/07	<p>The successful bidder must deliver the centre's services under the Community Legal Advice brand. We will provide the successful bidder with detailed branding guidance to enable them to do so.</p> <p>The organisation(s) that wins the contract to run the Centre will also be able to display its membership of other networks, or its own name, as a sub-brand.</p>

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5	8/10/07	The Supervisor Standard for family law requests that the person be a member of the family law panel but the specification requests that the person be a member of the Advanced family law panel. Would you accept the membership to the family law panel?	18/10/07	As a prerequisite for the essential criteria we expect all applicants (or sub-applicants) to be able to be members of the Advanced Family Law Panel.
6	8/10/07	Can the employment of a Trainee Solicitor be deferred for 12 months with training being completed by the third year of the contract?	18/10/07	It will be left at the discretion of the successful applicant as to when they chose to recruit a trainee solicitor. It should be noted however that funding for this post would only be released once the position has been filled.
7	8/10/07	Please can you clarify the LA funding for specialist services? Is this funding to be used solely for matter starts within the specialist legal advice performance standard?	18/10/07	Matter starts set out in the Specialist Legal Advice Performance Standard have been calculated using joint Local Authority and LSC funding. Specialist legal advice funded by the Local Authority will not be means tested; the proportion of non-means tested funding available by category has been set out on Page 20 of the Information for Applicants document.
8	8/10/07	Is it available to tender for a specific geographical area of Portsmouth?	18/10/07	As far as the Portsmouth CLAC goes, the idea is that this service will be for the benefit of people in Portsmouth City. In so far as location goes, we are looking for applicants to demonstrate that they are able to deliver services from a location, or locations, that are easily accessible, particularly to those living in the priority areas as set out in the Information for Applicants document.

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9	8/10/07	<p>As a provider of housing work we are sometimes in the position of being involved in contested litigation on behalf of our clients against PCC which can sometimes result in cost orders against the, how would this be managed as we cannot see how PCC would not be aware of this when making a decision as to whether we should be a provider, it would appear there is a conflict of interest?</p>	18/10/07	<p>Independence is a key requirement for the Centre and forms part of the service specification.</p> <p>The conflict of interest issue is not a new one as it has always been a question with NfPs who frequently deal with housing matters against the Local Authority, despite the fact that the same Local Authority may fund the advice agency.</p> <p>The LSC has supported individuals taking action against local authorities and other public bodies in the past. This does not compromise independence but ensure that the LSC meets its statutory objective of protecting people's fundamental rights.</p> <p>The Centre's services will deliver against criteria set jointly by the LSC and Council and the requirement to give independent advice, including advice on people's rights and obligations in relation to local and central government, is included in the service specification.</p> <p>Further to this the LSC Specialist Quality Mark Guidance (Page 29, Section C1.5) states that funding bodies must remain a minority within committee membership to ensure independence.</p>
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10	18/10/07	Does the funding include disbursement expenses?	19/10/07	<p>The funding model takes into account average disbursement expenses for the region. This is based upon average disbursement costs reported by suppliers over the period 2006/07.</p> <p>The targets reflect the new fixed fee rates and average disbursement costs.</p> <p>New average disbursements, being an average cost across all cases, have been calculated for each region and category.</p> <p>When this is applied across all cases it gives the correct total disbursement amount and hence a new, more accurate, target numbers for cases.</p>
11	18/10/07	Will the Centre help those who don't qualify for legal aid?	19/10/07	<p>Yes, Portsmouth City Council will fund some services that are not covered by legal aid, such as General Help services. The Council have also allocated some of their funding to deliver non-means tested cases at specialist level. A breakdown of which categories that this will apply to, along with the proportion of funding available for non-means tested specialist advice, can be found on Page 20 on the Information for Applicants Document.</p>
12	18/10/07	How will organisations be selected to deliver the Centre's services?	19/10/07	<p>The LSC and Portsmouth City Council are currently running a joint open tender process.</p> <p>Bids will be assessed against specified selection criteria, which include financial plans and value for money, proposed service management,</p>

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				<p>experience of advice and representation (including the breadth and depth) as well as evidenced proposals to deliver services to meet the needs of those with civil justice problems.</p> <p>Applicants will need to demonstrate that they understand the local priorities and areas of high demand for advice in Portsmouth, and that their plans have been devised to meet these. Whilst organisations may apply alone or in partnership with others, the delivery of an effective service is likely to require significant collaboration between a range of agencies, for example as outreach locations, and evidence that this can be delivered will be required.</p>
13	18/10/07	Who can bid to run the centre?	19/10/07	<p>Organisations, or groups of organisations, from the not for profit and private sectors will be able to bid.</p> <p>We understand that providers may wish to join together to submit bids. Ultimately, we only wish to contract with a single legal entity to provide the Centre, but there is no need for providers to form a single legal entity (by merger, forming a joint venture vehicle etc) at this stage in order to make a bid.</p> <p>If the successful bidder is a group of organisations they will need to form a single legal entity with a single management structure through a merger or a joint-venture vehicle,</p>

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				<p>within a specified time of agreeing the contract. It will also need to demonstrate it is able to work as a single unit with a single, effective, management structure from the date the contract is awarded.</p> <p>Organisations considering making a bid to run the Centre and which are considering merger or expansion to do so, will need to consider the various regulatory issues under the Solicitors Practice Rules, charities law etc, which may affect such development plans.</p>
14	18/10/07	How will the tendering process work?	19/10/07	<p>The tender process began on Thursday 20 September 2007 and will run until 12 noon on Wednesday 12 December 2007; this is inclusive of an initial pre-tender stage for comments and questions (this phase ended at 12 noon on Thursday 18 October).</p> <p>Following the pre-tender stage all final tender documents are to be published on Friday 26 October and will be available from the Portsmouth City Council website.</p> <p>The closing date for submission of Full Tender Applications will be 12 Noon on Wednesday 12 December 2007.</p> <p>Bids will be assessed during mid-December and short-listed applicants will be invited for an interview during the week beginning 14th January 2008. We expect to award the contract to the successful applicant towards the end of</p>

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				January 2008.
15	18/10/07	How will you monitor the performance of the Centre?	19/10/07	<p>Performance targets expected of the Centre form part of the tender documentation and contract. They include a range of issues, including access to services, client satisfaction, complaint resolution, and case outputs and outcomes, and costs. These are in addition to basic criteria such as achievement of certain quality standards, including the CLS specialist quality mark standards and peer review.</p> <p>The Centre's case management system will report to the LSC electronically against the performance targets on a regular basis.</p> <p>The Centre will be required to ensure that users of services are consulted in the way that services are provided, involved in service development, and that feedback about service delivery is collected and acted upon.</p> <p>The funders will regularly review the Centre's performance.</p>
16	18/10/07	Performance targets expected of the Centre form part of the tender documentation and contract. They include a range of issues, including access to services, client satisfaction, complaint resolution, and case outputs and	19/10/07	<p>Both the LSC and Portsmouth City Council will monitor the performance of the centre against the overall aims and objectives of this new service.</p> <p>Information will be collected from the Centre, notably:</p>

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		<p>outcomes, and costs. These are in addition to basic criteria such as achievement of certain quality standards, including the CLS specialist quality mark standards and peer review.</p> <p>The Centre's case management system will report to the LSC electronically against the performance targets on a regular basis.</p> <p>The Centre will be required to ensure that users of services are consulted in the way that services are provided, involved in service development, and that feedback about service delivery is collected and acted upon.</p> <p>The funders will regularly review the Centre's performance.</p>		<p>Centre development and set-up information; data/reports on the type and value of work carried out, progress of cases, strategic and educational work; regular reports detailing progress against set targets (see above).</p> <p>Information will also be collected from people using the Centres, e.g. through surveys and discussion forums.</p> <p>In addition to the regular monitoring of the Centre, an evaluation report across all Community Legal Advice Centres will be undertaken and published in 2009.</p>
17	18/10/07	What will happen to the centre at the end of the three-year funding period?	19/10/07	We intend that the contract shall include discretion for the LSC and Portsmouth City Council to jointly agree to extend the initial contract term for a further period of up to three years. However, in the first instance, we would look to re-let the Centre contract after the initial term via a tender process.
18	18/10/07	How will the centre effect organisations that remain independent?	19/10/07	Portsmouth City Council and the LSC will be redirecting existing SWL spend into the new Centre. The LSC will provide notice of termination of contracts to those organisations affected in accordance with the requirements of

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				<p>the respective contracts.</p> <p>Proposals to introduce new legal aid access targets across new procurement areas are currently being considered by ministers and may lead to a review of family spend within Portsmouth and the commencement of a Best Value Tendering round for family services not provided by the new Centre. A separate announcement will be made on this shortly.</p>
19	18/10/07	Can you explain the funding formula you have used?	19/10/07	<p>The starting point in calculating the targets was to identify how much money we want to spend in the procurement area in each category of law, and this has been based on the indicative spend figures for the area. This is the proportion of the legal aid budget that we consider should be spent in the area on particular categories of law, and this may be higher or lower than what we have spent historically.</p> <p>We then apply the fixed fee regime to that amount of money, taking account of the proportion of cases that we think will be exceptional, the average cost of those exceptional cases and the average cost of disbursements. These figures are based on historic costs information for both solicitors and not for profit organisations and may vary from area to area.</p> <p>So, for example, in Debt the fixed fee price is £197 (excluding VAT), the proportion of cases going on to exceptional fee is 4%, the average</p>

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				<p>cost of an exceptional case is £828 and the average cost of disbursements is 71p. This would mean that for £100k we would set a target number of cases of 452.</p> <p>Actual performance would then be measured against this model for reconciliation purposes and, where necessary, targets would be adjusted accordingly during the life of the contract.</p> <p>So, for example, if the proportion of exceptional cases that a service provider carried out was 10% instead of 4%, and the Commission was satisfied that this was justified, then the target number of cases would be adjusted accordingly. The same rationale would apply if the average cost of exceptional cases or disbursements varied. However no adjustment would be made if the value of the actual time spent on cases that were not exceptional was higher or lower than the fixed fee, unless the Commission was concerned that average costs were significantly lower than the fixed fee.</p> <p>During the course of the contract it might also be necessary to change the amount of money spent in each category – but only where this was in the interest of the clients and not merely for the convenience of service providers.</p>
20	18/10/07	Can you give further information about how	19/10/07	It is expected that the potential bidder outlines in

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		you expect the debt advice service to work alongside the in-house Money Advice Service?		their Service Delivery Plan how they feel that they will be able to wok alongside the in-house Money Advice Service
21	18/10/07	How have you determined the specialist casework targets?	19/10/07	<p>For specialist level cases we have taken our existing social welfare law spend in Portsmouth and calculated the expected number of completed cases that we could buy under the category fixed fees that are were introduced on 1 October 2007. In addition we have also included an additional £26,000 to provide family legal help cases in addition to the existing social welfare law spend. Taken together, the targets require the new service provider to deliver the equivalent level of service that we will require of all our civil contract holders from October 2007.</p> <p>We understand that the Centre will have to be able to respond to variations in local demand; therefore there will be some flexibility within this; i.e. some underperformance in one category of law may be compensated for by over performance in another. Not all cases take the same amount of time however. For example, community care cases take longer than those in other categories, and therefore we might expect a shortfall in community care to be offset by a much larger increase in other categories. However, if we consider that we are not obtaining value for money we may adjust payments as part of contract management.</p>
22	19/10/07	How would you like the money raised to increase overall funding from additional	19/10/07	Bidders to come back with information as to how additional funding will be sourced.

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		funding from other sources?		
23	19/10/07	How will you (PCC and LSC) want to work with a 3 rd party funder such as the National Lottery? Would there be a separate contract? How would you manage that?	19/10/07	Our aim will be to not compromise the existing contract. Whilst we would seek to work with the Centre to harmonise all contracts, it would ultimately be down to the organisation running the Centre to manage any third party funding and/or contractual obligations in a way that does not affect their ability to deliver the CLAC contract.
24	19/10/07	a) What's the plan for bringing together other specialist providers such as Immigration and Mental Health? b) Could there be a change to existing contracts?	19/10/07	a) We'd be looking at ways to provide incentives for other providers to build relationships up with the CLAC. b) Yes, suppliers outside the CLAC, could have some contractual obligation to refer to the CLAC and vice versa.
25	19/10/07	How will the referral process work for Family providers where you have a number of big/ well established providers?	19/10/07	We will have to make sure there is a fair referral process that ensures that clients get referred to a suitably "specialist" provider able to deal with their matter. The LSC will work with its suppliers over the coming months to establish how this will work in practice to ensure it is a fair process and that clients' are referred to a suitable supplier.
26	19/10/07	How did the figure of 2000 for generalist advice come about?	19/10/07	From existing monitoring data. They have been used as a minimum and not to be considered as a ceiling on the level of funding.
27	19/10/07	What about the ordinary person who chooses to go to high street solicitors and not to the CLAC, can they still get legal aid funding?	19/10/07	The CLAC is focused on social welfare law with a small amount of Family to allow the holistic service to work. There will still be services outside of the CLAC, for example we expect the family supply base to remain relatively

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				unchanged. For now we would not look to stop all tolerance work in social welfare law categories carried out by suppliers that remain outside of the CLAC. For example if a family supplier was dealing with a case that required a small amount of work relating to a housing matter then that work could still be carried out under tolerance. However, where the social welfare law element of a case becomes substantive we would expect it to be referred to the CLAC. Further guidance on this will be issued in due course.
28	19/10/07	Who determines the subcontractors?	19/10/07	Its up to the bidder to decide and demonstrate reasons behind that decision.
29	19/10/07	How can contracts such as Community Care commence realistically in April if providers have to recruit etc.?	19/10/07	The IFA details the need or allowance for a staggered start for some contracts, to take account of such a situation.
30	08/10/07	With reference to VAT, if there is a VAT liability that cannot be avoided would the Legal Services Commission and Portsmouth City Council each be willing to pay additional funds to meet this liability?	25/10/07	If VAT liability cannot be avoided then the Legal Services Commission would, in the first instance, pay additional funds to ensure that the budget for service delivery is not affected. Advice to date has suggested that Local Authority funding would, in most cases, be exempt from VAT on payments made to the service provider that is awarded the contract to deliver the Community Legal Advice Centre. It must be noted that until the delivery model to be used has been determined by the organisation submitting a tender, it is impossible to answer this question fully. We would work with the successful organisation to implement the most tax efficient model.
31	08/10/07	According to the EU Procurement rules	25/10/07	The Transfer of Undertakings (Protection of

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	<p>(the Public Contracts Regulations (2006)) we believe it is the responsibility of the public (procuring) body to provide information to tenderers in response to any questions raised by an interested bidder and that the same information is provided to all other interested bidders at the same time. We further understand that the current proposal put forward by Portsmouth City Council is that existing employers of people who may be affected by the contracting of the Portsmouth CLAC will be asked to provide TUPE information direct to any bidder who requests it from us.</p> <p>Please could you confirm that either (a) our understand is incorrect and that existing employers will not be required to deal directly with other bidders in providing information about their employees to them or (b) that existing employers will be asked to provide information about their employees to other bidders and that Portsmouth City Council will indemnify and keep indemnified existing employers against all claims arising from a failure to adhere to the Public Contracts Regulations 2006 and The European Treaty.</p> <p>In the event that Portsmouth City Council supplies TUPE information to bidders which it acquires from existing employers, what steps will be taken by the Council to ensure such information will be held</p>		<p>Employment) Regulations 2006 afford neither the LSC nor Portsmouth City Council the power to obtain employee liability information from any of the existing service providers, neither can we compel them to disclose that information to potential bidders. So far as they chose to provide information to potential bidders, it will be preferred if all potential bidders are treated in the same way. We will seek to encourage existing providers to provide such information, as they are able to do.</p> <p>This does not in our view, raise any issues, either for the LSC or Council, under the Public Contracts Regulations and as such no indemnities will be given either by Portsmouth City Council or the LSC.</p>
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		confidential, for example, by way of a confidentiality agreement, the terms of which shall be subjected to approval and agreement by existing employers?		
32	16/10/07	<p>1. Please state which organisations are currently funded by Portsmouth City Council to provide advice and how much each one receives.</p> <p>2. Does the council's funding for the CLAC represent an increase, stand still, or decrease in the council's funding for advice, compared to the current financial year.</p>	25/10/07	<p>1. It has been decided that this information is commercially confidential at this stage and as such we are unable to provide a definitive answer to this question.</p> <p>2. The funding from Portsmouth City Council in relation to the Community Legal Advice Centre represents a very small decrease, due to current budgetary constraints, however, the money that has been agreed to be made available is a minimum amount and there could be potential for an increase in this figure.</p>