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OVERVIEW

Introduction

It doesn't seem long since the failed Duty Solicitor tender but here we are again considering the new crime tender and its associated contract.

The Duty Solicitor tender was horribly complicated and given the complexity of the exercise we decided to publish a very detailed guide on how to best answer those questions.

The LAA said that this tender would be simple and straightforward. Many firms told us that their Contract Managers had explained that this would be a one-page exercise involving little more than a name and an address. Some believed this.

The LAA has spent a considerable amount of public money acquiring a licence to use the Bravo Solutions e-tendering system. For the purchaser, an electronic system is easier to populate and analyse the responses it receives. Therefore, it is unlikely that the LAA will opt in future for a simple paper based system instead of an electronic system.

Because of errors in this tender, the Information for Applicants (IFA) document has had to be re-issued three times and the Postcode Tool has been amended and re-issued several times. For some firms the tool still isn't accurate and neither are the Duty Information Forms (DIFs).

The decision to combine a tender with allocating duty slots has led to unnecessary problems and complexities.

Whilst this tender is non-competitive and is in no way as difficult as the Duty Solicitor tender, there are pitfalls and some firms will fail unless the LAA decide to ignore errors made given their own administrative performance.

This guide will walk you through the tender and shall focus on:

- What needs to be submitted
- How to successfully complete the tender
- The procurement requirements
- Completing and uploading the attachments
 - the supervisor forms
 - the indemnity form
 - the SQM or Lexcel certificate

WHAT NEEDS TO BE SUBMITTED

All Tenders must be completed and submitted using the Bravo eTendering system (Bravo Portal) - www.legalaid.bravosolution.co.uk.

To complete the tender process for this Contract, you will need to complete the following:

- your response to the Organisation ITT (Organisation Bid), including the uploading of relevant Mandatory Attachments (where available); and
- your response to one or more of the individual Procurement Area ITTs (Procurement Area Bid(s))

There are two main ways in which you can complete the ITTs:

- Straight input of text into the Bravo Portal

By this means, you would simply type your answers directly into the Bravo Portal (noting that some answers will simply involve choosing the relevant answer from drop down boxes within the portal).

- Inputting text into a spreadsheet for automatic upload to the Bravo Portal

An alternative method is to download the answers to each ITT in excel spreadsheet format. You can then complete your answers on to the spreadsheet and once complete, upload the data from the spreadsheet directly to the Bravo Portal. If you are confident with downloading and uploading excel spreadsheets (and relatively IT proficient), this is a good option. However, please be aware that if you accidentally add, delete or remove any rows or answers, your tender will probably fail.

If you wish to use this method, please follow the steps below:

Downloading the spreadsheet

1. Log-on to Bravo using your username and password
2. Select My ITTs
3. Select the ITT you wish to complete
4. In the top right hand corner of the screen, click on white square with three dots - 
5. Select Export/Import Response
6. Select download

7. Open the spreadsheet and save it to your PC or server
8. Complete the spreadsheet taking great care not to alter the design or layout of the spreadsheet
9. Save the spreadsheet onto your PC – preferably by giving it a clearly recognisable name, version number (and a date) to make it clear which document you will later need to upload

Uploading the completed spreadsheet

10. Log-on to Bravo using your username and password
11. Select My ITTs
12. Select ITT you wish to complete
13. In the top right hand corner of the screen, click on white square with three dots - 
14. Select Export/Import Response
15. Next to 'Select file to import' select the 'browse' button
16. You will be asked to select a file from your PC or server. Find the location of the file.
17. Select the button 'Import Excel'
18. You should see a message 'Your Response has been successfully imported.'
19. Check that the response accords with the content of your spreadsheet. If not, select the option 'Undo all changes' and try again
20. Go back to step 1 and this time complete an ITT for each procurement area where you are submitting a tender and an Organisation ITT.

Even if you do not choose the second option, you may still like to use the spreadsheets as a means of collating your answers prior to your inputting directly on to the Bravo Portal.

Timetable and Deadlines

Below are the latest indicative dates.

Activity	Timescale
Deadline for submission of Tenders	12 noon on 15 September 2016
Notification of mandatory criteria fails	Early October 2016
Notification of discretionary criteria fails	Mid October 2016
Deadline for submission of appeals	To be received no later than 2 weeks after notification of outcome
Outcome of Tenders notified	November 2016
Deadline for 'Passing' verification for inclusion on 1 April 2017 (3 month) Rota	'Passing' verification by 12 December 2016 NB the term 'passing' and not merely submission – documents would need to be submitted to the LAA in advance of this date. The information to be verified by that date is listed on pages 23/24 of the IFA.
Deadline for the submission of Duty Solicitor information and CRM12s for inclusion on 1 April 2017 (3 month) Rota	23:59 on 13 January 2017
Final deadline for submitting Tender verification for issuing of Crime Contracts for 1 April 2017 (and for inclusion on the July 2017 – 6 month rota)	Submission of verification by 28 February 2017 The information to be submitted by that date is listed on page 25 of the IFA.
Contract Start Date	1 April 2017

HOW TO SUCCESSFULLY COMPLETE THE TENDER

Manage My Profile

Start by visiting the home page at <https://legalaid.bravosolution.co.uk/web/login.shtml>

Unless you are a first time user, you will have a user name and password. Once you enter those details you may be asked to set a new password. Please ensure that the password is stored in a secure place.

If you are a new provider or you have changed name or entity, you should register for a new account at https://legalaid.bravosolution.co.uk/esop/toolkit/initRegistration.do?_ncp=1472384047007.594-2

Even if you haven't changed name or entity, it's important to start by selecting 'Manage my Profile' option in the top left hand corner of the screen.

Check that the details about the firm are accurate and up to date. Most importantly, ensure that at least two, preferably three, email addresses are included in the organisational email address field. Some firms fail to update this field and after failing the tender find that the emails went to a Partner's email address even though the Partner is no longer working at the firm.

Organisation ITT

Unlike previous tenders, the organisation ITT is hidden until you 'express interest' in an individual bid ITT. Therefore, on the home page, select 'ITTs open to all suppliers' and express interest in the procurement areas you are interested in and this will move those procurement areas **and** the organisation ITT into the 'My ITTs' section of the system.

The Organisation ITT consists of five sections:

- Section A: Organisation and Contact Details
- Section B: Grounds for Mandatory Exclusion
- Section C: Ground for Discretionary Exclusion
- Section D: Crime Contract Requirements
- Section E: Declarations

Section A

Section A asks for information about the organisation. Most of this is straightforward but there are some fields that we see completed incorrectly such as the Legal Aid Account Number.



Ensure that the Legal Aid Account number is correct. The 'number' is always a number followed by a letter and then 3 numbers and finished with a letter e.g. 1A234B.

You will note that this section asks for a Head Office address. Be aware that this relates to delivery of crime work so don't insert details of a 'Head Office' where no crime work is delivered.



Please note that there is an error in this section which might affect some providers. At A.9.i.b, providers with limited liability are required to complete personal indemnity forms and upload them either as part of the tender or later, during the contract start date.

Applicants with limited liability such as a Limited Company or a Limited Liability Partnership should find it straightforward to upload the relevant indemnity form. However, if a firm is a partnership owned by corporate partners there is no option or mechanism of uploading the relevant indemnity form. Providers in this situation therefore have the choice of doing nothing and ascertaining whether the LAA subsequently request the form or voluntarily sending the form through the electronic messaging system. We would strongly recommend the latter course of action.

As you are working your way through the tender, ensure that you press 'Save Changes' regularly otherwise you will lose some or all of what you have inputted.

Section B

Section B covers the grounds for mandatory exclusion.



At the beginning of this section, the LAA state:

'Where the applicant answers 'Yes' to any question within this section the LAA will exclude it from participating in this procurement process.'

Some practitioners will need to complete details in relation to repayment schedules of owed tax and/or national insurance to HMRC. The LAA go on to say that:

'If the Applicant answers "Yes" to question B.2 on the non-payment of taxes or social security contributions, and has not paid or entered into a binding arrangement to pay the full amount, it may still avoid exclusion if only minor tax or social security contributions are unpaid or if it has not yet had time to fulfil its obligations since learning of the exact amount due. If the Applicant is in that position, please provide details in the free text boxes to the supplementary question B.2 (a) - (f).'

In previous tenders, our experience has been that the LAA and its predecessor bodies have exercised discretion where the applicant can demonstrate that the any repayment schedule agreed has been adhered to without any missed payments.

Section C

Section C is confusingly called 'grounds for discretionary exclusion'. Confusing because Section C also includes questions about duty schemes and the expansion assessment.



This is a very long list of questions covering areas such as bankruptcy, IVAs, Contract Terminations, Regulatory findings and compliance with equality, environmental & health & safety legislation. Please note that these questions generally relate to events that have happened to the firm or its key personnel in the last three years.

Many applicants will quickly zoom down to the list answering 'No' every time. Some may come unstuck here because of a tender design issue. Question C16 asks:

'Does the Applicant intend to apply to join Duty Schemes from one or more of its Offices?'

Please note that if you answer this question incorrectly as 'No' you will lose the right to join Duty Schemes for the entire life of the contract which could be anything from between 3 and 5 years or more.

Ideally, this question should have been separated from the other discretionary exclusion clauses. We feel that some firms will make a mistake here and answer 'No' when they meant to answer 'Yes.'

We would strongly suggest that extra care is taken when completing this part of the form.

Expansion Assessment

There has been much confusion about this area and the IFA was re-issued to clarify which applicants would need to submit a detailed business plan and cashflow forecast together with 2 years' accounts.

There are various circumstances where this is applicable. In the IFA at section 5.4 it states, amongst other things that:

'Where an Applicant

- i. currently has 10 or more Duty Solicitors and is intending to increase the number of Duty Solicitors it Engages by 50% or more; or*
- ii. currently has 1 - 9 Duty Solicitors but intends to Engage 10 or more and this is an increase of 50% or more; or*
- iii. (being an Applicant who does not currently have any Duty Solicitors) is intending to Engage 10 or more Duty Solicitors*

it will be subject to a risk assessment to confirm that it has the financial capacity to deliver the Contract Work tendered for.'

In the FAQ document, there is an inconsistency. FAQ 38 suggests that where the firm is not subject to the expansion risk assessment, applicants will be limited to submitting CRM12s for an increase of less than 50% of the number of Duty Solicitors the firm currently has. This is the LAA's interpretation of para 8.5 of the IFA.

Given that para 8.5 of the IFA is linked to the expansion criteria it had been considered that was applicable for firms with 10 or more current Duty Solicitors or those who intend to engage more than 10.

The FAQs however appear to imply that this applies equally to firms that currently have between 1 and 9 Duty Solicitors (even if they have no intention of having more than 10 Duty Solicitors). This would mean that any firm with less than 3 Duty Solicitors cannot add any more Duty Solicitors to the new schemes than they have on the current scheme as any addition would amount to more than 49%.

We feel sure that this is an error and we have asked The Law Society to liaise with the LAA and hopefully correct this FAQ and confirm that the expansion assessment only applies where the number of duty solicitors exceeds 10.

The sheer level of detail required in the business plan and cashflow forecast means that for most applicants, it simply isn't worth the effort. Bear in mind that it is only the first two duty schemes that are controlled. For those firms not submitting an expansion assessment, growth of up to 49% on those first two schemes is permitted.

Section D

Section D covers the requirements that applicants must have in place. These are:

- Being authorised by a Relevant Professional Body;
- Having at least one Office in England or Wales that meets the requirements set out at paragraphs 2.41 to 2.52 of the Contract Specification; and
- Where the Applicant wishes to join Duty Schemes, having an Office within the relevant geographical area as determined through the Duty Solicitor Postcode Tool; and
- Employing at least one Full Time Equivalent Supervisor who meets the Criminal Investigations and Criminal Proceedings Supervisor requirements; and
- If applying for a Prison Law contract, employing at least one Full Time Equivalent Supervisor who meets the Prison Law Supervisor requirement; and
- Maintaining a ratio of one Full Time Equivalent Supervisor to six Designated Fee Earners/Caseworkers as set out at paragraph 2.29 of the Contract Specification where a Supervisor undertakes supervision in the Prison Law Class of Work only; and

- Maintaining a ratio of one Full Time Equivalent Supervisor to four Designated Fee Earners/Caseworkers as set out at paragraph 2.30 of the Contract Specification where a Supervisor undertakes supervision in the:
 - (i) Criminal Investigations and Criminal Proceedings and/or Appeals and Reviews Classes of Work; or
 - (ii) Prison Law and any other Class of Work; and
- Holding either the Law Society's Lexcel standard or the LAA Specialist Quality Mark (as audited by the SQM Delivery Partnership);

In this section, a firm has the option to upload its SQM or Lexcel certificate as well as crime and (if relevant) prison law supervisor forms. If forms cannot be uploaded with the tender, they will need to be submitted during the verification process.

The LAA requires a firm to provide at least one Crime Supervisor form to verify the Organisation ITT. It will also require at least one supervisor form per office to be provided by the verification deadlines and so, if you are able to do so, you may wish to upload supervisor forms covering all of your offices with the tender.

NB – See the section below or more detailed information about completing and uploading the attachments.



Note that if a firm bids for Prison Law in addition to a crime contract and a contract offer is made for both areas, the firm is obliged to accept the offer for both classes of work. Therefore, if you are uncertain about Prison Law and / or haven't yet recruited a supervisor you should probably not submit a bid for this class of work as your contract offer for crime work would be revoked if you wished to withdraw from the Prison Law category.



Whilst most firms will now have a SQM as audited by the SQM Delivery Partnership or Lexcel, there are some firms that have neither. The LAA's view appears to be that all firms should currently have an up to date certificate as some firms that do not have current accreditation have been served with Contract Termination Notices. We have been instructed on a few of these cases in the past year and whilst we have been successful in over-turning these decisions to terminate, we would recommend that any firm that is in this position gets accredited without delay.



Take care to answer D.4(a) correctly. The question is:

'Is the Applicant tendering to deliver Appeals and Reviews only (sic) from any of its Offices'

Assuming that you are bidding for a general crime (Criminal Investigations & Criminal Proceedings) Contract, this includes the right to undertake appeals and review work. There will only be a limited number of providers who will require a contract to undertake appeals and review work only.

If you are bidding for a general crime contract, you should answer 'no' to this question.

If you answer 'Yes' instead of 'No', and you actually intend to deliver general crime work you could be in trouble because of the following rule in the IFA.

'9.13 Where there is any conflict between the information, answers or responses submitted as part of the Tender, the conflict will be resolved by accepting the information, answers or responses least favourable to the Applicant. This may mean the LAA will reject the Tender in whole or part.'

Section E – Declarations

Two declarations are required in this section. The answers submitted in the tender must be confirmed to be correct by the person completing the tender and the firm's Compliance Officer for Legal Practice (COLP).



Therefore, where the LAA finds that information submitted in the tender to be dishonest, a report may be made to the SRA who would almost certainly investigate the matter.

Individual Bid ITT

This is a relatively short ITT. If a firm is applying to join a duty scheme, most of the relevant information, where applicable, will need to be inputted into the Duty Information Form which is an Excel spreadsheet.

If a firm is not applying for duty schemes, then the ITT shall ask for details of the office address. If the firm does not have the address yet, then the name of the town and area will suffice.

When downloading a DIF, we recommend that you save files using the following name format:

DATE - NAME OF FIRM - NAME OF PROCUREMENT AREA - VERSION NUMBER

This will minimise the prospect of later uploading the wrong file.

You may notice that the excel s/sheet type is different on different DIFs. Do not worry about that. We recommend that you do not change the form type.



The DIFs have been reissued on various occasions. If you do not use and submit the latest version, it appears that the LAA will reject your bid. The safest way of ensuring that you are using the latest version is to download the DIF from the bravo system at the time of completing the bid.

The LAA say that they will not release any further versions of the DIF. Any further problems or inconsistencies with the Postcode Tool shall be dealt with using the electronic messaging system. This is another reason to keep checking your emails every day!



In order to apply to join a duty scheme from a particular office, you will need to be able to confirm the full address at the time of submitting the ITT. Whilst the IFA suggests that firms are able to open new offices and confirm the address during the verification process, due to the manner in which it has designed the ITT and DIF, this is only an option for offices undertaking own client work only. The DIF form will require a full address (including a full postcode) to be entered for each and every office wishing to undertake duty work.

Where a firm can confirm all full addresses, those offices can be entered into the DIF. Once you have entered an address, the form will automatically confirm the scheme(s) that office is eligible to join and you have the option to apply to join that scheme.

Where a firm wants to open a new office in the same procurement area to operate on own client work but that address cannot be fully confirmed at the time of submission, this office cannot be included in the ITT, due to a bug in the tender. In this scenario, the firm should confirm its known address(es) in the DIF (and where relevant, apply to join the relevant scheme(s)). The DIF will not allow you to include the details of another 'own' office (where the address is unknown) so you will need to inform the LAA of the other office(s) during the verification period using the electronic messaging system. This approach has been agreed with the LAA.



You may find that schemes that you are eligible for do not match what is on the DIF. Furthermore, you may feel that the Postcode tool is not showing the schemes which you should be eligible for. To address this, you should check with the LAA. The address to send queries to is postcode.query@legalaid.gsi.gov.uk Any question must include the office postcode and details of the error or inconsistency.

The deadline for queries is 7th September. The closer we get to 7th September the more chance there is of you being affected by a backlog.

Declarations

As with the organisation ITT, a declaration must be completed by the person completing the form and the COLP.

COMPLETING AND UPLOADING THE ATTACHMENTS

In our experience, many practitioners experience difficulties with the LAA rejecting completed supervisor and personal indemnity forms. The supervisor form is the document most commonly rejected.

Supervisor Form

In the first box, you should enter details of the office to be supervised from 1 April 2017. Only include the postcode if it is a new office without an LAA account number.

The second box covers the generic supervision requirements. Either you must be able to demonstrate that you have supervised full time at least one caseworker for at least one year in the preceding five years or you must complete an approved supervisor course.



Note that there is no such route as a NVQ in supervising so please do not tick that box!

The third section covers the legal competence standard. Please include the full date that CLAS accreditation was obtained unless the practitioner was passported, in which case indicate this on the form.

In the Police Station cases section, ensure that the full UFN is quoted and do not include any private cases. Ensure that the type of case, e.g. theft, is included and that the date the matter was worked on is within the past 12 months.

In the magistrates' court section, you may include private work but note the above comments about references and type of case. For private matters, you should include as much detail as possible including matter references and indicate that this is a private matter to avoid confusion.

Please note that sections bii) and biii) need only be filled if section bi) cannot be completed.

Also note that there is an error in Section 4 – Crime Case Involvement. Whilst the form states that supervisors must demonstrate at least 350 hours of 'crime casework supervision', this is a mistake. The LAA mean crime direct casework which may include direct (documented) supervision.

With this form, assuming that the supervisor is full time, you should only complete the first column (hours in past 12 months) which is a departure from previous supervisor forms.

There is no need to physically sign the declaration. A tick of a box and a declaration is sufficient but you should include the name and role of the person making the declaration. The declaration can be the same person completing the form so long as that person is also a member of your key personnel.



There is only an ability to upload one document to the portal. If you wish to upload more than one supervisor form (e.g. one for each of your offices), you will need to collate the forms into a single document. This can be achieved by scanning documents into a single PDF or using a PDF combining tool (e.g. that offered by Adobe Pro).

Indemnity Form

Initially, the LAA included an out of date indemnity form so please ensure that you are using the up to date version. The correct version makes reference to the 2017 Crime Contract on the first page.

Ensure that the name of the provider and the date you sign the form is included on page 1 and that section 11 is fully completed.

SQM / Lexcel Certificate

Check that you are uploading the most up to date certificate. It must be in force until at least 1 April 2017.

If your certificate expires prior to 1 April 2017, you will need to provide the replacement certificate to the LAA by 28 February 2017 (this is confirmed in the FAQs). Please therefore check the date of your next audit and allow sufficient time to be able to meet this requirement.

Uploading the forms

1. Save the completed form onto your PC – preferably by giving it a clearly recognisable name, version number (and a date) to make it clear which document you will later need to upload
2. Log-on to Bravo using your username and password
3. Select My ITTs
4. Select Organisation ITT
5. In the relevant section select 'click to attach file'
6. Click 'Select file to upload'

7. You will be asked to select a file from your PC or server. Find the location of the file.
8. Select the confirm button
9. You should now see the name of the file attached to the question.
10. Check that you have chosen the correct file by downloading the file. If not, select the rubbish bin logo and try again.

SUBMITTING THE BID – SOME TIPS

In each tender exercise many firms are informed that they have been unsuccessful for one of a variety of technical errors. In this section, we explain the most common errors and how to avoid them.

Failure to respond to questions seeking verification or clarification of your answers

You will receive a high volume of tender messages generated by the Bravo system. Some are more important than others and some are considered by some to be trivial. Given the sheer number of messages sent, it can be tempting to ignore or delete these messages. Occasionally, a very important message will be sent that looks like identical to all the other messages save for the subject heading. It is crucial therefore that all Bravo messages are checked by you and at least one other colleague.

It is advisable to include a few email notification addresses in your User Profile in the Bravo system. That way, if one person misses an important email, someone else should pick it up. To add further notification email addresses to the User Profile, follow these steps:

1. Log-on to Bravo using your username and password
2. In the top left hand corner, select 'Manage Your Profile'
3. In the User Details section, select the cell adjacent to:
Email Address IMPORTANT: This email address will be used for access to the site and for all communications. Please ensure you enter the address correctly. Please use ";" (semicolon) to separate multiple addresses.
4. Add email addresses for those people you'd like to receive the Bravo notifications.

There have been some firms that have lost the offer of a contract as they have not replied to a question within the timeframe stipulated by the LAA.

Not checking tenders that have been 'submitted'

It appears obvious to check the tender before it is submitted through the Bravo portal and of course most providers will do this and may retain evidence of the checked bid before it is submitted. However, it is much more important to check the tender after it has been 'submitted.'

If the LAA find a fatal error and the provider provides evidence to show that the tender was accurate before it was submitted, such evidence is worthless. It is only what has been submitted that is relevant. This problem has happened to dozens of firms in the past.

It is crucial to check the 'submitted' tender and retain evidence of the checked tender. As an absolute minimum, you should do this by printing a PDF of the 'submitted' tender. To do this, follow these steps:

1. Log-on to Bravo using your username and password
2. Select My ITTs
3. Select ORGANISATION ITT
4. In the top right hand corner of the screen, click on white square with three dots - 
5. Select Printable View
6. Select Download PDF
7. Save the PDF to your PC or server
8. Check the PDF. Most crucially, on Page 1 you should look for the Response Status Box. It should state 'Response Submitted to Buyer.' If it does not, the tender has not been submitted.
9. Repeat the steps above for each Procurement ITT you have completed.

Some providers have a fear of pressing the 'submit' button until they are 100% happy with the tender. This fear is irrational as you may re-submit a tender as many times as necessary. In fact, when we check tenders, we only do so after the 'submit' button has been pressed for the reasons explained above.

As an additional check, we would advise using screen capture software. Such software records you checking the tender. Our practice is to start by ensuring that the tender has been 'submitted.' We open the software and then visit this website <http://www.timeanddate.com/> to show the time and date that the tender was checked. This is important because your Bravo account will record the time and date that the tender was submitted. We then record the checking of each part of the tender to demonstrate that the tender was complete and accurate after it has been submitted. The video file should then be stored and backup in a safe location.

Not asking others for help

Many firms have made fatal errors such as answering 'Yes' when they meant 'No'. The LAA have been heavily criticised in the past for including double negatives in questions.

A completed tender should always be checked by at least three people. And for the reasons stated above, it's far more important to check a submitted tender. You may wish to ask people inside and outside the firm for assistance.

Not checking that at least two ITTs have been submitted.

In the 2010 crime tender, some firms failed the tender because they did not successfully submit both the Pre-Qualification Questionnaire (PQQ) and the Invitation to Tender.

In this tender, there is no PQQ. However, you must complete at least two ITT's – the Organisation ITT and an ITT for each procurement area that you are interested in receiving a contract for.

You should also attach relevant documents, where you are able to do so. As a reminder, the table below shows which documents can be attached to your Organisation ITT:

- A Supervisor Form (or more than one supervisor form if combined into a single document)
- Indemnity Form (where the provider is a Limited Company, a Limited Liability Partnership or a Corporate Body)
- Lexcel or SQM Certificate

If you are unable to provide the above documents with the ITT, you will need to provide them later during the verification process.

Whilst you may upload these attachments later, we recommend that you do so at the time of submitting the tender wherever possible. This is for two reasons: firstly, the job is complete and you won't need to worry about remembering to submit the documents later and secondly: submitting documents later may trigger a number of additional messages and a series of correspondence which you will probably find to be frustrating.

Leaving it late

It is human nature to leave things to the last minute. After each tender round, the LAA inform the representative bodies of the numbers of providers that do not submit the tender until the final morning. The number is very high.

We recall an appeal being lodged by a QC at 11:59 just 10 seconds before the tender window closed! Such pressure can be difficult to cope with!

Those that leave it late face a number of risks. The portal slows down significantly when higher numbers of providers are using the system. This is inevitably towards the end of the tender window. Further, if your broadband cuts out or a member of staff involved in submitting the bid falls ill, your stress levels will rise! A provider is also far more likely to make a mistake if the tender is submitted on

the final morning. It is therefore advisable not to use the Bravo portal on the final morning. However, many will and some will come unstuck.

Browser

The IFA is silent about which browsers are supported by the Bravo system. However, Bravo at <https://legalaid.bravosolution.co.uk/esop/common-host/public/browserenv/requirements.jsp> suggest that the following browsers are supported:

- Internet Explorer 10 and 11
- Google Chrome
- Mozilla Firefox (ESR) 38+
- Safari 8 for MacOS 10.10

We have tested the system using Chrome, Firefox and Internet Explorer. We have found that some features in the system do not work well in Chrome. We have not found any issues using Firefox or Internet Explorer.

We do not recommend using Macs as the macros in the excel spreadsheets are designed to work for PCs and not Macs.

ANNEX 1

DG Legal Summary of LAA FAQs

We highlight below what we believe are amongst the more important clarifications arising from the FAQ document.

CHANGE OF NAME OR ENTITY

If you have changed your name or entity you should re-register your entity on the Bravo portal.

OWN AND DUTY WORK

If you wish to deliver duty work from one office and own client work only from another, new, office in the same procurement area, and you cannot confirm the address of the new office, the DIF won't let you. Therefore, input details into the DIF of any confirmed office addresses (and, where relevant, indicate if they will be delivering duty work) and inform the LAA of any additional, new, offices during the verification process.

MOVING OFFICE

If you move office before the contract start date, you should inform the LAA through the Bravo portal. If you move after the Contract start date you should inform your Contract Manager. If you move outside of your duty scheme you will lose membership of that scheme and won't be able to join another scheme. Ordinarily, the LAA won't object to your office move.

SCHEMES BELONGING TO DIFFERENT PROCUREMENT AREAS

If you are eligible to join two schemes that 'belong' to two different procurement areas, then you must submit a bid for each procurement area. An example of this are the Slough & Staines schemes where an applicant would need to bid in both the Brighton and Reading ITTs.

ENGAGING A SMALLER NUMBER OF SOLICITORS THAN INTENDED

This will not affect the contract awarded. So, if the bid submitted stated that 15 Duty Solicitors (NB the number of DS you will engage only needs to be confirmed as part of an expansion bid) would be engaged but only 9 CRM12s are later submitted, the 9 submitted would be processed.

EXPANDING NUMBERS OF DUTY SOLICITORS

Subject to the LAA's confirmation about firms who will have less than 10 duty solicitors (see above), for the first two rotas, firms may submit additional CRM12s up to an additional 49% of the number of current duty solicitors they currently have. After the first two rotas, there won't be any restrictions on expansion.

CONTRACT NOTICES

It is confirmed that Contract Notices do not need to be disclosed in the tender.

PRISON LAW – A WARNING!

If a firm bids for Prison Law in addition to a crime contract and a contract offer is made for both areas, the firm is obliged to accept the offer for both classes of work. Therefore, if you are uncertain about Prison Law and / or haven't yet recruited a supervisor you should probably not submit a bid for this class of work as your contract offer for crime work would be revoked if you wished to withdraw from the Prison Law category.

INDEMNITY FORMS

Old indemnity forms cannot be used. Forms should be downloaded from

<https://www.gov.uk/government/publications/personal-guarantee-and-indemnity>

POSTCODE TOOL – IMPORTANT!

There has been much confusion about the postcode tool. Many firms, particularly from London, say that the schemes they currently are members of do not accord with the schemes listed in the postcode tool. Where you feel the postcode tool is incorrect you may check with the LAA. The address to send queries to is postcode.query@legalaid.gsi.gov.uk. Any question must include the office postcode and details of the error or inconsistency.

The deadline for queries is 7th September. We feel that all queries should be submitted within the next few days as there is bound to be a backlog.

FURTHER AMENDMENTS TO THE DIF FORMS

There will be no further amendments to the DIF forms. Any further errors or issues will be addressed through the Bravo messaging system.

USING THE DIF FORMS

It is recommended that the version in the eTendering system is used rather than a version stored in an applicant's PC which may be out of date.

14 HOURS CONTRACT WORK

The 14-hour requirement can be satisfied by any work undertaken on the crime contract. Therefore, this would include duty (PS or Court) solicitor work and advocacy but not private work or non-remunerated work such as file reviews and appraisals.

36 COURT HEARINGS / PS ATTENDANCES

Private work does count towards the requirement to carry out 36 court hearings / PS attendances per annum.

Please note however that you may use private Magistrates' Cases references whilst completing the supervisor form but you cannot use private PS attendances on this form.

MISTAKES WITH SELECTING MAGISTRATES COURT SCHEMES

If a firm makes a mistake in selecting too many schemes (for London, the maximum is 2) the LAA will contact the firm to clarify their intentions rather than rejecting their bid.

LONDON POLICE STATION SCHEMES

For the avoidance of doubt, there is no limit as to the number of London Police station schemes you may join that you are eligible for.

DRAFT SUPERVISOR FORM

The supervisor form which has a draft supervisor watermark is valid and will be accepted by the LAA.

Private work cannot count towards the requirement to undertake 6 PS cases. But private work can count towards meeting the requirement of 20 court appearances.

SUPERVISOR RATIO

The contract requires one full time equivalent supervisor for every four full time equivalent fee earners. It is confirmed that the supervisor does not count as a caseworker in the 1:4 ratio calculation. The LAA will check your firm's compliance with this rule during a Contract Manager visit within 6 months of the Contract Start Date.

FILE REVIEWS

File reviews can only be carried out by supervisors.

SEPARATE OFFICES

Separate offices will continue to have separate legal aid account numbers.

RECEPTIONIST

It is confirmed that a receptionist can be shared with another organisation. This is helpful for those firms that wish to use serviced offices.

ANNEX 2

LAA FAQs with additional views from DG Legal

We felt that there was some FAQs where the answer provided did not fully address the question asked.

We've picked some important ones below.

21. Q. We are intending to expand our business by opening a new Office. When must we have the Office ready?

A. By submitting a Tender, Applicants commit to meeting the Crime Contract requirements four weeks before the Contract Start Date, including being able to provide confirmation of its Office(s). Please refer to the table in paragraph 2.6 of the IFA for further details.

DG:

The answer above is correct for firms not seeking to join a duty scheme. In order to join duty schemes, you have to complete a duty information form. To submit the DIF, the system will not let you save the form unless you enter a complete address.

26. Q. How do I enter my Office postcode into the DIF? I've entered the postcode but no scheme information is shown.

A. Applicants should ensure that the postcode is entered into both boxes on the DIF. For example, for the postcode AB12 1XY, enter AB12 in the first box and 1XY in the second box. Applicants should note that the DIF will only present Duty Schemes from which that Office postcode to eligible to join.

DG:

This question may have come from a London firm. London firms must use the London Borough option instead of the post code.

38. Q. Please explain how paragraph 8.5 of the IFA applies to firms that are not seeking to increase the number of Duty Solicitors they Engage. Am I able to Engage additional Duty Solicitors for i) the first two Rotas and ii) any subsequent Rotas during the life of the Contract?

A. For the first two Rotas, an Applicant that does not trigger the expansion risk assessment thresholds set out at paragraph 5.4 of the IFA may submit CRM12s for up to an additional 50% of the number of Duty Solicitor they currently have as provided in its response to question C.16 (c). Where

an Applicant submits CRM12s for more than 50% of the number provided in its response to question C.16 (c) it will be limited to fall below 50%.

For example, if an Applicant currently has 10 Duty Solicitors and submits CRM12s for 12 Duty Solicitors all 12 CRM12s will be processed. This is because the increase represents a less than 50% increase in the number of Duty Solicitors it Engages.

If an Applicant currently has 7 Duty Solicitors and submits CRM12s for 13 Duty Solicitors only 10 CRM12s will be processed. This is because the increase represents a more than 50% increase in the number of Duty Solicitors it Engages and has therefore been capped below the threshold.

After the first two Rotas there will be no restriction on the number of Duty Solicitor the firm may Engage and submit CRM12s for.

DG: This answer implies that the 50% test applies to all firms. We do not think this is correct. Firms with less than 10 duty solicitors may expand by more than 50% if the total number including expansion is less than 10. The Law Society has asked the Legal Aid Agency to update the FAQs to clarify this.

N.B. The LAA have confirmed to the Law Society that our interpretation is correct.

53. Q. I act as a Supervisor in a category of law under our Civil Contract. Can I also act as a Supervisor in Criminal law?

A. Yes; a supervisor may work in more than one category of law if they are able to meet the supervisor requirements. The Crime Supervisor requirements are set out in Section 2 of the Crime Contract Specification. Applicants may also want to review our document 'Guidance on supervisor requirements': both are available here; <https://www.gov.uk/government/publications/standard-crime-contract-2017>

DG: The IFA and Crime Contract make clear that an applicant must have at least one full time crime supervisor. So, a small firm with one 'supervisor' could not be a full time equivalent supervisor for both crime and a civil category.

ANNEX 3

Supervisor Standard Form with Guidance

SUPP (CRI)



**Legal Aid
Agency**

SUPERVISOR STANDARD AND DECLARATION FORM

- Use for **Crime** only
- Please refer to [guidance](#) for advice on how to complete this form.

1. Details of organisation and Supervisor		
Organisation's name: Firm's full trading name Supervisor's name: Continuously qualified as a Supervisor since (date): Account number(s) of office(s) supervised: This relates to the office being supervised from April 2017 Postcode(s) of office(s) supervised (if no Account number) This is only required if it is a new firm or office		
2. Generic Supervisor Requirements		
The Supervisor meets the supervisory standards by having (please ensure that you tick at least one of the boxes below) : (i) Supervised in the relevant Category of Law and/or Class of Work at least one full-time Caseworker (or equivalent) for at least one year in the five year period prior to completing this form. <input type="checkbox"/> ; or (ii) Completed an approved training course covering key supervisory skills no earlier than 12 months prior to the completion of this form. <input type="checkbox"/> ; or (iii) Completed the Level 3 or higher National Vocational Qualification (NVQ) standard in supervising no earlier than five years prior to the completion of this form. <input type="checkbox"/> This does not exist so do not tick!		
3. Legal Competence Standard for Supervisors		
i)	Areas of Knowledge (undertaken in the previous 12 months)	
a)	Has held a current non-conditional practising certificate for the previous three years	Please give date of date of most recently obtained practising certificate All certificates are issued on 1 November
b)	Has achieved the Criminal Litigation Accreditation Scheme (CLAS) in full	Please give date of qualification Please ensure the full date is stated unless it is 2001 or before, in which case you would write 'Passported' followed by the year

ii)	Skills/ Procedure/ Knowledge- Examples from the last 12 months	File name/UFN	Type of Case	Date closed/ worked on
a)	<p>Has undertaken a minimum of 6 Police Station Advice and Assistance cases (of which no more than two can be Police Station Telephone Advice where there is no subsequent Police Station Attendance)</p> <p>These examples must have been undertaken with the last 12 months</p>	<ol style="list-style-type: none"> 1. Please include the 2. UFN of all files 3. 4. 5. 6. Do not include private files 	<ol style="list-style-type: none"> 1. The type of 2. case must be 3. listed 4. e.g. theft 5. 6. 	<ol style="list-style-type: none"> 1. The file dates 2. must be on or after 15 3. Sept. 2015 4. 5. 'Ongoing' is not sufficient - a 6. date must be include
bi)	<p>Has undertaken 20 examples of magistrates' court Representation and advocacy</p> <p>These examples must have been undertaken with the last 12 months</p> <p>Or</p>	<ol style="list-style-type: none"> 1. Private work may 2. be included but 3. the file name 4. 5. 6. must still be 7. recorded 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 	<ol style="list-style-type: none"> 1. As above 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 	<ol style="list-style-type: none"> 1. As above 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20.

bii)	Has undertaken a minimum of 10 Magistrates Court Representations and Advocacy These examples must have been undertaken with the last 12 months <i>and</i> Only required if Bi & Bii above are not completed	1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	1. 2. 3. 4. 5. 6. 7. 8. 9. 10.
biii)	Has undertaken a minimum of 5 Crown Court Representations and Advocacy These examples must have been undertaken with the last 12 months Only required if Bi & Bii above are not completed	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.	1. 2. 3. 4. 5.

4. Crime Case Involvement

Supervisors that work full time must demonstrate case involvement of at least 350 hours of Crime casework supervision each year in the 12 months prior to the date at Section 5 (Declaration). Please give details in the first column below.

Supervisors that work part-time must demonstrate case involvement of 1050 hours over the past 5 years prior to that date. Please give details in all five columns below.

Type of Involvement	Minimum/ Maximum hours allowed per year (Refer to guidance regarding part-time Supervisors)	Hours in past 12 Months	Hours in 24 months	Hours in 36 months	Hours in 48 months	Hours in 60 Months
		All Supervisors	Part- time Supervisors only			
a) Personal Case work and Direct (documented) Supervision	Total minimum 235 hours comprising:	This box should be left empty	This section is for Part Time supervisors only. This section should not be completed by a full time supervisor			
	i) Personal casework (minimum 115 hours)	This box must be completed				
	ii) Direct Supervision					
b) File Review (inc. face-to- face)	Maximum 115 hours (i.e. approx. 50% of 235 hours)	If you are not sure about times, multiply				

the number of reviews by 30 mins.

c) Delivery of external training (CPD-accredited)	Maximum 115 hours	Note that this is about delivery of training and				
d) Documented Research/ Production of publications	Maximum 115 hours	production or research so this would be blank for most people.				
e) Other supervision	Maximum 115 hours					
TOTAL	Minimum 350 Hours	This must be the sum of the above figures				

5. Declaration

This Supervisor was and continues to be employed by the organisation named at Section 1 (Details of organisation and Supervisor) above as at the date of completion of this form.

Tick box to confirm

As a person with powers of representation, decision or control of the organisation named at Section 1 above, I verify the information provided in this form and vouch that it is accurate.

Name: Name of the person approving the contents of the form

Role: (e.g. Partner, Director, Trustee, Sole Practitioner)

Dated: Please don't forget to date the form