

2022 Crime Tender





Contents

3. Introduction
4. What Must be Submitted
8. How to Successfully Complete the Tender
18. Verification Requirements
22. Submitting the Bid – Some Further Tips
26. Annex 1 – DG Legal Summary of LAA FAQs

Introduction

After a high number of crime tendering exercises between 2012 and 2017 this is the first Crime Tender in five years.

It is similar in many ways to the previous Crime Contract Tender. It is non-competitive meaning that there is no limit to the number of Contracts that may be awarded.

A small number of firms have told us that their Contract Managers had given them the impression that this tender would be a one-page exercise involving little more than a name and an address. This is certainly not the case.

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 received. Therefore, it is unlikely that the LAA will opt for a simple paper-based system over an electronic system in the future.

In the previous Crime Tender, the Information for Applicants (IFA) document had to be re-issued three times and the Postcode Tool was amended and re-issued several times. It is pleasing to note that the LAA have abandoned the Excel Postcode Tool and instead have listed the available schemes in a PDF document which is also called a 'tool'.

Whilst this tender is non-competitive and is in no way as difficult as the failed Best Value Tendering competition, there are pitfalls and some firms will fail unless the LAA decide to ignore errors made, which is unlikely.

This Guide

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

- What must be submitted
- How to successfully complete the tender
- The verification requirements

What must be submitted

All Tenders must be completed and submitted using the Bravo eTendering system (Bravo Portal) - <https://legalaid.bravosolution.co.uk/web/login.shtml>

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

- Your response to the Selection Questionnaire (SQ)
- A completed Invitation to Tender (ITT)
- If bidding for Duty work, a completed Duty Information Form (DIF) for London and/or non-London (uploaded to the ITT)

There are two main methods in which you can complete the SQ and ITT:

- 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 the SQ and/or 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 ICT 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:

1. Log-on to Bravo using your username and password
2. Select My ITTs (assuming that you have already expressed interest in the ITT)
3. Select the SQ
4. In the top right hand corner of the screen, click on the oblong square:



5. Select:



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
10. Log-on to Bravo using your username and password
11. Select My ITTs
12. Select the SQ
13. In the top right hand corner of the screen, click on the oblong square:



14. Next click on:



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. Now select:



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 the 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

Activity	Timescale
Procurement process opens and is available via the LAA's eTendering system	19 October 2021
Final date for submission of questions about this procurement process	23.59 on 7 November 2021
'Frequently Asked Questions' to be published	Week commencing 15 November 2021
Deadline for submission of Tenders	5pm on 30 November 2021
Notification of mandatory and discretionary criteria fails	Early January 2022
Deadline for submission of appeals	Two weeks after notification
Outcome of Tenders notified	Late February 2022
Deadline for submitting compliant Verification information ("Verification Date")	23.59 on 27 March 2022
Deadline for the submission of CRM12s for the 3-month Rotas beginning on 1 October 2022	23.59 on 25 May 2022
Deadline for the submission of CRM12s for the 3-month Rotas beginning on 3 January 2023	23.59 on 5 September 2022
Contract Start Date	1 October 2022



How to successfully complete the tender

Minimum system requirements

The latest version of Bravo Solutions eTendering Portal User Guide is at:

<https://legalaid.bravosolution.co.uk/web/docs/eTenderingPortalUserGuide.pdf>

This states that to access the eTendering portal you will need the following minimum system requirements:

- “If using a PC you will need to use a minimum of Internet Explorer 7 or 8
- If using a MAC we recommend that you use Firefox rather than Safari
- We recommend that the latest version of Java is installed
- We advise you to enable pop-ups in your browser.
- The use of the back and forward buttons may result in your session being timed out and any unsaved data being lost. Always use the navigation buttons within the software to prevent this from happening.”

Our views about the above are:

- Internet Explorer versions 7 and 8 are no longer supported and must not be used. The only version of Explorer that is currently supported is version 11 and support for that version will end on 15 June 2022. We therefore do not recommend the use of Internet Explorer.
- DG Legal use Google Chrome and experience no issues but Firefox also appears to work without issue.
- Our clients have experienced serious non-solvable issues using the DIF when using a MAC in previous tenders so again we suggest sticking to a Windows PC. We have not tried using an iPad but would doubt that an iPad could cope with the macros in the DIFs.

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 probably 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 you should register for a new account at:

https://legalaid.bravosolution.co.uk/esop/toolkit/registration/displayAgreement.si?isOnModification=true&_ncp=1636374150484.17371-3

Similarly, if you are an existing provider but have changed entity or status since the last tender or you will do so before 1 October 2022, you will need to register again for a new account at the same address. You need to ensure that the Bravo profile matches the status of the entity that will be bidding for the Contract.

Even if you haven't changed name or entity, it's important for all bidders 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 important emails had been sent to a Partner's email address even though the Partner is no longer working at the firm.

Expressing Interest

The Selection Questionnaire (SQ) and ITT are hidden until you 'express interest'. Therefore, on the home page, select 'ITTs open to all suppliers' and express interest in the '2022 Standard Crime Contract Invitation to Tender' and this will move the ITT and the SQ into the 'My ITTs' section of the system.

Selection Questionnaire

The SQ consists of four sections:

- **Section A:** Organisation and Contact Details
- **Section B:** Grounds for Mandatory Exclusion
- **Section C:** Grounds for Discretionary Exclusion
- **Section D:** 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. There are also some questions which could be tricky.

You will note that it requests the name of the firm including any trading name(s). It is important to set out the full name of the firm as authorised by the SRA including Ltd or LLP as applicable and list all trading styles.

You will note that this section also asks for a Head Office address. The office address you give in this section will be used for contracting purposes. If you propose to deliver Crime services from this office, you will also need to include it again in the ITT.

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

Section B

Section B covers the grounds for mandatory exclusion.

The detailed grounds for mandatory rejection of an organisation are set out on the following webpage:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf

These are pretty grave grounds including fraud and tax evasion. The grounds apply to the organisation and/or members of its Key Personnel.



At the beginning of this section, the LAA state:

'Where the Applicant answers "Yes" to any question within this section the LAA will reject the Applicant from this procurement process, unless there are mitigating circumstances which the LAA deems to be satisfactory.'

Section C

Section C covers the grounds for discretionary exclusion.

The LAA suggest that they may reject Applicants that submit a response designated as 'discretionary fail' to any one of the following questions but will consider the exceptional circumstances submitted.

This is a very long list of questions covering areas such as bankruptcy, IVAs, Contract terminations, regulatory findings and compliance with equality, modern slavery, environmental & health & safety legislation.



Please note that these questions generally relate to events that have happened in the last three years but not in all cases so read the questions carefully. The grounds may also apply to the organisation and/or members of its Key Personnel.

Section D



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



Quick Tip

The DIFs had to be reissued in the previous Crime Tender on various occasions. There has only been one small change to the DIF but it may be that new versions may need to be reissued. If the LAA confirm that you need to submit the latest version of the DIFs and you have used a previous version, it appears that the LAA may 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. However, we would not recommend you leaving it until late in the window. Our approach has been to lodge early and re-submit later if needs be.

Individual Bid ITT

This is a relatively short ITT.

At A.1, you must select each Class of Work you wish to bid for. Please note that the third option for 'appeals and Reviews only' is for those firms that only wish to provide this work from one or more office (and will likely only apply to a handful of providers). Where you indicate that you wish to conduct Contract Work in the Criminal Investigation and Criminal Proceedings and/or Prison Law Classes of Work this also allows you to conduct Appeals and Reviews work in addition if you want to and you don't need to bid for it separately. Therefore, where you indicate that you wish to bid for Criminal Investigation and Criminal Proceedings and/or Prison Law, you do not also select "Appeals and Reviews only".

The ITT will open sections to be completed depending on the options you have ticked at A1. The first section that will open (if ticked) will relate to the Criminal Investigations and Criminal Proceedings Class of Work.

The second and third to Prison Law and Appeals and Reviews only Classes of Work respectively.

Criminal Investigations and Criminal Proceedings

Own Client Work only

If a firm is not applying for Duty Schemes from any office, then you indicate at A.1 that you will be bidding for Own Client Only work from an office and this will then enable you to be able to submit details within the ITT itself of the office address(es) delivering Own Client work only. You do not need to submit a DIF if you are only bidding for Own Client work.

If you wish to bid for Own Client work only from any office then in answer to question A.2.i you tick option c - 'apply to deliver own client contract work.' Option c relates to Own Client work only (i.e. where you are not also bidding for Duty Work in addition to Own Client work).

The ITT allows you to provide up to ten offices within the ITT itself. If a firm is bidding for more than ten own client only offices, you need to upload an additional spreadsheet.

If you don't have an address yet, then firms may state 'to be confirmed' in the relevant address and postcode boxes. If this applies or the address does not have a current Contract then there will not yet be a LAA Account Number associated with that office and should state 'not applicable' in the relevant field.

Duty Schemes (including Own Client)

Where you bid to provide work via Duty Schemes, this will also automatically enable you to provide Own Client work in addition from that office. You don't need to (and have no ability to) bid for Own Client work as well as Duty Scheme work from the same office.

Where you are bidding to provide work via Duty Schemes (whether in London or outside of London or both), please ensure that at question A.2.i you tick either or both (as applicable) of the options for 'Apply to join Duty Schemes'.

It may be that you are bidding to provide work via Duty Schemes from one office (or offices) but Own Client only work from another office (or offices). The Duty Scheme offices will be included in the DIF but the Own Client only offices within the ITT itself.



Quick Tip

Where a firm wishes one office to apply for the Duty Schemes and another office to operate on Own Client only work please ensure that at question A.2.i you tick either (or both as applicable) of the options of 'Apply to join Duty Schemes' AND 'apply to deliver own client contract work.' If you don't tick all the options that apply, certain parts of the ITT will remain hidden and you may miss providing vital data.

For example, if a firm wishes to apply to join Duty Schemes outside of London for ONE office and simply have an own client Contract for ANOTHER office, it should tick b. and c. as pictured below.

1.3 Section A.2 – Criminal Investigations and Criminal Proceedings (Yes to A.1(a)) - Question Section		
Question	Description	Response
1.3.1 A.2.i	<p>Applicants must select each of the options which sets out Criminal Investigations and Criminal Proceedings Contract Work they are applying to deliver.</p> <p>Applicants must note that where they apply to join Duty Schemes, they will also be able to undertake Own Client work from those Offices.</p>	<p><input type="checkbox"/> a. Apply to join Duty Schemes in London boroughs</p> <p><input checked="" type="checkbox"/> b. Apply to join Duty Schemes outside of London boroughs</p> <p><input checked="" type="checkbox"/> c. Apply to deliver Own Client Contract Work (where Applicants are not also applying to join Duty Schemes from those Offices)</p>

Please take care because we feel that some firms will misunderstand the question.

If you are bidding for duty work then most of the relevant information, where applicable, needs to be inputted into the DIFs (either or both of the London DIF or non-London DIF depending on where your proposed office(s) is/are based).

The DIFs are Excel spreadsheets which need to be uploaded as files to the ITT.

When downloading and saving a DIF to your PC, we recommend that you save files using the following name format as this makes it easier to ensure that the correct document or version has been uploaded and will minimise the prospect of later uploading the wrong file:

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

You may notice that the Excel spreadsheet type is different on different DIFs. Do not worry about that. We recommend that you do not change the form type as this may corrupt the contents.

You may struggle, depending on your security settings, to populate the form immediately. For most computers we believe that your default setting will be 'protected view' which means you will need to enable editing. The spreadsheets run on macros which will be disabled for many computers and will need enabling in order to work. Some I.T. departments for large firms automatically disable all macros for fear of virus infection; this is something you need to plan for and work around.

There are two DIFs – one for outside London and one for inside London. You may need to upload one or both of these DIFs depending on the locations of the offices you are bidding for.

In the DIFs, you will only be able to bid for the Police Station Duty Schemes linked to that office location. You cannot bid for Magistrates' Court Duty Schemes at this stage. This will be included on the CRM12 to be submitted later in the tender Verification process in 2022.

A completed DIF for a firm with an existing Legal Aid Contract outside London will look something like this:

Office

Section 1: Office Details and Schedule of Work

Office Details

Please give the following information for the office at which you wish to undertake Duty Work.

No & Street Name: 39 The Rushes Town/City: Loughborough

Postcode: LE11 5BG LAA Account Number: 1L123N

New Office:

Duty Schemes

Please select and apply for all Duty Schemes you want to join for this office below:

Postcode sector	Police stn. scheme ID	Scheme Name
<input checked="" type="checkbox"/> LE11 5	8005	Loughborough

Buttons: Help?, Confirm, Cancel, Select All, Find Schemes

The London DIF looks slightly different because schemes are based on London boroughs rather than postcodes but you still need to enter the post code (or at least the first part of the postcode and first digit of the second part of the post code if unknown – see below).

New offices

If this is a new office, then there is a small tick box to indicate this and this will close the LAA Account number field. Entries will still need to be included in the other fields.

If you have a full office address then you can enter the details in the relevant fields.

If the firm does not have the address yet, then it may state 'TBC' in the No & Street and Town fields (these cannot be blank as the DIF cannot be saved). The postcode field cannot be blank and must include at least the first part of the postcode and first digit of the second part of the postcode.

Imagine you are a new firm or wishing to open a new office, you will still need part of the postcode in order to be eligible for bidding for a Duty Scheme. A specimen example is below:

Office

Section 1: Office Details and Schedule of Work

Office Details

Please give the following information for the office at which you wish to undertake Duty Work.

No & Street Name: TBC Town/City: London

Postcode: N1 1 LAA Account Number: [blank]

London Borough (if office in London): Islington New Office:

Duty Schemes

Please select and apply for all Duty Schemes you want to join for this office below:

Postcode sector	Police stn. scheme ID	Scheme Name
<input checked="" type="checkbox"/> Islington 1303		Bishopsgate
<input checked="" type="checkbox"/> Islington 1309		Clerkenwell/Hampstead
<input checked="" type="checkbox"/> Islington 1314		Haringey
<input checked="" type="checkbox"/> Islington 1319		Highbury Corner
<input checked="" type="checkbox"/> Islington 1322		Old Street

Buttons: Help?, Confirm, Cancel, Select All, Find Schemes

The Postcode Tool was very problematic in the previous tender and led to the LAA re-issuing the tool on a few occasions. We are pleased that the tool has been replaced by a PDF document listing all of the available schemes. This document isn't a tool as such but it is called 2022 Crime Contract: Duty Solicitor Postcode Tool. It can be downloaded from:

<https://www.gov.uk/government/publications/crime-contract-2022-tender#:~:text=2022%20Crime%20Contract%3A%20Duty%20Solicitor%20Postcode%20Tool>

Uploading the DIFs

We suggest you follow the steps below when uploading verification documents via the Bravo portal:

1. Save the completed document 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 ITT: itt_702 - 2022 Standard Crime Contract Invitation To Tender
5. In the relevant section select 'click to attach file'
6. Click 'Select files 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.
10. Check that you have chosen the correct file by downloading the file. If not, select the rubbish bin icon and try again.

Prison Law

If this has been chosen as an option in A.1 (see above), the next section to complete will relate to Prison Law. If the option hasn't been ticked and isn't applicable, this can be ignored.

If a firm is applying to provide Prison Law services from any office, you are asked to submit details within the ITT itself of the office address(es). If you don't have an address yet, then firms may state 'to be confirmed' in the relevant address and postcode boxes. If this applies or the address does not have a current Contract then there will not yet be a LAA Account Number associated with that office and should state 'not applicable' in the relevant field.

You need to provide each address from which you wish to provide Prison Law work irrespective of whether you have included those same addresses earlier in the ITT (or DIF) as part of a bid for Criminal Investigations and Criminal Proceedings.

Appeals and Reviews Only

If this is applicable to your firm, the next section to complete will relate to Appeals and Reviews work only. If the option hasn't been ticked and isn't applicable, this can be ignored.

If a firm is applying to only provide Appeals and Reviews services from any office, you are asked to submit details within the ITT itself of the office address(es). Similarly, if you don't have an address yet, then firms may state 'to be confirmed' in the relevant address and postcode boxes. If this applies or the address does not have a current Contract then there will not yet be a LAA Account Number associated with that office and should state 'not applicable' in the relevant field.

Declaration

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

Verification requirements

In previous tenders, providers had the option of providing verification information as part of the tender submissions, shortly afterwards or up until the Verification deadline. This created significant difficulties for providers and the LAA. For instance, some providers submitted incorrectly completed supervisor forms and much time was spent going backwards and forwards between the providers and the LAA.

We are pleased that with this tender that the only opportunity to provide verification is after the tender has been assessed and the LAA has issued a notification of Contract award via the Bravo portal.

In our experience, the verification exercise can be more challenging than the submission of the tender itself.

Applicants must, for each office tendered for, verify the Contract requirements by providing by the Verification date of 23.59 on 27 March 2022:

- confirmation of SRA, BSB or CILEX number
- confirmation of holding SQM or Lexcel through submission of:
 - SQM or Lexcel certificate valid as at 1 October 2022, or
 - Where the current certificate expires between 28 March and 30 September 2022, a copy of current SQM or Lexcel certificate and written confirmation from the LAA's or Law Society's auditing body of the date on which their next audit will be carried out, or
 - Where the Applicant has passed the desktop SQM only, a copy of letter of confirmation
- For Limited Companies and LLPs, complete personal guarantees and an indemnity form
- Office address(es) including postcode for each office from which the Applicant is applying to conduct criminal Legal Aid work and which meets the office requirements in the Crime Contract
- A fully compliant Crime Supervisor Standard and Declaration form (Route A or B) to demonstrate the Applicant Employs a FTE Supervisor for Criminal Investigations and Criminal Proceedings (see below)
- If bidding, a fully compliant Prison Law Supervisor Standard and Declaration form (Route A or B) (see below).

Supervisors

The LAA expects many supervisors will be able to demonstrate the full supervisor Standards and they may submit the Route A Supervisor Standard and Declaration form ('SUPP (CRI-A)', 'SUPP (PL-A)' or 'SUPP (AR-A)' as applicable to the Class(es) of Work) which demonstrates the required case hours/case involvement from the 12-month period immediately preceding the date the form is submitted.

Some supervisors may not be able to demonstrate full compliance (maybe due to issues arising from the Covid-19 pandemic or being new to the role). They will still be able to bid providing they can

demonstrate 50% compliance by the Verification Date but then use the period from 1 April to 30 September 2022 to be able to gain the relevant casework evidence and demonstrate 100% compliance by the Contract Start Date. An Applicant in this position, may rely on Route B to verify the tender and may submit the Supervisor Standard and Declaration Form ('SUPP (CRI-B)', 'SUPP (PL-B)' or 'SUPP (AR-B)' as applicable to the Class(es) of Work) which demonstrates at least 50% of the total casework/case involvement required by the Supervisor Standards since 1 October 2021. The Applicant will warrant that the proposed Supervisor will meet the requirements of the Supervisor Standard in full from the period 1 October 2021 to the Contract Start Date (that is, they will have the ability to obtain the required case experience and complete the Route A forms in full at that time if requested).

Supervisor Form

In the first box, you should enter details of the office to be supervised from 1 October 2022 (not your current arrangement if different). Only include the postcode if it is a new office without an 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 in the preceding five years or you must complete an approved supervisor course.



Note that there is not 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 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 UFN and type of case.

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

Please 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 casework.

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 for the COLP to physically sign the declaration. A tick of a box and a declaration to demonstrate they have approved it is sufficient.

Supervisor Ratios

The Supervisor to Caseworker ratios will be verified after the Contract Start Date with each Applicant receiving a visit from their LAA Contract Manager within three months of the Start Date.

New Offices

Where Applicants are opening new offices (or those without a current Contract), they will not yet have a LAA Account number for that office and cannot be issued with Contract documentation without it. They will be required to complete and return an AC1 Form and supporting documents for each new office (including PI insurance) to the LAA prior to the Contract Start Date. This isn't specified but in previous tenders, the AC1 form would be submitted to the LAA's Provider Records Team direct rather than via the Bravo portal.

Contract Documentation

This will be issued and executed electronically in the LAA's CWA system.

Indemnity Agreement

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 will need to make reference to the 2022 Crime Contract on the first page.

Ensure that the name of the provider and the date of the deed 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 October 2022 or, if not, be accompanied by written confirmation from the auditing body of the date on which your next audit will be carried out (ensuring that there is no lapse in time between the end of your current certificate and the audit taking place).

Uploading verification

We suggest you follow the steps below when uploading verification documents via the Bravo portal:

1. Save the completed document 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 ITT: itt_702 - 2022 Standard Crime Contract Invitation To Tender
5. Select Messages and either create new message or reply to an existing message as applicable
6. Click on 'attachments' below the message box
7. In the relevant section select 'upload new file'
8. Click 'Select files to upload'
9. You will be asked to select a file from your PC or server. Find the location of the file.
10. Select the confirm button
11. You should now see the name of the file attached to the message.
12. 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 / lessons learned from previous tenders

In each tender round 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 how to avoid them.

Make sure you read everything carefully before starting, including the guidance

The forms are quite lengthy and it is essential to get everything right. One mistake can mean your whole tender failing.

Make a list of FAQs

Reading the documentation early will enable you to note down questions that you can submit to the FAQs. These will be published online with all of the other questions asked by firms, with answers provided by the LAA.

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 identical to all the other messages save for the subject heading. It is crucial 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.

There have been some firms that have lost the offer of a Contract as they have not replied to a question within the time frame 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 2022 Standard Crime Contract Invitation To Tender
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.

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 backed up in a safe location.

Not asking others for help

Many firms have made fatal errors through misunderstanding the question.

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. You should ensure when dealing with third parties that they are not also checking or assisting a firm with a bid in the same procurement area as your firm for reasons of conflict.

Not checking that at least both the Selection Questionnaire and the Invitation to Tender have been submitted

In previous tenders, some firms failed the tender because they did not successfully submit both the Selection Questionnaire and the Invitation to Tender.

You must also remember to attach the DIF (or DIFs) if you wish to join a Duty Scheme(s).

Ensure you complete and submit the DIF properly

In the last Crime Tender some applicants submitted a DIF for a different Region to the office location. Some applicants submitted a form CRM12 rather than the DIF.

Ensure your DIF is for the correct region

In the last Crime Tender some applicants submitted a DIF for a different Region to the office location. Some applicants submitted a form CRM12 rather than the DIF.

Ensure the DIF is attached to your submission

In the last tender some applicants failed to submit a DIF. In such cases, you could be awarded a Contract - if the rest of the tender documentation is correct - but you will not get any duty slots.

CRM12

Ensure the CRM12 is completed correctly: where information is not provided the LAA will not assume that information may be found elsewhere, and affected office(s) or solicitors may be excluded from a rota. Ensure that forms submitted are completed fully and accurately. **In addition, for the 2022 Contract all individual duty solicitors named on the CRM12 will be required to sign their entry to confirm that they will be taking the slots with that provider.** Please ensure that this is completed.

Ensure that the CRM12 COLP declaration is completed and signed: If the COLP declaration and or signature is missing, this could mean your CRM12 form could be declared null and void, and you will receive no duty slots.

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 high.

We recall an appeal being lodged by a QC at 11:59 just 10 seconds before the 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 come unstuck.



Annex 1 - Problem Areas

We are aware of some problem areas or questions arising from the IFA. We set out below our understanding of the issues and our current views or suggested solutions. Until matters are clarified by the LAA (as FAQs or otherwise), we are relying solely on our interpretation of the IFA document and so our views cannot necessarily be fully relied upon.

Changes in circumstances

It is confirmed at para 1.22 that *‘a Tender to deliver a Class of Work at a particular Office is known as an “Individual Bid”’*. Some firms will be concerned that a contract offer will be withdrawn where they cannot commit to delivering all that they bid for. For example, we have been asked whether, if an applicant puts in a bid for four offices but finds out mid-tender that it cannot now proceed with one of their proposed offices, that they can still proceed with the remaining three offices (and the entire offer won’t be withdrawn). Similarly, if an applicant bids for duty work but then cannot provide details of a Duty Solicitor as part of its CRM12 to be eligible for the Duty Schemes, that they will still be granted an Own Client contract in relation to that Office (provided of course that all other verification has been fully met).

The LAA will not want to encourage speculative bids and we encourage all firms to bid sensibly and proportionately for a Contract they can properly deliver. However, an applicant will not have their entire offer withdrawn if elements of the bid cannot be delivered. The withdrawal of an Individual Bid or change of circumstances in relation to any individual Office will only affect the bid in relation to that Office and will not cause the entire Contract offer to be revoked. Much as an existing provider has the ability under the Standard Contract to close offices or withdraw from duty work, the tender process should not compel an applicant to deliver a service where it cannot do so. There may be ongoing issues arising from the pandemic and other objective business reasons which may impact a firm between now and October 2022 and affect the ability to deliver.

The LAA has confirmed in its FAQ document that *“if an Applicant chooses not to proceed with one or more of its Individual Bids during the procurement process, this will not impact on the Applicant’s ability to continue with its other Individual Bids. Applicants should inform the LAA where it wishes to withdraw either from the procurement process as a whole or from any of its Individual Bids through one of the eTendering message boards relating to this procurement process.”*

If Applicants determine that they cannot proceed with (or provide verification for) part of their tender they should advise the LAA via the eTendering message boards during the verification process.

Persons of significant control

Persons of Significant Control has been defined in the IFA as: *‘A person who owns or controls an organisation, sometimes called a beneficial owner’*. This could be implied to mean any owner of an organisation and not just those with limited status.

However, the information required in section A.5 of the SQ is clearly drafted in relation to PSCs of companies and limited liability partnerships (and answers should reflect the information submitted by those companies/LLPs to Companies House). Therefore, sole traders and partners (in ‘other’ partnerships) are not also required to complete section A.5 of the SQ. this has been confirmed by the LAA in its FAQ document.

Section A.5 only applies to those Applicants who operate as a limited company or limited liability partnership and are PSCs (i.e. holding 25% or more shareholding/voting rights). If the Applicant firm operates as a limited company or limited liability partnership and has owners who meet the definition of being a PSC then their details will need to be confirmed in section A.5.

If the Applicant has a parent company(ies) or other ultimate owner(s) (with 50% or more shareholding/voting rights or an overriding material interest) then they will likely fall within sections A.6 and A.7 of the SQ and the details can be entered accordingly.

However, there will be some other Applicants that have structures involving corporate entities but whose circumstances do not fit within the above. For instance, some firms operate as partnerships (standard and not limited liability) but some of their partners will operate via and are paid through service companies with limited liability (sometimes referred to as corporate partners). These will likely not meet the definition of being parent companies or other ultimate owners (as provided for in A.6 and A.7 of the SQ). The partners in this scenario are not PSCs and so cannot provide details in section A.5. They should therefore mark ‘not applicable’ in sections A.5, A.6 and A.7.

It was considered that these partners should however provide the LAA with an indemnity agreement as part of the verification process. As there is nowhere on the SQ to provide details and from which the LAA can determine whether an indemnity agreement will be needed and from whom, it is up to the Applicant to make the LAA aware of their circumstances. We advise that Applicants send a message via the Bravo Portal messageboard at the point of verification and submit the required indemnity agreement (signed by those partners who operate via corporate entities).

Applicant firms that operate as a limited company or limited liability partnership may also have other owners/shareholders who don’t meet the requirements of being a PSC (e.g. they hold less than 25% shareholding). They may still be owners (as per their authorisation with the SRA) and may also meet the LAA’s definition of the ultimate owners of an Applicant and who need to sign an indemnity agreement.

The LAA has confirmed in its FAQs (and clarified this subsequently with the Law Society) that Applicants may use A.5 to include the names of these other owners. However, the LAA has confirmed to the Law Society that Applicants do not have to do so and may instead provide that information during the verification process.

We consider that, where information about all relevant individuals who need to sign the indemnity has not been provided within their SQ, the Applicant must confirm this to the LAA as part of the verification process via the messageboard. This does obviously involve some element of trust and openness on the part of the Applicant but any limitations in the SQ should not be seen as a means to avoid signing an indemnity agreement if properly due. For the avoidance of doubt, an indemnity is needed from: *“... the ultimate owners of the Applicant and/or such persons as the LAA might reasonably regard as being controllers and/or senior managers of the Applicant and/or where the Applicant is a limited company, from the individual ultimate owners or any company which is its holding company, or similar”*.

Change of name or entity

If you have changed your name or entity (or will be doing so) you should re-register your entity on the Bravo portal.

Contract notices

Contract Notices do not need to be disclosed in the tender. Neither does a first Peer Review '4' result.

Using the DIFs

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.

Supervisor ratio

The Contract requires 1 full time equivalent supervisor for every four fee earners (for Criminal Investigations & Proceedings work). The supervisor does not count as a caseworker in the 1:4 ratio calculation.

Separate Offices

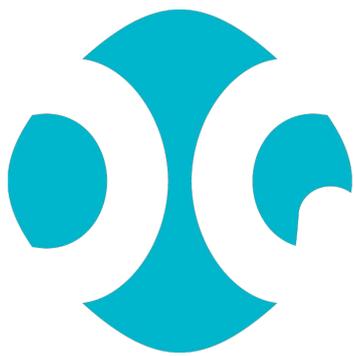
Separate offices will continue to have separate Legal Aid account numbers.

Updates to this document

This document will be updated occasionally at <https://dglegal.co.uk/news/>

We will announce updates on twitter via @DGLegalLtd and @DavidLGilmore and on LinkedIn from <https://www.linkedin.com/company/dg-legal-limited/> and www.linkedin.com/in/david-gilmore-DG-Legal-Limited





DGLEGAL

Services for Lawyers

T. 01509 214 999 E. admin@dglegal.co.uk W. www.dglegal.co.uk
39 The Rushes, Loughborough, Leicestershire, LE11 5BG

