

Working Together in 2010

This guide to bidding for consortium social welfare law contracts in 2010 was produced by Citizens Advice and we are grateful to them for making this resource available to AdviceUK.

(i) Bidding for the Contract

In reviewing successful and unsuccessful bids with staff at the Legal Services Commission, lessons learned could fit into 12 rules to follow when completing the tender form.

1 Start with a Project Plan

Work out who will be involved, what work is necessary and by when. Do not schedule any tasks too close to the deadline.

2 Read the Rules

Read the Tender form, the Information for Applicants (also known as the Invitation to Tender document) and the FAQ.

3 Don't ignore or bend the rules

For example, by submitting a stand-alone Housing Bid or choosing the wrong procurement area. Essential criteria really are essential!

4 Read the Rules Again

Then get someone else to read them.

5 Ask Questions

Ask about any weighting if unclear. In other words, will answers to certain questions attract more marks than other questions? This information should be in the FAQ but may not necessarily be clear to you.

6 Answer questions directly and don't waffle

Bid markers cannot take into account additional information which is not relevant to the question. Be very careful with copying & pasting.

7 Understand the difference between a plan & a policy

For instance, if you are asked for a business continuity plan, this means setting out a plan of action to be followed in the case of an emergency. A woolly intention may be seen as a policy instead of a plan.

8 Check the Form again

Often a box or an applicable part of the form hasn't been completed. Get someone else to second check it; a fresh pair of eyes usually helps. Carry out a 'structured walk-through': read out loud to an audience of reviewers.

9 Delivering the bid

Do not miss the deadline under any circumstances.

10 Further Information Request

You may receive a letter asking for further information within 7 days. Think about what they're asking for and why they may be asking for it. Don't overload them with irrelevant or repeat information. Further information may be requested by email, make sure that emails are checked regularly. We are aware that one recent bid failed entirely because the email contact was on holiday and no-one checked the email address.

11 Analyse performance after the decision

Get feedback. Ask about a range of scores. If you have difficulty, as a very last resort, consider making a Freedom of Information request.

12 Familiarise yourself with the LSC e-tendering portal

The 2010 tender will be electronic only. Paper tender forms will not be accepted. It is therefore vital that you feel comfortable with the LSC e-tendering portal.

LSC e-tendering User Guide

You will need to read the LSC's e-tendering User Guide. This can be accessed at:

<https://legalservices.bravosolution.co.uk/web/docs/eTenderingPortalUserGuide.pdf> or <http://tiny.cc/0EEVR>

Read the guide as soon as possible and think about what action you need to take now. **NOTE: ONLY COMPATIBLE WITH INTERNET EXPLORER ON P.C. (FIREFOX ON MAC)**

(ii) Consorting with others – things to consider

As an alternative to providing all three social welfare law categories, the LSC is allowing providers to join together to form what they call a consortium.

Advice organisations will naturally be concerned about finding the right partner to consort with. You will need to consider various things including:

(a) Building up a relationship & choosing a partner

This takes time so you shouldn't wait until the selection criteria are published. You may wish to think about whether each party should sign a pre-tender agreement in order to minimise the chance of the other party joining a rival consortium at the last minute.

You should also carry out due diligence on the other party. The following are areas that you need to think about:

- I. Financial Stability
- II. Levels of Professional Indemnity Insurance
- III. Complaints Received
- IV. Litigation and disputes with others
- V. Risk Management - including Consortium and Business Continuity Plan
- VI. Client feedback
- VII. Contract Performance
- VIII. Quality Assurance
- IX. Risk Management
- X. LSC Contract Management
- XI. How they will deliver the proposed services

See the due diligence checklist below

Be aware though that you should only ask for information that you are willing to disclose yourself!

(b) Joint working arrangements

You'll need to discuss and agree how the consortium will work in practice. Amongst other things, don't forget to get agreement covering:

- a) How each party will access each provider's office

- b) How clients will be referred to each other
- c) How complaints from clients about other consortium members will be handled
- d) How disagreements between consortium members will be resolved
- e) Informing the insurer about the consortium
- f) Whether joint Training Plans can be made

A Legal/Partnership Agreement between consortium partners is important.

Sample agreements are available on the AdviceUK website at:

<http://www.adviceuk.org.uk/projects-and-resources/resources/collaborativeresources/collabworking/templates>

Appendix One – LSC Contract Due Diligence Checklist

LSC Contract Due Diligence Checklist

This is intended for use with proposed partners in a consortium planning separate but linked bids for a 2010 LSC contract.

Please bear in mind that you cannot expect a potential consortium member to provide you with information that you are not prepared to supply yourself. You may need to ask supplementary questions depending on the response you get.

Although we think all the issues are important, we regard the following as potential 'deal breakers'

- Whether the organisation is financially sound
- Whether they are involved in litigation or a dispute
- Whether they are likely to lose or give up their LSC contract

Organisation:	
Named contact:	
Address:	
Office opening times: (not advice session times)	Monday: Tuesday: Wednesday: Thursday: Friday: Saturday: Can people telephone to make appointments during these times?
Office telephone no:	
E mail:	
Website:	

Management and structure	Notes
Organisation structure (a diagram reflecting the position as at an agreed date)	
Governance structure – Names of Trustees / management committee / other	
Current annual report	
Charitable status	
Are they a registered charity?	
Are they up to date with filing their accounts and annual return to the Charity Commission?	
Does their area of benefit include the procurement area in which the consortium plans to bid?	
You can search the Charity Commission website at http://www.charity-commission.gov.uk/ for some of this information.	

Company status	
Are they a registered company?	
You can use the WebCheck service on the Companies House website at http://wck2.companieshouse.gov.uk/283efb3c46bd2f18675dc1ee237f4444/wcframe?name=accessCompanyInfo to carry out basic financial checks for free. You may have to pay for some data.	
Organisations with solicitors	
<ul style="list-style-type: none"> • Have they had any professional conduct problems? 	
Record of financial stability	
Last 2 years' financial accounts (07/08 and 08/09) (You may also want to see any draft accounts if the 08/09 accounts have not been finalised and management accounts prepared subsequently together with any statement of adjustments)	
Explanation of significant growth or reduction in these 2 years, and reasons for any deficits	

What level of reserves do they have as an organisation?	
Have they had unqualified audit reports for the last two years?	
Are they deemed to be a going concern?	
Have they had full audits on the financial statements rather than accountants' reports?	
Was any audit letter delivered to their board of trustees/partners/management committee by their auditors on preparation of the last set of audited accounts? (If so, obtain a copy and of their response.)	
Do they have a defined benefit pension scheme in place for any staff?	
Are there any other contingent liabilities?	
Who is involved in financial management and administration?	
Do they have any professional qualifications?	

Professional Indemnity Insurance

What level of PII do they have in place?

Information about all claims made on their professional indemnity insurance policy in the last 2 years as well as details of any outstanding, anticipated or prospective claims.

Complaints

Summary of all complaints made in the last 2 years and of both internal and external inquiries.

Litigation and disputes

Information about any litigation, arbitration or other dispute (including industrial tribunal actions) in which they are or may become involved. Details given should include:

- The other party to the dispute/litigation
- Brief details of the dispute
- The approximate amount of money involved
- When any action is likely to be

<p>heard or resolved</p> <ul style="list-style-type: none"> • An estimate of the likely costs • Likely consequences for their services 	
Risk Management	
Policies and procedures they have in place to manage risk in their organisation.	
Media coverage	
Any media coverage about their organisation during the last year	
Client feedback	
Client feedback reports for the last 2 years	
Contract performance	
Copies of any internal monitoring reports as well as any LSC reports about their KPI performance for 08/09 and 09/10	

Has any contract for the delivery of advice services been terminated before it ran its full term?	
History of Partnerships	
Any formal partnerships they have been involved in over the last 3 years	
Were any of these partnership arrangements terminated? If so, on what grounds?	
Quality Assurance	
What quality assurance standard(s) do they meet?	
Last organisational audit carried out by the LSC or Lexcel assessment. (You may want to ask for a copy of the report)	
Audit results by the LSC, e.g. SQM, CCA, Peer Review	
Any other type of audit result, e.g. Citizens Advice Membership Audit, Shelter peer review	
Do they have a supervisor in post for each category of law they propose to deliver as part of the consortium? Has the supervisor got a good attendance record? Is it likely that this person will be absent for more than 6 weeks or leave the organisation?	

Are their IFRs up to date?

If the consortium includes solicitors - are any solicitors members of an SRA accreditation scheme?

Information Technology

What time recording software do they use?

Do they use case management software?

Are they able to use the LSC online reporting portal?

Expansion and Litigation services

If they are planning to provide litigation services from 2010:

- what time recording software are they planning to use?
- What billing arrangements are they putting in place?

If they are planning to expand

- How will they fund the salary of new staff, e.g. litigators and caseworkers until new cases can be claimed/billed?

LSC Contract Management

The total number of NMS allocated to their organisation for the years 08/09 and 09/10. Please specify by category.

The number of cases opened each month from 1st April 08 to 31st March 09 and each month so far in 09/10. Please specify by category.

The number of cases closed and claimed for each month from 1st April 08 to 31st March 09 and each month so far in 09/10. Please specify by category.

The total value of cases claimed each month during this period as compared to the standard monthly payment received.

How much does it cost them to deliver their LSC contract?
(i.e. more or less than their expected contract income this year?)

The total number of NMS allocated to their organisation for the years 08/09 and 09/10. Please specify by category.

Has their SMP been reduced at any time since April '08?

If an NfP organisation - were they within 2 x LSC buffer at the end of March 2009?

If an NfP organisation - where does their buffer stand at the end of [July] 2009?

Locations from which services currently delivered:

Address 1:

Address 2:

	Address 3:
Proposed services	
What subject category(ies) are they offering to bid for as part of the consortium?	
Does their draft budget for the proposed service make sense?	
Are they planning to bid separately (i.e. not as part of the proposed consortium) for any other subject category?	
Are they involved in discussions with another different potential consortium?	
Who will be the named category supervisor? Do they meet the relevant QSS?	
Who will be the Approved Intermediary for a Debt contract?	
Who will be the Authorised Litigator (if required)? What is their professional qualification? When did they qualify? What is their roll number?	

