

**SECTION 1. SELECTION QUESTIONNAIRE INFORMATION & GUIDANCE**

**Procurement of the Insurance London Consortium’s Insurance Legal Panel Services**

**Contract number: 630/2017 CED**

**Issue Date: 11 January 2018**

**Selection Questionnaire deadline: 12:00 noon on 12 February 2018**

**STRUCTURE OF THE TENDER PACK**

The Invitation to Tender comprises the following sections:

|  |  |
| --- | --- |
| **Section** | **Document** |
| **1** | **Selection Questionnaire Information & Guidance** |
| 2 | Selection Questionnaire |
| 3 | Instructions to Tenderers & Invitation to Tender |
| 4 | The Service Specification |
| 5 | Service Specification Appendix A Case Plan |
| 6 | Service Specification Appendix B File Sampling Procedure and Forms |
| 7 | Service Specification Appendix C Procedure for Authorisation and Payment of Disbursements |
| 8 | Service Specification Appendix D Guidance on the Use of Counsel |
| 9 | The Tender Response Document including the Pricing Schedule |
| 10 | The Draft Contract |

1. introduction
   1. The London Borough of Croydon (the "**Council**") is leading the Insurance London Consortium (ILC), formed of 9 London Boroughs, in the tender of their insurance legal services panel as set out in the Official Journal of the European Union (OJEU) Contract Notice.
   2. This tender process is being carried out in accordance with the Restricted Procedure as set out in the Public Contracts Regulations 2015 ("PCR 2015").
   3. The standard Selection Questionnaire (SQ) will be used by the Insurance London Consortium to evaluate your ability to meet the advertised requirement.
   4. The eight (8) highest scoring Potential Suppliers, who have passed Section 8 will be shortlisted and invited to submit a bid
   5. The following procurement documents are provided FOR INFORMATION ONLY at this selection stage and will be re-issued to those who are successfully shortlisted for the Invitation to Tender stage.

* Section 3 – Instructions to Tenderers and Invitation to Tender
* Section 4 – Service Specification
* Section 5 – Service Specification Appendix A Case Plan
* Section 6 – Service Specification Appendix B File Sampling Procedure and Forms
* Section 7 – Service Specification Appendix C Procedure for Authorisation and Payment of Disbursements
* Section 8 – Service Specification Appendix D Guidance on the Use of Counsel
* Section 9 – The Tender Response Document and Pricing Schedule
* Section 10 – Draft Contract
  1. All potential suppliers are strongly advised to read the supporting documents provided on the e-Tender portal, prior to responding to this standard Selection Questionnaire.

1. requirement overview
   1. The ILC was formed in 2009 for the purpose of improving risk management amongst members and reducing the overall cost of insurable risk, particularly focusing on exposures and claims.
   2. Over the last four years (2014 – 2017 incl.) the own lawyer spend on defending insurance claims was on average, approximately £1.3 million per annum spread across six firms working for consortium members. When necessary the consent of the ILC insurers is also sought in the appointment of and identity of the law firm.
   3. In relation to insurance defence litigation a wide variety of cases are handled by the ILC’s legal representatives, including:

* Highways public liability
* Employer liability including industrial disease, stress/bullying,
* Forestry public liability including tree root encroachment
* Housing public liability
* Schools public liability
* Motor including third party liability
  1. Other more specialist areas include defamation, loss subrogation and more complex adult and children social services cases such as abuse. Expertise is of paramount consideration in all cases where there is a high self-insured retention by the local authority and/or financial interest of the insurer.
  2. The Consortium members are now seeking to establish a panel of lawyers with the appropriate expertise to handle all claim types. It is our expectation that the panel members will have a collaborative approach, by way of commonly agreed management information and performance indicators and the establishment of joint legal update seminars attended by all of the panel and consortium members.
  3. In order to achieve the collaborative and fair approach as above, the Consortium will set standard rates across all panel members (a London rate and a provincial rate, if necessary / disbursements will be excluded) – this will be based on the resultant ‘average tender value’ following the price evaluation of the Award Stage.
  4. Shortlisted Potential Suppliers, following the Selection Questionnaire evaluation stage, will likely have variances around the hourly rates charged for a particular grade of fee earner.  The consortium will make a decision based on the rates quoted using the ‘average tender value’ and set standard rates both within London and provincial.  Those providers that are successful in being awarded the contract and appointed panel members will be invited to work for these hourly rates.  The reasoning behind this approach is to have consistent rates across all panel law firms so that the taxi rank approach to distributing cases works fairly for all parties.
  5. Appointed panel members however will be expected to find ways of achieving efficiency improvements, but with no adverse impact on results. Examples of good practice may then be shared amongst the panel members under the collaborative approach.

1. RESPONSES AND ENQUIRIES
   1. The Council’s approach to clarification will be consistent to ensure that one Potential Supplier does not receive an unfair advantage over the rest.
   2. If, for any reason whatsoever, the Council is of the opinion that any question or request for clarification is of material significance, both the question and the response will be communicated to all Potential Suppliers via the Council's e-Tendering Portal (please check the messaging link) who have responded; have expressed an interest, or those that show an interest before the closing date of the submission of the SQ.
   3. Please note that it is your responsibility to review all previous messages that have been asked and answered as well as any additional information that might have been posted by the Council by clicking on the messages link. There will be an email alert to prompt suppliers to log on to the system when a communication is issued, however, it is recommended that Potential Suppliers regularly check the Council’s e-Tendering Portal for messages and updates.
   4. Potential Suppliers must keep their contact details on the e-Tendering Portal up to date or they will be unable to receive communications from the Council.
   5. The Council will not be responsible for contacting Potential Suppliers through any route other than via the Council’s e-Tendering Portal.
   6. If a Potential Supplier considers their question to be commercially sensitive then the question must be clearly marked "In confidence – not to be circulated to other Potential Suppliers" and the Supplier must set out the reason for the request for non-disclosure to others. The Council will consider this request but where, in the Council's opinion, it is considered that the request does not relate to commercially sensitive information the Potential Supplier will be informed that it can either withdraw the request or, if not withdrawn, the request and response will be circulated to all Potential Suppliers via the Council's e-Tendering Portal.
   7. All questions in relation to this procurement exercise should be sent by Potential Suppliers and received via the e-Tendering Portal no later than 12:00 noon on 2 February 2018.
   8. If this tender opportunity is no longer of interest to the potential supplier, they should then opt out of the process via the e-Tender portal to ensure they receive no further communications. For our own quality assurance process, it would be of interest to the Council to know your reasons for opting out.
   9. The information contained within the Procurement Pack and supplied with the SQ has been prepared by the Council in good faith but does not purport to be accurate, complete and exhaustive, nor to have independently verified, nor to contain all of the information that a potential supplier may require. Nothing in the SQ is warranted by the Council or its advisors nor shall be deemed a promise or representation as to the future.
   10. The SQ document should be submitted in MS Word format (either .doc or .docx). Any supporting/supplementary documentation may be submitted in MS Word (either .doc or .docx), MS Excel (either .xls or .xlsx) or PDF format.
   11. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration.
2. Outline Timetable
   1. An indicative timetable for the conduct of the Competition is set out below. This is intended as a guide and, whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any time:

| **Indicative Date** | **Activity** |
| --- | --- |
| 11 January 2018 | Contract notice dispatched and the Selection Questionnaire (SQ) pack, Invitation To Tender and Contract documents made available electronically |
| 12:00 pm, 2 February 2018 | Deadline for SQ clarification questions to be submitted by Potential Suppliers via the Council’s e-Tendering Portal |
| 12:00 pm, 12 February 2018 | Deadline for SQ submission |
| 12 - 19 February 2018 | Evaluation of SQ |
| 23 February 2018 | Notification of SQ outcome |
| Invitation to Tender |  |
| 12:00pm, 16 March 2018 | Deadline for Tender clarification questions to be submitted by Tenderers via the Council’s e-Tendering Portal |
| 12:00 pm, 26 March 2018 | Tender return date and time (the "**Deadline**") |
| 26 March – 16 April 2018 | Evaluation of tenders (including clarification interviews if required) |
| 12 – 16 April 2018 | Presentations |
| \*\*April – June 2018 | Report to Council awarding bodies |
| June 2018 | Successful and unsuccessful Potential Supplier(s) notified |
| June 2018 | 10-day Standstill Period starts |
| 10 days | Expiry of Standstill Period |
| July 2018 | Contract Execution and Implementation |
| July 2018 | Commencement of the Services |

1. Information to potential suppliers
   1. The Selection Questionnaire and any accompanying documentation must be completed as directed and submitted via the Council’s e-Tendering Portal:

<https://procontract.due-north.com/register>

* 1. Please ensure that you allow sufficient time to follow the instructions provided as the Council cannot accept responsibility for transmission delays. Documentation which has been uploaded onto the Council’s e-Tendering Portal but not submitted will not be considered.
  2. **Submission of Selection Questionnaires must be completed by 12:00 noon on** **12 February 2018.**
  3. **Please note that Potential Suppliers can upload and submit their Selection Questionnaires to the e-Tendering Portal at any time prior to the deadline above.** When uploading your response, please be aware of the speed of your Internet connection, your system configuration and general web traffic may impact on the time taken to complete the transaction. The Council strongly encourages Suppliers not to leave the upload and submission of documentation until the last moment.
  4. Please ensure that a full answer to each question is provided and in the format requested including Arial Font 12. If the question does not apply to you, please state clearly ‘N/A’. Please note that responses for Part One and Two in the form of a European Single Procurement Document (ESPD) will be accepted provided that they contain responses to all questions set out in this standard Selection Questionnaire.
  5. The Council expressly reserves the right to request a Potential Supplier to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the standard Selection Questionnaire. If the Council determines a Selection Questionnaire to be incomplete in any material aspect, the Council expressly reserves the right to reject that Selection Questionnaire Document.
  6. The Selection Questionnaire contains the following Sections within each Part:

Part 1:

* Section 1 Potential Supplier Information

Bidding Model

Contact Details and Declaration

Part 2:

* Section 2 Grounds for Mandatory Exclusion
* Section 3 Grounds for Discretionary Exclusion

Part 3:

* Section 4&5 Economic and Financial Standing
* Section 6 Technical and Professional Ability
* Section 7 Modern Slavery Act 2015
* Section 8 Additional Self-Certification Questions
  1. If a word limit is assigned to any question where a response is required from the Potential Supplier in accordance with the Selection Questionnaire then the limit does not include title pages or diagrams (that may be used to enhance responses). Any part of a response included above the word limit will not be evaluated by the Council.
  2. Please do not provide any marketing material or information of a general nature

1. Consortium, **SUB-CONTRACTING** arrangements and Reliance on the capacity of Other Entities
   1. Where the Potential Supplier completing the Selection Questionnaire Document is doing so as part of a proposed consortium, the following information in accordance with Part 1, 1.2(a)(i) – (iii) of the Selection Questionnaire Document must be provided:
      1. names of all consortium members and an organisation chart clearly showing the proposed structure of the consortium as an Appendix, the relationship between the members and the individual role of each consortium member; and
      2. the lead member of the consortium who will be contractually responsible for delivery of the Contract; and
      3. if the consortium is not proposing to form a legal entity, full details of proposed contracting and delivery arrangements must be provided within a separate Appendix; or
      4. If the consortium is proposing to create a special purpose vehicle ("**SPV**") in order to contract with the Council, the details of the proposed legal form of the SPV, the actual or proposed percentage shareholding of the constituent members within the proposed SPV must be set out.
   2. Please note that the Council reserves the right to require the consortium to assume a specific legal form if it is successful in this Competition as a condition of, and prior to, award of the Contract and/or to require each member of the consortium to be jointly and severally liable for the delivery of the Contract and/or require other forms of assurance or guarantee from each consortium member.
   3. Each member of the consortium must provide a completed Part 1 and Part 2 self-declaration of the Selection Questionnaire Document.
   4. Unless individual questions dictate otherwise, a single response should be provided by the lead member in relation to Part 3 of the Selection Questionnaire Document on behalf of the entire consortium with the proposed involvement of any individual consortium member(s) being identified.
   5. Where the Potential Supplier proposes to use one or more significant sub-contractors to deliver some or all of the contract requirements then details must be provided at 1.2(b) – (ii) of the Selection Questionnaire Document.
   6. Where the Potential Supplier proposes to use one or more significant sub-contractors to deliver some or all of the contract requirements then the Potential Supplier must ensure that the relevant sub-contractor provides a completed Selection Questionnaire Part 1 and Part 2 and self-declaration.
   7. If a Potential Supplier is seeking to rely on the capacity or capacities of any organisation (e.g. a parent or group company) in order to complete Section 4 of the Selection Questionnaire Document (Economic and Financial Standing), the Council will require the Potential Supplier and those organisations to be jointly and severally liable for the delivery of the contract and/or require other forms of assurance or guarantee from those organisations.
   8. Note that where a Potential Supplier is relying on the capacity of others as set out above then it shall explain in its application how it will comply with the provisions of Regulation 63 of the PCR 2015 and the Council reserves the right to accept or reject this in its assessment of the Tender.
   9. The Council will rely on the information provided by the Potential Supplier including the information concerning consortium members, the structure of the consortium, the membership and/or structure of the proposed supply chain and any entities being relied upon. If, at any time during the procurement process or the term of the Contract, there are any changes or proposed changes to the membership or structure of the consortium or structure of the supply chain and/or in respect of any entities the Potential Supplier is relying upon as previously set out in the Selection Questionnaire Document, the lead organisation must immediately advise the Council in writing providing full details of the relevant change. Upon receipt of such information, the Council shall be entitled to revisit the selection or award stage of the procurement process and may de-select the Potential Supplier based on an assessment of the new information and/or change of circumstances and/or may terminate or suspend the Contract.
2. Freedom of Information
   1. To allow the Council to meet its legal responsibilities under the Freedom of Information Act 2000 (**FOIA**), all information submitted to a public authority, such as the Council, may need to be disclosed by the Council in response to a request under the FOIA. The Council may also decide to include certain information in the publication scheme, which the Council maintains under the FOIA.
   2. If a Potential Supplier considers that any of the information included in their Selection Questionnaire Document is commercially sensitive, they should identify it and explain, (in broad terms), what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity.
   3. Potential Suppliers should be aware that, even where they have indicated that information is commercially sensitive, the Council might be required to disclose it under the FOIA if a request is received.
   4. Potential Suppliers should also note that the receipt of any material marked ‘confidential’ or equivalent by the Council should not be taken to mean that the Council accepts any duty of confidence by virtue of that marking.
3. SELECTION APPROACH
   1. The result of the evaluation of the Selection Questionnaire will determine who is to proceed to the next stage of the procurement process. Potential Suppliers who have completed and submitted their Selection Questionnaire document will be ranked in order of their total evaluation score as achieved in response to the Technical and Professional Ability Section 6.4 – to 6.9. The maximum number of potential suppliers to be shortlisted and invited to tender will be in accordance with what was specified in the Contract Notice.
   2. Potential Suppliers will be assessed in three stages :
      1. Stage 1; an initial, high-level check at completeness, compliance and eligibility of Potential Suppliers to participate in the Competition pursuant to Regulation 57 of the PCR 2015;
      2. Stage 2; an assessment of compliance with the minimum turnover threshold, also the economic and financial standing (Part 3 Section 4 of the questionnaire)
      3. Stage 3; will look at technical and professional ability responses to the questions which are subject to the qualitative evaluation criteria (Section 6.4 – 6.9 of the Selection Questionnaire)
   3. Where the Selection Questionnaire response will be used for the Council’s information only, there is a requirement for the potential suppliers to provide this information.
4. The SELECTION Process

**Stage 1**

**Potential Supplier information, Bidding Model and Contact Details and Declaration – Part 1, Section 1**

Part 1, Section 1 is used to gather the necessary details to understand the nature of the organisation and legal entity participating in the procurement exercise, and where appropriate, the composition of their supply chain. This section is not scored as the answers to the questions are for information only, but a Potential Supplier may be excluded on the grounds of providing insufficient or false information.

**Grounds for Mandatory and Discretionary Exclusion – Part 2, Sections 2 and 3**

Potential Suppliers are required to complete Part 2, Sections 2 and 3 of the Selection Questionnaire Document. Where a Potential Supplier considers that they, or any other entity that they seek to rely on, may meet any of the mandatory and/or discretionary grounds for exclusion set out in that Part 2, Potential Suppliers should provide sufficient evidence that provides a summary of the circumstances and any remedial action that has taken place subsequently to demonstrate that the Potential Supplier, or, as appropriate, any other entity that they seek to rely on, has effectively "self-cleaned" the situation referred to. Potential Suppliers must demonstrate that they, or, as appropriate, any other entity that they seek to rely on, have taken such remedial action to the satisfaction of the Council.

For the evidence to be considered sufficient Potential Suppliers must, as a minimum, prove that they have:

* + 1. paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
    2. clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
    3. taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken, and the evidence of these, shall be evaluated by the Council taking into account the gravity and particular circumstances of the offence or misconduct. Where the Council considers such measures to be insufficient you will be provided with a statement of reasons.

Where the Council determines that grounds do exist in relation to the Potential Supplier, or any other entity that they seek to rely on, which mean the Potential Supplier should be excluded from the Competition or the Potential Supplier is unable to evidence appropriate remedial action (as above), the Potential Supplier will be disqualified from the Competition and the remainder of their Selection Questionnaire shall not be evaluated.

Exclusion grounds may apply at any point in the procurement process up to any award of the Contract.

* 1. **Stage 2**

**Economic and Financial Standing – Part 3, Sections 4 and 5**

Potential Suppliers are required to demonstrate their economic and financial standing in order to prove to the Council that the financial resources necessary to perform the Services will be available throughout the duration of the Contract.

Accordingly, Potential Suppliers are required to self-certify that they are able to provide audited accounts for the last two (2) years, if requested. If not, Potential Suppliers are required to self-certify that they are able to provide either: (a) a statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for their organisation; (b) a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position; or (c) alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).

The Council has set a minimum turnover threshold for this Procurement of a total of £30 million per annum over the Potential Supplier's last two (2) complete financial years. Potential Suppliers are therefore required to self-certify that they can satisfy this minimum turnover threshold.

Potential Suppliers are also required to self-certify that they have positive net assets and that their current assets are at least equal to their current liabilities.

Responses will be evaluated on a 'pass/fail' basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier (or the entity or entities the Potential Supplier is relying on for the purposes of this Section 4 and/or 5) has failed to self-certify that it:

* + 1. can provide audited accounts for the last two (2) years, if requested, or alternatively, can provide either: (a) a statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for their organisation; (b) a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position; or (c) alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status);
    2. can meet the minimum turnover threshold set for this Procurement of a total of £30 million per annum over the last two (2) complete financial years; and/or
    3. has positive net assets and that its current assets are at least equal to its current liabilities.

Potential Suppliers should note that, where a Potential Supplier is seeking to rely on the capacity or capacities of any organisation (e.g. a parent or group company) in order to complete Section 4, the Council will require the Potential Supplier and those organisations to be jointly and severally liable for the delivery of the contract and/or require other forms of assurance or guarantee from those organisations.

Where a Potential Supplier has indicated in Section 5 of the Selection Questionnaire that it is part of a wider group, the Potential Supplier is required to self-certify that it can provide parent company accounts, if requested, and if so, that the parent company would be willing to provide a guarantee if necessary. If not, the Potential Supplier is required to self-certify that it would be able to obtain a guarantee elsewhere (e.g. from a bank).

Responses will be evaluated on a 'pass/fail' basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier has failed to self-certify, where it is part of a wider group for the purposes of this Procurement, that it:

* + 1. can provide parent company accounts, if requested, and that the parent company would be willing to provide a guarantee if necessary; or
    2. would be able to obtain a guarantee elsewhere (e.g. from a bank).

The evaluation panel will be entitled to consider all information contained in the financial information submitted by each Potential Supplier and undertake credit checks where appropriate.

The Council reserves the right, at its sole discretion, to take into account any additional information provided by the Potential Supplier regarding its economic and financial standing to support the Potential Supplier's submission where the Potential Supplier is not able to self-certify that it can meet the minimum turnover threshold. In such circumstances, the Council will undertake a risk assessment to determine the relative potential benefits to the Council compared to any potential risks associated with allowing a Potential Supplier to pass at this stage even if it does not meet the minimum turnover threshold. The Council will report to the Council's Section 151 officer outlining any mitigating circumstances provided in the additional information and the outcome of any subsequent risk assessment which would support a decision to allow a Potential Supplier to pass the turnover test even if it has not met the necessary minimum turnover threshold. The decision of the Council's Section 151 officer will be final. A negative outcome will result in the Potential Supplier being disqualified from the Competition and the remainder of their Selection Questionnaire shall not be evaluated.

* 1. **Stage 3**

**Technical and Professional Ability – Part 3, Section 6**

**Relevant Experience and Contract Examples – Part 3, Section 6 – Questions 6.1 - 6.3**

Each Potential Supplier is required to demonstrate its ability to provide the Services in accordance with the requirement. Each Potential Supplier should therefore provide details in response to Question 6.1 (or Question 6.3, if applicable) of the Selection Questionnaire of a total of three (3) contracts for services in the last three (3) years for the provision of insurance legal services. The examples should, as a minimum, address the following:

* + - 1. Name and contact details of the Potential Supplier's customer;
      2. Contract title;
      3. Description of contract and nature of the services provided;
      4. Estimated value of contract;
      5. Date of contract start/finish;
      6. Role in delivery of contract.

Potential Suppliers should note that the named contacts should be able to provide written evidence to confirm the accuracy of the information provided by the Potential Supplier. It is the intention of the Council to take up at least one of the references.

When providing details of contracts in response to Questions 6.1 and 6.2, the Potential Supplier is agreeing to waive in favour of the Council any contractual or other confidentiality rights and obligations associated with the details of these contracts.

The Potential Supplier's responses to Question 6.1 will be evaluated on a Pass/Fail basis. A response will be marked as a 'fail' and will be excluded from the competition where the Potential Supplier fails to demonstrate to the Council that it has the experience of delivering at least two relevant contracts in the last three (3) years.

**Table 2**

|  |  |
| --- | --- |
| **Score** | **Question 6.1 Criteria for awarding score** |
| Pass | The Council considers that the evidence in the contract examples provided, (including customer references), demonstrates that the Potential Supplier, (or where relevant the consortium or the intended provider(s) or sub-contractor(s)), has the relevant technical and professional abilities to deliver the Council's contract requirements and has strong experience of deploying these skills and abilities in similar circumstances  Or  The Council considers that the evidence in the contract examples provided, (including customer references), demonstrates that the Potential Supplier, (or where relevant the consortium or the intended provider(s) or sub-contractor(s)), has the majority of the relevant technical and professional abilities to deliver the Council's contract requirements and has some, (but not strong), experience of deploying these skills and abilities in similar circumstances |
| Fail | The Council considers that the evidence in the contract examples provided, (including customer references), demonstrates that the Potential Supplier, (or where relevant the consortium or the intended provider(s) or sub-contractor(s)), lacks most of the relevant technical and professional abilities to deliver the Council's contract requirements and/or has limited experience of deploying these skills in similar circumstances  Or  The Potential Supplier has omitted information or has provided information that is not relevant, and the Council is unable to determine whether the Supplier, (or where relevant the consortium or the intended provider(s) or sub-contractor(s)), possesses sufficient Technical and Professional ability to deliver the Council’s contract requirements |

**Question 6.2**

Question 6.2(i) will be assessed on a Pass/Fail where a ‘Pass’ is if the Council is satisfied with your approach, and the evidence provided, to maintain healthy supply chains and a ‘Fail’ will be if the Council is not satisfied.

Question 6.2(ii) will be assessed on a Pass/Fail where a ‘Pass’ will be achieved if the Council is satisfied with the example given based on the description in Table 2.

**Question 6.3 (only where applicable)**

Question 6.3 will be evaluated on a Pass/Fail basis. A response will be marked as a 'fail' and will be excluded from the competition where the Potential Supplier fails to demonstrate with evidence to the Council that it has the experience of delivering the required services in the last three (3) years but not under a contract.

Question 6.3 will be assessed on a Pass/Fail where a ‘Pass’ will be achieved if the Council is satisfied with the example given based on the description in Table 2

**Project specific questions to assess Technical and Professional Ability - Questions 6.4 to 6.9**

Potential Suppliers are required to answer a number of project specific questions. The table below sets out the weightings attributed to each of these questions and the relative importance of each question to the Council. Once scored the weighted scores for each potential supplier will be added together and this total shall constitute the score for the SQ.

| **Question Ref** | **Question** | **Max Score** | **Question Weighting** |
| --- | --- | --- | --- |
| **6.4**  Organisational Structure & Resource Levels | 1. Organisational Structure & Approach to Supervision 2. Resourcing Levels 3. Team Structure & Experience | 5  5  5 | 10%  10%  10% |
| **6.5**  **Expertise** | 1. Expertise | 5 | 10% |
| **6.6**  **Experience & Capability** | 1. Representation at and working in London courts 2. Investigations and taking of witness statements 3. Onsite Training / Meetings / Case Conferences etc. | 5  5  5 | 10%  10%  10% |
| **6.7**  **Innovation and Continuous Improvement** | Innovation and Continuous Improvements | 5 | 10% |
| **6.8**  **Controlling Spending** | Expertise in controlling spend 3rd party legal costs and claims payment | 5 | 10% |
| **6.9**  **Management Information** | Monthly management information | 5 | 10% |

The scoring methodology to be used is based on a scale of 0-5 as detailed in the table below. The score awarded to a question will be multiplied by the relevant criteria weighting. The weighted scores will then be combined to give a total score out of 100%.

|  |  |  |
| --- | --- | --- |
| **Score** | **Rating** | **Criteria for awarding score** |
| 5 | Excellent | Exceptional demonstration by the Potential Supplier of their relevant ability, understanding, skills, resource and quality measures provided in the questions. Response identifies factors that demonstrate added value, with evidence to support the response. |
| 4 | Good | Above average demonstration by the Potential Supplier of the relevant ability, understanding, skills, resource and quality measures provided in the questions. Response identifies factors that demonstrate added value, with evidence to support the response. |
| 3 | Acceptable minimum score | Adequate demonstration by the Potential Supplier of the relevant ability, understanding, skills, resources and quality measures provided in the questions, with evidence to support the response. |
| 2 | Reservations | There are some reservations of the Potential Supplier’s relevant ability, understanding, skills, resources and quality measures provided in the questions, with limited evidence to support the response. |
| 1 | Serious Reservations | Serious reservations of the Potential Supplier’s relevant ability, understanding, skills, and resource and/or quality measures provided in the method statement with little or no evidence to support the Potential Supplier’s response. |
| 0 | Unacceptable | Insufficient information provided to demonstrate that the Potential Supplier has the ability, understanding, skills, resource and quality measure, with little or no evidence to support the response. |

* 1. **Modern Slavery Act 2015 – Part 3, Section 7 – Questions 7.1 and 7.2**

Potential Suppliers are required to complete Questions 7.1 and 7.2 of the Selection Questionnaire Document. The Potential Supplier's responses to Questions 7.1 and 7.2 will be evaluated on a pass/fail basis.

Responses will be evaluated on a pass/fail basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier responds with ‘No' to Question 7.2 and does not provide the relevant url (link) or responds with ‘No’ to Question 7.2 and provides an unsatisfactory explanation.

* 1. **Insurance – Part 3, Section 8 – Question 8.1**

Potential Suppliers are required to self-certify that they have in place or will undertake to secure the following insurances in advance of the award of the Contract and that they will maintain these for the term of the Contract.

|  |  |
| --- | --- |
| **Insurance** | **Minimum Level** |
| Employers Liability | £10,000,000 per occurrence/event |
| Public Liability | £10,000,000 per occurrence/event |
| Professional Indemnity | £5,000,000 per occurrence/event |

Responses will be evaluated on a pass/fail basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier has failed to self-certify that it has in place the required insurances or that it is capable of putting them in place in advance of the award of the Contract.

* 1. **Compliance with Business Continuity (Part 3 Section 8 – Question 8.2)**

Business continuity and emergency planning are critical requirements of the Council’s suppliers. The Council requires the Service Provider to have in place at the start of the Contract, and maintain effectively throughout the period of the Contract, adequate and effective business continuity and emergency planning systems and measures. The Council requires Potential Suppliers to self-certify that they have such plans/ systems in place.

Responses will be evaluated on a pass/fail basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier fails to self-certify that it has in place at the start of the Contract, and can maintain effectively throughout the period of the Contract, adequate and effective business continuity and emergency planning systems and measures.

* 1. **Registered Solicitors (Part 3 Section 8 – Question 8.3)**

Potential Suppliers are required to self-certify that they are registered with, and regulated by, the Solicitors Regulation Authority or an equivalent professional body.

Potential Suppliers are also required to self-certify that they are authorised to hold client monies (i.e. imprest account)

Responses will be evaluated on a pass/fail basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier fails to self-certify that it is a) registered with AND regulated by a professional body and b) is authorised to hold client monies.

* 1. **Current Practising Certificate (Part 3 Section 8 – Question 8.4)**

The Council requires Potential Suppliers to self-certify that all practising Solicitors and Barristers hold and will continue to hold a current Practising Certificate throughout the period(s) during which they would be engaged in performing the proposed contract.

Responses will be evaluated on a pass/fail basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier fails to self-certify that the Practising Solicitors and Barristers that would be engaged in performing the proposed contract hold a current Practising Certificate.

* 1. **Compliance with Equalities Legislation (Part 3 Section 8 – Question 8.5)**

The Council requires Potential Suppliers to self-certify if they have an equalities policy that complies with current legislative requirements.

Responses will be evaluated on a pass/fail basis. A response will be marked as a 'fail' and will be excluded from the Competition where the Potential Supplier fails to self-certify that they have an equalities policy that complies with current legislative requirements.

1. THE SHORTLISTING Process

All scores will be rounded to two decimal places. The eight (8) highest scoring Potential Suppliers, who have passed Section 8 will be shortlisted and invited to submit a bid.

| **Appendix 1. Stage One: Completeness, Compliance, Eligibility and Qualification** | | | |
| --- | --- | --- | --- |
|  | **Section / Area of Assessment** | **Scoring Allocation** | **Scoring Allocation Criteria** |
| **Parts 1 – 5**  **Sections 1 – 10** | Completeness / Compliance | Pass / Fail | Pass: Complete information provided and compliant with the Invitation to Tender  Fail: Incomplete information |
| **Part 1**  **Section 1** | * Potential Supplier Information * Bidding model * Contact details and declaration | N/A | For information only |
| **Part 2**  **Sections 2 – 3** | Grounds for Mandatory and Discretionary Exclusion | Pass / Fail | Pass: Potential Supplier confirms that they, or any other entity that they seek to rely on, do not meet any of the mandatory or discretionary grounds for exclusion, or, where they do apply, the Potential Supplier has provided sufficient evidence to demonstrate that they, or, as appropriate, any other entity that they seek to rely on, has effectively "self-cleaned" the situation referred to, to the satisfaction of the Council.  Fail: Any of the mandatory or discretionary grounds for exclusion do exist in relation to the Potential Supplier, or any other entity that they seek to rely on and the Potential Supplier is unable to provide sufficient evidence to demonstrate that they, or, as appropriate, any other entity that they seek to rely on, has effectively "self-cleaned" the situation referred to, to the satisfaction of the Council. |
| **Part 3**  **Section 4** | Economic and Financial Standing | Pass / Fail | Pass: The Potential Supplier (or the entity or entities the Potential Supplier is relying on for the purposes of this Section 4 and/or 5) has self-certified that:   * it is able to provide audited accounts for the last two (2) years, if requested, or alternatively, can provide either: (a) a statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for their organisation; (b) a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position; or (c) alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status); * it can satisfy the minimum turnover threshold for this Procurement of a total of £30 million per annum over the last two (2) complete financial years; * it has positive net assets and that their current assets are at least equal to their current liabilities.   Fail: The Potential Supplier (or the entity or entities the Potential Supplier is relying on for the purposes of this Section 4 and/or 5) is unable to self-certify the requirements above.  The Council reserves the right to review any additional information provided by the Potential Supplier and undertake a risk assessment to determine the relative potential benefits to the Council compared to any potential risks associated with allowing a Potential Supplier to pass at this stage even if it does not meet the minimum turnover threshold. In such circumstances, the Council will report to the Council's Section 151 officer outlining any mitigating circumstances provided in the additional information and the outcome of any subsequent risk assessment which would support a decision to allow a Potential Supplier to pass the turnover test even if it has not met the necessary minimum turnover threshold. The decision of the Council's Section 151 officer will be final. |
| **Part 3**  **Section 5** | Further Potential Supplier information | Pass / Fail (if applicable) | Pass: Where a Potential Supplier has indicated in Question 1.2 of the Selection Questionnaire Document that it is part of a wider group, the Potential Supplier has self-certified that it can provide parent company accounts, if requested, and that the parent company would be willing to provide a guarantee if necessary, or alternatively, would be able to obtain a guarantee elsewhere (e.g. from a bank).  Fail: The Potential Supplier is unable to self-certify the requirements above. |
| **Part 3**  **Section 6**  **Question 6.1 or 6.3** | Technical and Professional Ability | Pass / Fail | Pass: The tenderer achieves a Pass for 2 or more of its contract examples. The Tenderer has provided 2 or 3 relevant contract examples in response to question 6.1 or a satisfactory response to question 6.3 (as Appropriate).  Fail: The tenderer achieves a ‘Fail’ for 2 or more of its contract examples. The Tenderer has not provided sufficient relevant contract examples in response to question 6.1 or has provided an insufficient response, or no response to question 6.3 (as appropriate) |
| **Part 3**  **Section 6**  **Questions 6.2 (i) and (ii)** | Sub-Contracting – Supply Chains | Pass / Fail | Pass: will be achieved if the Council is satisfied with the example’s given which will be assessed using a similar process as that for the response to 6.1 |
| **Part 3**  **Section 7**  **Questions 7.1 and 7.2** | Requirements under Modern Slavery Act 2015 | Pass / Fail | Pass: The Potential Supplier has responded with 'N/A' to Question 7.1 or with 'Yes' to Questions 7.1 and 7.2 and has provided a relevant url which provides information that satisfies the Council or a satisfactory explanation as to a 'No' answer to Question 7.2.  Fail: The Potential Supplier has responded with ‘No' to Question 7.2 and does not provide the relevant url (link) or responds with ‘No’ to Question 7.2 and provides an unsatisfactory explanation. |
| **Part 3**  **Section 8**  **Question 8.1** | Compliance with Insurance | Pass / Fail | Pass: The Potential Supplier has self-certified that it has in place the required insurances or has provided written confirmation that it is capable of putting them in place in advance of the award of the Contract.  Fail: The Potential Supplier has failed to self-certify that it has in place the required insurances or that it is capable of putting them in place in advance of the award of the Contract. |
| **Part 3**  **Section 8**  **Question 8.2** | Business Continuity | Pass / Fail | Pass: The Potential Supplier has self-certified that it has in place at the start of the Contract, and can maintain effectively throughout the period of the Contract, adequate and effective business continuity and emergency planning systems and measures.  Fail: The Potential Supplier has failed to self-certify that it has in place at the start of the Contract, and can maintain effectively throughout the period of the Contract and any Call-Off Contract, adequate and effective business continuity and emergency planning systems and measures. |
| **Part 3**  **Section 8**  **Question 8.3** | Registered Solicitors | Pass / Fail | Pass:  The Potential Supplier has self-certified that it is registered with and regulated by the Solicitors Regulation Authority or an equivalent professional body.  AND  The Potential Supplier has self-certified that it is authorised to hold client monies.  Fail:  The Potential Supplier has failed to self- that it is registered with and regulated by the Solicitors Regulation Authority or an equivalent professional body.  AND/OR  The Potential Supplier has failed to self-certified that it is authorised to hold client monies |
| **Part 3**  **Section 8**  **Question 8.4** | Current Practising Certificate | Pass / Fail | Pass:  The Potential Supplier has self-certified that all practising Solicitors and Barristers proposed to be engaged on the performance of the Contract hold a Practising Certificate.  AND  The Potential Supplier has self-certified that all practising Solicitors and Barristers proposed to be engaged on the performance of the Contract will continue to hold a current Practising Certificate throughout the contract duration.  Fail:  The Potential Supplier has failed to self-certify that all practising Solicitors and Barristers proposed to be engaged on the performance of the Contract hold a Practising Certificate.  AND / OR  The Potential Supplier has failed to self-certify that all practising Solicitors and Barristers proposed to be engaged on the performance of the Contract will continue to hold a current Practising Certificate throughout the contract duration. |
| **Part 3**  **Section 8**  **Question 8.5** | Equality Legislation | Pass / Fail | Pass: The Potential Supplier has self-certified that it has an equalities policy that complies with current legislative requirements.  Fail: The Potential Supplier has failed to self-certify that it has an equalities policy that complies with current legislative requirements. |