

ARB legal services tender – March 2023 – Clarification Q&A

Question is in black text. *ARB reply is in red text, italic*

1. Can you please confirm if we are correct to assume that the contract will be appointed to a sole supplier? *We would be looking to appoint a sole supplier*
2. Please provide any indication as to the volume of historic cases in relation to the following elements of the specification:
 - Responding to appeals against registration decisions and sanctions imposed by the Professional Conduct Committee *0.8 cases per year*
 - Responding to judicial reviews of ARB decisions *1 every 3 years*
 - Prosecution of misuse of title cases at the Magistrates' Courts *3 a year*
3. We note that the technical specification includes a requirement for 'Tendering and contracts' legal support. Are you able to elaborate on the type of support you are looking for here? *General legal advice on procurement and contracts*
4. We note that ARB's contract may be worth up to £500,000 over the initial three-year period. Are you able to provide a breakdown of this at all? Alternatively, are you able to confirm the areas you anticipate as having the highest levels of spend? *We are not able to provide any further breakdown, the figure is based on an average spend over the last five years*
5. Is ARB looking for tenderers to provide their T&C's when submitting their ITT response? *Not required, but can be submitted as part of information package*
6. Are firms able to submit their ITT responses in their own format/template? *Yes*
7. Does ARB expect to see firms value add offering as part of their ITT response and if so, where should this be included? *Not required, but can be submitted as part of information package*

8. Are there any word limits for the method statement questions? *No word limits*
9. Is the pricing element included under the value for money weighting (20%)? *Yes*
10. Please could you explain how you will evaluate the pricing schedule. For example, are you weighting the different grades of fee earner, perhaps based on your expectation of who will be performing the work. *We will consider all of the information provided under section 6 in the round. We will then allocate a percentage (up to 20%) in the context of the other tenderers.*
11. Are Bidders permitted to submit the required documents as separate attachments? E.g. – Method Statement attachment, Form of Tender document, Tendering Certificate document and Pricing Schedule document? *Yes, separate attachments are acceptable*
12. Are Bidders permitted to submit the required documents as separate attachments? E.g. – Method Statement attachment, Form of Tender document, Tendering Certificate document and Pricing Schedule document? *Yes, separate attachments are acceptable*
13. Are Bidders permitted to submit a response to the Method Statement questions in any format? *Unsure on this question – format as in design, or as in programme used (word/PDF)?*
14. Could ARB confirm whether there are any page/word limits for any of the Method Statement questions? *There are no limits unless specifically stated within the invitation to tender*
15. Could ARB confirm whether the “Value for Money” Award Criteria relates to the Pricing Schedule? Please could ARB clarify how the pricing will be evaluated, generally speaking? E.g. In the instance of an average hourly rate being the criteria on which we are judged, the lowest priced Tenderer could score 20(%) and other, more expensive Tenderers are scored working backwards, accordingly. *See below*
16. Could ARB clarify whether 6.1.2, 6.1.3 and 6.1.4 will be evaluated and whether our responses to these questions will be scored, or are for information only. If these are scored, what is the evaluation mechanism for these? *Value for Money will be scored in relation to all of the information provided in 6.1 Pricing Schedule (including 6.1.2, 6.1.3 and 6.1.4). As your example suggests, the firm judged as offering the best value for money from all of those criteria will be scored 20%, and so on.*
17. Are ARB intending to award to a panel or one firm exclusively? *one firm*

18. Are you able to provide a breakdown of the likely number/volume of instructions to the successful bidder (perhaps based on historic data) and if possible further split into the numbers of instructions in each of the areas identified in the bullets in section 4.2 on page 13
No, we are not providing this information to tenderers
19. Can you confirm how many appeals against registration decisions and sanctions of the professional conduct committee you receive - annually if possible, but by reference to any set time frame will assist. *Historically we receive one every 18 months*
20. Do the 2 referees requested at question 4 in section 6.2 page 21 have to be different from the contacts provided in response to section 6e para 4.2 page 19 and from different organisations to those provided in response to para 4.1 page 19? *No*
21. At a number of points there is reference to the contract between ARB and the successful bidder e.g. section 2.7.6 which refers to "contracts substantially in the form set out in section 4 " ; section 2.9 e) and f) which refers to indemnities and undertakings in the contract but do not outline those; section 2.11.1. and the form of tender at 6.3. Could we be provided with a copy of the contract so we can give the necessary reassurance about compliance with its terms? *There is no contract, contractual terms will need to be agreed between ARB and the successful tenderer*
22. Do you require names or biographical information of external counsel - we do not see external Counsel as part of the firms core team or support team and they would only be used sparingly for specific matters requiring a specialist barristers input. *No*
23. Can you further define "regulatory best practice " in paragraph 4.2 - in particular is this in the context of the disciplinary cases before the committee or something separate? *The usual dictionary definition of the term should be assumed in the context of all ARB regulatory functions*
24. In section 6d section 1.1 it refers to " copy of audited accounts for the most recent 2 years". Our FY runs from 1st May to 30th April - please confirm the most recent two years means audited accounts for financial year 1st May 2020-30th April 2021 and for 1st May 2021-30th April 2022. *Yes, the most recent two years at time of tender submission*

25. Section 6.13 is headed additional expenses but paragraph c) refers to "time charged for travel" - does this mean that you wish a separate hourly rate for travel to be provided or a figure for likely travel disbursements? *This question relates to the amount chargeable for travel time*
26. Para 2.9 (f) – *it shall have in place a policy or policies covering all the matters which are the subject of the indemnities and undertakings on the part of the contractor contained in this contract, which will be agreed but at least in respect of one incident and unlimited in total, unless otherwise agreed by ARB in writing.* **Q:** Should there be a figure included after 'at least'? *No. This is a formulation of each and every claim.*