

The Security Industry Authority (SIA)

Request for Quotation (RFQ)

for

Provision of Criminal Prosecution Chambers 2023

Project Ref: SIA 815

DATE: 12th July 2023

Section 'A' Introduction and Guidance

1. Introduction

1.1 Purpose of this document

This Request for Quotation (RFQ) has been issued by SIA (SIA) and invites you to quote for the provision of Barristers' Chambers for the use of criminal prosecution cases.

1.2 Our Purpose and Background

SIA (SIA) is a Non-Departmental Public Body that regulates the Private Security Industry. Our Purpose is:

The Security Industry Authority is the organisation responsible for regulating the private security industry. We currently have around 300 employees. We are an independent body, established in 2003, reporting to the Home Secretary under the terms of the Private Security Industry Act 2001.

Our mission is to regulate the private security industry effectively; to reduce criminality, raise standards and recognise Technical service. Our remit covers the United Kingdom.

We have two main duties:

- The compulsory licensing of individuals undertaking designated activities within the private security industry, and
- To manage the voluntary Approved Contractor Scheme.

Additional general information about the SIA can be found on the following website:

www.sia.homeoffice.gov.uk.

1.3 The Requirement

The SIA are currently inviting established barristers' chambers to tender for criminal prosecution cases with our organisation. We hold a number of private criminal prosecutions in the Magistrates' Courts and Crown Court, including complex Proceeds of Crime Act proceedings each year.

The scope of this requirement will include agreeing to SIA terms and conditions and submitting rates (See Appendix A) which will enable the SIA to instruct chambers as and when prosecution cases arise. These quotations should be fixed for the term of the contract.

The SIA offers no commitment to case volumes throughout the term of the contract. The SIA may award up to 4 suppliers for this contract.

1.4 Guidance

Please keep responses in numeric order and concise.

Bidders are requested to include a single point of contact in their organisation for their response to the RFQ. SIA will not be responsible for contacting Bidders through any route other than the nominated contact. Should this contact change, it is the responsibility of the Bidder to notify SIA of this fact.

SIA may request a Bidder to provide additional information, supplementing or clarifying any of the information provided in response to the requests set out in this RFQ. Conversely SIA is not obliged to seek clarification where information is missing or conflicting.

If any information is found to be untrue, falsified or misrepresented now or at a later date, SIA has the right to exclude the Bidder from further proceedings. In the case where an agreement or contract has been formed, SIA has the right to immediately cancel the contract and seek damages under applicable law.

SIA will not reimburse any costs incurred by Bidders in connection with the preparation of their responses to this RFQ or any other Bidder documentation.

1.5 Clarification

Please email any clarification questions on this RFQ to Jodie.cox@sia.gov.uk. The deadline for the submission of clarification questions is 12:00 noon on 07 February 2023.

1.6 Timings

Milestone	Date
RFQ issue date	12 July 2023
Clarification deadline	19 July 2023
RFQ Submission Deadline – 12.00 noon on	26 July 2023
Intended Notification of intent to award	14 August 2023

1.7 SIA reserves the right to:

- (a) Amend the terms and conditions of the RFQ process.
- (b) Correct any omissions or inaccuracies in the RFQ documents and to clarify and/or amend any of the requirements.
- (c) Advise any Bidder exceeding the page size/word count limit that it's Quotation is non-compliant and will not be evaluated.
- (d) Offer more than one contract should it so wish.
- (e) Cancel the RFQ at any stage.
- (f) Not select the lowest cost bid, or any bid, for Contract Award.
- (g) Call for new proposals should it consider this course desirable.

1.8 Terms and conditions

The following terms and condition for services shall apply to this contract. These terms are supplied with this RFQ.

1.9 Contract Duration.

A two-year contract with option to extend by 6 months.

Section 'B' Requirements

2. Requirements

The SIA are currently inviting established criminal chambers to tender for a prosecution contract with our organisation. The supplier will provide legal advice and representation on behalf of the SIA in relation to and before the criminal courts and appellate courts.

Location

The work is required to be carried out at SIA offices based at 10 South Colonnade, Canary Wharf, London, E14 1UG

2.1 Services

The main services to be delivered are:

- 1. Prosecutions (Predominantly Crown Court, some complex Magistrates' Court proceedings)**
- 2. POCA proceedings**
- 3. Coroners' Inquests (England, Wales and Northern Ireland)**
- 4. Judicial Review claims (England, Wales and Northern Ireland)**

Chambers will be processing personal data, typically:

- names
- addresses; and
- date of birth.

Chambers will also be processing special categories data, namely medical evidence, forensic evidence and medical records.

Nevertheless, in the light of the inquest hearings we can cite three exemptions under Schedule 2, Part 1, paragraph 5(3)(a), (b) and (c) of the Act. The listed GDPR provisions do not apply where disclosure of the data is:

- (a) Necessary for purpose of, or in connection with, legal proceedings (including prospective legal proceedings, e.g. a criminal prosecutions);
- (b) Necessary for the purposes of obtaining legal advice; or
- (c) Necessary for the purposes of establishing, exercising or defending legal rights.

2.2 Specific Outputs/Deliverables

The specifics of the requirement are detailed below including explicit outputs and inclusive deliverables. Note those highlighted in bold are the 'outputs' which should be priced independently and then consolidated for the final quote.

- (1) Output 1: Written advice to be completed in timely manner. Normally, 21 days from instruction, albeit some instructions will require action within tight timeframes**
- (2) Output 2: Hold case conferences with instructing agents (professional clients, investigators and expert witnesses)**
- (3) Output 3: Representing the client throughout all proceedings before the applicable Coroners Court**
- (4) Output 4: Advising on claims for judicial review; and**

(5) Output 5: Occasional virtual training events (common topics include POCA, RIPA, criminal law update, judicial review update).

Please note your quotation should provide a price for all main outputs as per those listed under (2.3) as per above. SIA reserves the right to select which of these services it eventually contracts, so your price should be broken down into three components with a price for each and a total for your submission/quote.

The Supplier shall ensure that staff will provide excellent customer service to the SIA throughout the duration of the agreement.

2.3 Timescales

The timescales of the requirement is:

- Contract aiming to commence from week commencing 14 August 2023 (subject to contract)

2.4 Experience/Qualifications

The qualifications or expertise required for this service are:

1. *Magistrates' Court proceedings* – Junior counsel (Completed pupillage – 5 years post-qualified experience (PQE).
2. *Crown Court proceedings* – Junior counsel (Over 5 years PQE).
3. *POCA proceedings* – Junior counsel (Over 5 years PQE with demonstrable experience of representing prosecuting authorities in POCA proceedings).
4. *Coroners' Inquests* – Junior counsel (Over 10 years PQE with demonstrable experience of representing organisations in Article 2 inquests).
5. *Judicial Reviews* – Junior counsel (Over 10 years PQE with demonstrable experience of representing organisations before the High Court in claims for judicial review. Silks will be considered for high profile claims.

Section 'C' Tender Response

3. Tender Response

3.1 Format

The RFQ shall be submitted electronic format (this document – complete by the bidder) via email to Jodie Cox to be received before 12:00 hours (noon) on 19 July 2023. Quotes may be submitted at any time before this. The submission shall be in English and in a format that can be read by Adobe Acrobat or Microsoft Word. The font must be in a readable font (e.g., Times new roman, Arial, Calibri) and must not be smaller than 11 pt. Bidders must not submit marketing material or any other documents in addition to the documents requested as part of the Quotation.

3.2 Receipt of RFQ Responses

Any RFQ that is received at the designated point after the deadline may be rejected and not considered for evaluation.

In the event that a Bidder has submitted a Quotation which does not comply with the RFQ requirements, SIA may exclude the Bidder from further participation in the process.

Offers must remain open for acceptance for at least 90 days, and prices fixed for the duration of the contract from date of submission.

3.3 Tender Evaluation

All Tenders will be evaluated in order to achieve the most economically advantageous tenderer.

The first stage of Tender Evaluation will be to first assess the submissions for compliance. In order to be compliant the Tender must be complete, with the correct documents uploaded in the required format, no additional documents were added and are in accordance with this Information for Tenderers Instructions. Any quotations / Tenders not compliant or completed in full may be rejected.

Based on the information provided by potential suppliers, each compliant submission will be evaluated based on the criteria described under '3.4. Technical Response' and '3.5. Pricing Response'. This will be assessed by calculating the Technical Score and Pricing Score and combining them in the ratio of 60% (Technical) and 40% Price.

3.4 Technical Response

Tenderers are required to complete and return a Technical response, comprising of the Technical Questions listed below;

- Please provide a short brief of your services (no promotional material) and how you intend to meet the requirements including a statement on each of the following:

Element	Technical Response*
<u>1</u>	Overview of company and services.
<u>2</u>	Company experience with examples of where you have delivered similar services in the past (referenced examples)
<u>3</u>	Individual experience (those intending to deliver the services)
<u>4</u>	Approach to deliver services as outlined within this brief
<u>5</u>	Details of your availability to undertake these services.

*NB Maximum of 500 words per section

If at any time, the Technical Assessment Panel or Pricing Assessment Panel wish to request a clarification, the Procurement Officer will raise this with the tenderer via the chosen route for communication.

Tenderers must include the following components in response to each Technical Question element;

- Methodology: describing the methods used to address the question and requirements,
- Evidence: each tenderer must provide evidence showing how the methodology has been successfully implemented. It is encouraged that evidence is as close to the specification as possible but is not necessary to be from a Defence sector delivery.
- Tender Commitments: each tenderer must provide one or more Tender commitments, for each quality element. These should be time-based and meet the need of the Specification/Scope. The number of or nature of the Tender Commitments will not be scored – but may affect your score should they not meet the standards set out in the Scoring Criteria. Tender Commitments should be SMART (Specific, Measurable, Achievable, Relevant & Time-bound), and should be easily identified within the submission. Tender Commitments will become part of the Contract Deliverables upon Award.

Members of the Technical Assessment Panel will assess the response to each Technical Question based only on the contents of the submission. Each member will assess each response in accordance with these Instructions and Scoring Criteria below.

Each member will first evaluate as an individual and will record their scores and rationale. All members will then join as the Technical Assessment Panel in order to achieve a consensus score and rationale for each technical question. Each Assessment session will be facilitated by a representative of the SIA.

The Technical Elements will be scored using the following scale in Table 1:

Score	Classification	Description
1	Unsatisfactory	<p>An unsatisfactory score will be applied if:</p> <ul style="list-style-type: none"> • The response does not answer the question, or fails to address multiple requirements; or • The methodology lacks basic explanatory detail or there is no supporting evidence provided; or • Tender Commitments lack defined outputs or fail to be Specific to the methodology. <p>Overall the response provides the SIA with little confidence that delivery of the requirements will be achieved.</p>
3	Weak	<p>A weak score will be applied if:</p> <ul style="list-style-type: none"> • The response answers the question but fails to address all the requirements; or • The response is supported by a methodology specific to the requirement; and is supported by limited or non-relevant evidence; or • The methodology and evidence are lacking in relevant detail, and • The Tender Commitments are either not time based or fail to be specific to the methodology. <p>Overall the response provides the SIA with weak confidence that delivery of the requirements will be achieved.</p>
6	Good	<p>A good score will be applied if:</p> <ul style="list-style-type: none"> • The response answers the question and addresses all the requirements; and • The response is supported by methodology directly specific to the requirement which includes defined procedures, resources and systems, and is supported by relevant evidence, and the methodology or evidence is lacking in minor detail. <p>• The Tender Commitments collectively support the delivery of the ambition, are specific to the methodology, with defined time-based outputs.</p> <p>Overall, the response provides the SIA with good confidence that delivery of the requirements will be achieved.</p>
9	Very Good	<p>A very good score will be applied if:</p> <ul style="list-style-type: none"> • The response meets the standard for good; and • Both methodology and evidence are fully detailed; and • The evidence demonstrates and supports the methodology in confirming a very good likelihood of success; and • The Tender Commitments contain defined outputs which are measurable and time-based and optimise delivery of the methodology.

		Overall the response provides the SIA with very good confidence that delivery of the requirements will be achieved.
10	Excellent	<p>An excellent score will be applied if the response:</p> <ul style="list-style-type: none"> • meets the standard for very good; and • Demonstrates it will contribute to continual improvement; and changing behaviours; and best practice. <p>Overall the response provides the SIA with excellent confidence that delivery of the requirements will be achieved.</p>

The Technical Score will be calculated as follows;

- Total sum of (question score x weighting of question) = Tenderer Technical Score.
(Tenderer Technical Score / Maximum Technical Score Available) x 60 = Tenderer Technical Percentage Score.

The tender with the Total Weighted Technical Score of less than 10 will be excluded.

3.5 Pricing Response

Tenderers are required to provide a quotation for the services;

Element	Commercial Response
1	Breakdown of hourly fee (should any additional services be required) Please Complete Appendix A
2	Daily refresher fee for attendance at inquests (including half day fee for Pre-inquest review hearings).
3	Confirmation of acceptance of our standard terms without amendment

Please note:

- That all materials, travel and subsistence, and all other expenses should be included in the costs quoted.
- V.A.T. should be separately indicated.
- Payment will be made upon satisfactory completion, in SIA's opinion (not to be unreasonably withheld), of the work delivered.
- Please ensure you notify us of any perceived conflicts of interests when quoting for this requirement.

The Pricing Assessment Panel will assess the Pricing Submission provided by the Tenderer, in accordance with these instructions.

The Pricing Assessment panel is independent to that of the Technical Assessment Panel, and no documents or information will be shared or communicated between the panels.

The Pricing assessment will determine a price for each Tenderer, using the worksheets contained in the Pricing Workbook / Pricing Schedule.

The tenderer with the lowest price is awarded a Pricing score of 100. Each other Tenderers score is calculated by deducting the percentage variance, by which their price is above the lowest, from 100. The minimum possible score is 0.

If the Tenderer with the lowest score is excluded, the second lowest priced Tenderer will score 100, and the other pricing scores will be recalculated accordingly.

If the SIA considers that a tenderers price appears to be abnormally low, it reserves the right to conduct an investigation in-line with Public Contract Regulation 69, and reserves the right to undertake any such an investigation at any Tender Stage. Tenderers may be asked to provide evidence to assist in such investigations. Any Tenderer which does not account for or provide satisfactory evidence for the low level of prices proposed, may be excluded.

The Pricing Score will be calculated using the following formula:

$$(\text{Lowest Compliant Quotation Price} / \text{Tenderers Price}) \times 40 = \text{Pricing Score}$$

3.6 Total Combined Score

The Total Combined Score will be derived from a combination of the final Technical and Price scores.

The Total Combined Score will be calculated to two decimal places, and any rounding will be rounded down.

The Total Combined Score will be used to rank the Tenderers from highest to lowest.

In the case of any tied Total Combined Scores, the Tenderer with the highest Technical score will be ranked highest.

The Tenderer who is ranked first (highest) in the final Total Combined Score will proceed.

The Total Combined Score will be calculated as follows; Technical Score at 60% + Pricing Score at 40% = 100%

3.7 Award

The SIA will inform the successful and unsuccessful Tenderers of its decision in a Standstill letter prepared in-line with Public Contract Regulation 86. Feedback will be provided within this Standstill Letter. Post-Award Tenderers may request a verbal debrief to improve future submissions.

The Tenderer/s identified for Contract Award will be issued with the Contract for execution. No contract will exist until the final contract has been issued, executed and completed.

The SIA may award up to 4 suppliers for this contract, with the most economically advantageous tenderer receiving the largest percentage split, with the percentage split reducing per rank. For example, the 1st placed tenderer may be awarded 40%, 2nd placed tenderer awarded 30%, 3rd placed tenderer awarded 20% and 4th placed tenderer awarded 10%.

Thank you for your quote.