

Invitation to Tender

Legal Services Board

Tender for the Board Evaluation Services

Deadline for receipt of tenders: 12:00 on 08 June 2022

Objective

1. The Legal Services Board (LSB) is looking to appoint a suitably qualified third party to undertake an external evaluation of the LSB Board. The last external evaluation was undertaken in 2018. In the intervening years internal evaluations have been undertaken.
2. A professional services provider is expected to be appointed by the end of June 2022 with work to commence immediately with the final report to be presented at the 18 October 2022 LSB Board meeting.
3. This document contains details of how to submit a bid, the nature of the contract and the timelines that the successful bidder will need to work to.
4. Please contact Ethan Fleming, Corporate Governance Manager, tenders@legalservicesboard.org.uk, if you have any questions or require any clarification. Enquiries received after the deadline for questions may not be answered. A summary of the questions received and LSB's response will be published on Contracts Finder.

Background

5. The Legal Services Board is the independent body responsible for overseeing the regulation of lawyers in England and Wales. In all our work, we seek to promote the eight regulatory objectives set out in the Legal Services Act 2007. We share our regulatory objectives with the 'approved regulators' of the legal profession, each of which have direct responsibility for the day-to-day regulation of the different types of lawyers.
6. Our [strategy for the legal services sector](#) outlines our vision to reshape legal services to better meet society's needs

7. The Board is currently made up of ten Board Members (the maximum allowed), and is composed of five lay members, four non-lay members and the Chief Executive who is lay. The Chair is a lay member, and the Board has also chosen to appoint a Senior Independent Director. Members are appointed by the Lord Chancellor in consultation with the Lord Chief Justice with the most recent appointment occurring in April 2022.
8. A new Chair and two new Board Members are expected to be appointed in 2023 and recruitment for the new Chair has already begun.
9. On average the Board meets ten times a year. Over the last two years the Board has been meeting virtually with in person meetings held in September 2021 and March 2022. The Board plans to hold every other meeting in person in the future. Board meetings are not open to the public but Board papers are published on our website ahead of [meetings](#)¹ And a [Chair's blog](#)² is published after each meeting reporting on the business conducted.
10. All members of the Senior Leadership team attend Board meetings along with the Corporate Governance Manager as the minute taker. Other LSB colleagues attend Board meetings as and when required to present papers and all new colleagues observe a Board meeting after joining the organisation.
11. The Board has established two subcommittees: Audit and Risk Assurance (ARAC) and Remuneration and Nomination (RNC). Board Members also act as leads on key projects and key relationships.
12. The LSB is committed to upholding the very highest standards of governance, with this review providing an important pillar of continuous improvement and in line with governance best practice.
13. Further details on the Board and LSB's governance, including terms of reference for committees and governance policies are available on the LSB [website](#).
14. The LSB has a small office in central London, near Tottenham Court Road. The LSB is operating largely remotely currently, though there is a regular presence of LSB staff in the office.

Specification of services required (this will form part of the Contract)

15. The prospective professional services provider will be expected to undertake an evaluation of the Board that as a minimum includes a desk-based review of evidence (board papers, governance policies, minutes etc), interviews (can be undertaken virtually) of all ten Board Members as a minimum along with

¹ <https://legalservicesboard.org.uk/about-us/our-board/board-meetings>

² <https://legalservicesboard.org.uk/news/chairs-blogs>

potentially interviewing members of the executive and key stakeholders and observation of at least one Board meeting. Observation is likely to take place at the 19 July Board meeting which is currently planned to be a virtual meeting.

16. Specific areas of focus for review include the following:

Purpose, Culture and Behaviours

- The board dynamic and culture including behaviours exhibited by the Board and individual members, such as but not limited to interactions between individual members, between individual members and the Chair and between the Board and the Executive. This might be both at and between meetings.
- The extent to which there is a shared understanding of respective roles and responsibilities, and a clear agreement on the culture and values and how the Board sets clearly the culture and tone for the organisation.
- If the manner in which the Board operates is effective and is appropriate for achieving the LSB's objectives and contributing to the strategy for the legal services sector.
- The purpose of the organisation (as set out in the [Legal Services Act](#)³) and if the Board leads the LSB to fulfil this purpose.

Decision Making

- How the Board makes time for discussion of wider strategic issues and 'thinking the big thoughts', and the time the Board spends discussing different issues and whether it is striking the right balance between the focus on immediate issues and long-term success.
- Quality of discussions around individual proposals and time allowed. How the Chair ensures sufficient debate for major decisions or contentious issues - including how constructive challenge is encouraged.
- Degree of robustness of debate and whether proportionate challenge, support and diversity of thought are present and awareness of factors that affect decision making such as conflicts of interest.
- Degree of attention to risks and proportionate focus on risk management when making decisions.
- The availability, use and analysis of data to make decisions.
- The way in which the Board and committees support the Accounting Officer in meeting the requirement of Managing Public Money.

³ <https://www.legislation.gov.uk/ukpga/2007/29/contents>

Structures and Relationships

- The Board structure and an analysis of the Board committees – whether they are operating effectively, whether they include Members and attendees with the right skills, experience and knowledge.
- An analysis of the effectiveness of information flows between the Board and the committees and vice versa.
- If the Board operates with suitable degrees of openness and transparency.
- The clarity between the roles of LSB, the Ministry of Justice and the frontline legal services regulators. Given the LSB's independence from MoJ and the legal profession via statutory remit and its funding model, how the Board (when appropriate) considers the links between its policies and actions and those of MoJ and wider government

Skills

- Consideration of future skills and experience and attributes a future Chair may require of Board Members, to feed into future recruitment rounds.

Board Operations

- Ways in which the Board may be able to mitigate the impact of significant Board turnover in 2023.
- How the Board should be approaching hybrid working now and in the future.
- The efficiency of the Board overall.
- Any other areas that that a prospective service provider identifies specific to LSB.

17. Alternative approaches or additional work may be proposed but should be clearly explained.

18. The output from the work should consist of a report highlighting areas of good practice and areas for development. The prospective service provider will be expected to present the report at the 18 October 2022 Board meeting (currently planned to be virtual).

19. The LSB is subject to the Freedom of Information Act and is committed to operating in transparent way. Consideration should be given to the publication of a summary of the report.

Contract term

20. The contract is expected to commence in June 2022 and continue until presentation of the final report to the Board in October 2022.

Budget

21. Bids are expected to be between £30,000 - £40,000 with a budget ceiling for this work of £40,000 excluding VAT. Bids above this may be disregarded with no further evaluation. Bids should clearly indicate if they include VAT or not.
22. A break down of costs should be provided including where appropriate the different costs of different staff members.

Compliance

All bidders are expected to confirm they comply with the following legislation/standards and to provide proof upon request:

- Equality Act 2010
- General Data Protection Regulations and the Data Protection Act 2018
- If you have worked with one of the approved regulators that the LSB regulates or the Office for Legal Complaints / Legal Ombudsman within the last twelve months or are currently working with them, how this will impact your independence and what mechanisms will be put into place to manage any real or perceived conflicts and to maintain confidentiality.

Timeline

Procurement

<i>ITT Issued</i>	<i>06/05/2022</i>
<i>Deadline For Questions</i>	<i>20/05/2022</i>
<i>Deadline for Submissions</i>	<i>12:00 - 08/06/2022</i>
<i>Shortlisted Supplier Presentations</i>	<i>Week beginning 20/06/2022</i>
<i>Decision Made on Appointment and Communicated</i>	<i>Week beginning 27/06/2022</i>
<i>Chosen Supplier Commences</i>	<i>4/07/2022</i>

Post Procurement

Kick off meeting with Chair, CEO, Director, Enabling Services	Directly following contract signing
Desk Based Research	July
Interviews	July
Observation of Board Meeting	19 July
Report writing	August
First review of the report by Chair/CEO	September
Report adjusted by supplier	September/October
Final presentation	18 October

Weekly virtual update meetings are expected to take place with relevant members of the Executive.

Tender evaluation

Tenders will be evaluated according to the following criteria:

Evaluation	Criteria	Weight
Qualitative	Method statement	45%
Commercial	Price	45%
Social Value	EDI Form	10%

A qualitative assessment will be made by reviewing the method statements provided by the tenderer and applying the scoring guide below:

Score	Acceptability	Description
0	Unacceptable	Information is omitted/ no details provided
1	Poor	Evaluator is not confident that the tenderer understands the contract requirements and/or will be able to satisfactorily meet the criterion requirements.
2	Fair	The Evaluator has some reservations that the applicant understands the contract requirements and/or will be able to satisfactorily meet the criterion requirements.
3	Satisfactory	The Evaluator is reasonably confident that the applicant understands the contract requirements and/or will be able to satisfactorily complete the contract requirements covered by this criterion to a reasonable standard.
4	Good	The Evaluator is confident that the applicant understands the contract requirements and/or will be able to satisfactorily complete the contract requirements covered by this criterion to a high standard.
5	Excellent	The Evaluator is completely confident that the applicant will provide a comprehensive managed service to a very high standard.

Submitting a Tender

A tender is required which should include method statements, but not be limited to:

- A description of how you would work with us, the key people that will work the LSB and their background, experiences and skills.
- A description of how you will meet the service specification requirements listed in paragraph 15 onwards above.
- A fully costed proposal with fixed and variable costs.
- A completed supplier questionnaire form (annex A).
- A completed EDI form (annex B).
- A completed non-collusive tendering certificate (annex C).

Failure to provide any of the above details may lead to bids being disregarded with no further evaluation. Electronic completion and signing of the forms is acceptable.

All tender submissions should be submitted by **12:00 on 08 June 2022** to tenders@legalservicesboard.org.uk . Submissions submitted to other addresses or beyond this time will not be accepted.

Your tender is to remain open for acceptance for 90 calendar days from the date of submission.

No qualifications are to be made to your tender. Any tender queries are to be raised before tender submission.

LSB does not bind itself to accept the lowest tender.

We reserve the right not to award a contract. There is no guarantee of any business as a result of this further competition, and we will not be held accountable for any costs to the bidder as a result of this exercise. We will consider bids from consortia on the basis that we may contract with the lead partner only, who we will hold solely responsible for successful delivery of the project.

Annex A - Supplier Questionnaire

To be completed and returned with tender

Name of organisation	
Address for correspondence	
Contact name and position	
Telephone number	
Email address	
Website address	
Address of registered office	
Company Number	
Names and job titles of key points of contact for delivery of the service	
Name of Bank and contact details for bank (financial references may be sought)	
Please attach most recent audited accounts with an explanation of any significant changes since the last year end	
Please provide contact details for two reference organisations	

Annex B – Equality Diversity and Inclusion Questionnaire

LSB - Supplier equality and diversity assessment form

This form will be used to assess your commitment to equality and diversity. Please answer the following questions, providing any necessary documentation.

1. Organisation size

What is the total number of employees/contractors/partners in your organisation?

2. Equality and diversity policy

Does your organisation have an equality and diversity policy, statement or strategy?

YES / NO

If YES, please provide a copy.

If NO, are you intending to implement something in the near future, and if so, when?

3. Bullying and harassment policy

Does your organisation have a policy/procedure to handle issues relating to bullying and/or harassment?

YES / NO

If YES, please provide a copy.

If NO, are you intending to implement something in the near future, and if so, when?

4. Equality and diversity training

Does your organisation provide equality and diversity training?

YES, and it's mandatory / YES, and its optional / NO

If YES, please provide an outline or description of the training, its regularity, and the percentage of your organisation that has completed the training.

If NO, are you intending to implement something in the near future, and if so, when?

Annex C – Non-Collusive Tendering Certificate

Contract for the provision of research services to the Legal Services Board

Non-collusive tendering certificate

We certify that this is a bona fide tender, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done and we undertake that we will not do at any time before the hour and date specified for the return of this tender any of the following acts:-

- (a) communicate to a person other than the person calling for those tenders the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender;
- (b) enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;
- (c) offer or pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.

In this certificate, the word "person" includes any persons and any body unincorporate; and "any agreement or arrangement" includes any such transaction, formal or informal, and whether legally binding or not.

Dated this day of year

Signature

**In the capacity of (e.g.
director, secretary etc.)**

(capitals)

**Duly authorised to sign
tenders for and on behalf
of**

Postal address

Telephone no

Email address: