

## **Invitation to tender: Stakeholder perceptions of the Legal Services Board**

### **Overview**

1. The Legal Services Board (LSB) is commissioning in-depth interviews and qualitative research to help it understand stakeholder perceptions of the organisation.
2. The LSB has allocated a budget of £15,000 including VAT for this project but invites research agencies to recommend optional extras. The submission deadline for bids is 12:00 on 12 December 2019.
3. The deliverables from the core research (for the allocated budget) must be submitted by 30 April 2020.

### **About the Legal Services Board (LSB)**

4. The LSB is the oversight regulator of legal services in England and Wales. Its vision is for legal services that everyone can access and trust. The LSB's strategic plan for 2018-21 sets out its approach to achieving this vision, taking into account the trends and drivers affecting the legal services market.<sup>1</sup>
5. The Legal Services Act 2007 outlines the LSB's role and responsibilities.<sup>2</sup> These include:
  - Providing oversight for the nine regulatory bodies it oversees<sup>3</sup> and the Solicitors Disciplinary Tribunal<sup>4</sup>
  - Oversight of the Office for Legal Complaints (which is responsible for administering the Legal Ombudsman scheme)<sup>5</sup>
  - Making recommendations to amend the list of reserved legal activities
  - Setting up voluntary arrangements to improve standards (if required)
6. In all of its work, the LSB must consider how best to promote the eight regulatory objectives set out in the Act.<sup>6</sup>

### **Invitation to tender (ITT)**

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<sup>1</sup> [https://www.legalservicesboard.org.uk/news\\_publications/publications/pdf/2018/LSB\\_Strategic\\_Plan\\_2018-21\\_\(final\).pdf](https://www.legalservicesboard.org.uk/news_publications/publications/pdf/2018/LSB_Strategic_Plan_2018-21_(final).pdf)

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2007/29/contents>

<sup>3</sup> Solicitors Regulation Authority, Bar Standards Board, CILEx Regulation, Council for Licensed Conveyancers, Intellectual Property Regulation Board, Costs Lawyer Standards Board, Master of the Faculties, Association of Certified and Chartered Accountants, Institute of Chartered Accountants of England and Wales - <https://www.legalservicesboard.org.uk/about-us/approved-regulators>

<sup>4</sup> <https://www.solicitorstribunal.org.uk/>

<sup>5</sup> <https://www.legalombudsman.org.uk/>

<sup>6</sup> [https://www.legalservicesboard.org.uk/about\\_us/Regulatory\\_Objectives.pdf](https://www.legalservicesboard.org.uk/about_us/Regulatory_Objectives.pdf)

7. The aim of this research is for LSB to understand stakeholders' perceptions of the organisation and their preferred methods of communicating and engaging with it. This includes understanding what stakeholders think the organisation does well and what they think the organisation should do differently.
8. The insights will be used to help the LSB develop its strategic plan for 2022 onwards and identify areas to prioritise when setting new strategic priorities.
9. The LSB plans to increase its impact and influence. Therefore, the insights will also increase our ability to persuade stakeholders by knowing how to communicate with them more effectively.

## **Issues and scope**

10. The LSB is keen to receive open and honest (anonymised) views from stakeholders.
11. As this is the first time we have conducted detailed research into stakeholder perceptions, our priority is for detailed qualitative research.
12. The LSB has a number of stakeholders whose views it would be useful to understand. Some of the key stakeholders are outlined in Annex C.
13. The LSB would like to understand the views of both senior and junior colleagues at stakeholder organisations.

## **Approach**

14. We anticipate the qualitative research will be based on a number of in-depth telephone interviews. However, the LSB wants to benefit from the research company's experience and is open to ideas about other approaches for achieving its objectives, including focus groups, pop up online communities and surveys. Please note that the interests of our stakeholders are not always aligned therefore group-based engagement might not always be effective.
15. We understand that to achieve the objectives, additional methods may be required, such as an online survey. We anticipate that in-depth qualitative research will be carried out first to inform the design of any more quantitative methods. (Though this should be offered as an optional extra.)
16. The LSB's stakeholders are often time poor, so the LSB would welcome recommendations on how to incentivise participation in the research.
17. The LSB is able to support by identifying and recruiting interviewees/participants, for the research agency to organise their participation.

## **Budget**

18. The LSB has allocated a budget of £15,000 including VAT for this project. Please submit a tender within this value, noting that the LSB's priority is for in-depth interviews and qualitative research. Please provide a cost (excluding VAT) for 30 in-depth interviews (even if this is greater than the allocated budget)
19. Please include the cost (excluding VAT) of an online survey of stakeholders as an optional extra.
20. If you wish to recommend any other additional activities that require more budget but that would achieve the LSB's objectives, please include them as optional extras with clear costs (excluding VAT) and outline their benefits.
21. If there are activities that you recommend or are relying on the LSB undertaking itself as part of this project, that would help control your costs, please include these in your proposal. For example, if you recommend that the LSB should conduct a survey, you might lead on its design, but the LSB might issue and promote it to stakeholders.

## **Duration**

22. The LSB would like the research to be conducted between January to March 2020. Although optional extras could be scheduled later.
23. The deliverables from the core research (for the allocated budget) must be submitted by 30 April 2020. Deliverables from optional extras should be delivered as soon as possible but could be delivered later.

## **Deliverables**

### Output

24. The primary outputs for this research are a PowerPoint-based thematic report, including verbatims, with data analysed by stakeholder type. This should be delivered as a draft, interim and final report, with comments from LSB on the draft and interim versions.
25. The LSB would also like the research to be presented at an internal workshop hosted at LSB's offices.
26. If also using any quantitative methods, data tables and anonymised dataset.

### Project plan

27. Tenders should include a project plan and time schedule for the work that identifies the main tasks and key milestones that will be used to monitor progress. The plan should be accompanied by a resource profile, giving a breakdown of the resources in person days allocated to each task, for each key project team member. The LSB would also expect the tenders to include a clear analysis of the potential risks and

how you propose to reduce their likelihood and/or mitigate their impact during the project. Please also make clear which approaches or deliverables are optional extras and cost them separately.

#### Data protection

28. The appointed agency will collect commercially sensitive information as part of this project. Bidders should explain the safeguards they will put in place to comply with data protection legislation.

### **Tender Evaluation Criteria**

29. All projects commissioned by the LSB are subject to our standard terms of contract. Tenders will be evaluated on MEAT – Most Economically Advantageous Tender – based on combined scores for cost and quality. This will be informed by the following criteria:

- a) Overall understanding of the project requirements
- b) Relevance of individual team member experience and expertise to the roles and tasks they will be doing in this project (**please include a copy of your organisation's diversity policy**)
- c) Methodology – the methods used, including sampling and detailing individual task responsibilities of team members and how these link to the deliverables (**please include project plan and resource profile**)
- d) Risks – What are the main risks and how will you reduce their likelihood and/or mitigate their impact during the project?
- e) What standards or protocols will you have in place to ensure the project is delivered to high ethical and quality standards?
- f) Arguments for optional extras that add clear value (even if this requires additional budget)
- g) Creativity (especially considering our limited budget)

30. Further details of the scoring process can be found in Annex A.

## Timetable

31. Clarifications or queries relating to the research specification, as well as tenders, should be submitted through the Crown Commercial Service Bravo Solution platform.

Invitation to tender issued	22 November 2019
Deadline for clarification questions	29 November 2019 16:00
Deadline for submission of bids	12 December 2019 12:00
Notification of interview	17 December 2019
Interviews	20 December 2019
Notification of outcome	23 December 2019
Contract awarded	8 January 2020
Project inception meeting	10 January 2020
Core fieldwork complete	31 March 2020
Final dataset and report and agreed final outputs	30 April 2020

## Checklist

Your tender should include all of the following:

	Summary of project requirements and assumptions made.
	Proposed team composition, expertise and management (and how this relates to their tasks and responsibilities in the project).
	Project plan and time schedule, listing deliverables together with a resource profile, giving a breakdown of the resources in person days allocated to each task, for each key project team member.
	Cost breakdowns (excluding VAT), including for 30 in-depth interviews and optional extras, as specified in Annex A.
	Risk analysis and mitigation.
	Explain data protection safeguards.
	Confirm the specified deliverables that will be provided
	A copy of your organisation's diversity policy
	Signed non-collusive tendering certificate (see Annex B)

### Assessment of bids

We will use the MEAT framework – Most Economically Advantageous Tender – based on combined scores for cost and quality.

#### Quality

The quality criteria will be assessed based on the written responses, with the evaluation scoring breakdown detailed below. Marks achieved will then be multiplied by the quality weighting (60%) to give the overall weighted score for the quality section.

The quality criteria will be assessed based on written responses. The tender evaluation panel will be given the following guide for scoring the bids to achieve consistency across scorers.

Each criterion will be worth a maximum of 100 marks and will be scored on the following spectrum from “Unacceptable” to “Excellent”. Definitions of what constitutes these are described in more detail below.

Score	Assessment	Interpretation
81-100	Excellent	Exceeds the requirement. Exceptional demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required. Evidence identifies factors that will offer significant added value.
61-80	Good	Satisfies the requirement and offers some additional benefits. Above average demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required. Evidence identifies factors that will offer some added value.
41-60	Acceptable	Satisfies the requirement. Demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required.
21-40	Minor reservation	Satisfies the requirement with minor reservations. Some minor reservations about the bidder’s relevant ability understanding, experience, skills, resources and quality measures required.
1-20	Major Reservations	Satisfies the requirement but with major reservations. Serious concerns about the bidder’s relevant ability, understanding, experience, skills, resources and quality measures required.

Score	Assessment	Interpretation
0	Unacceptable	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the bidder has the relevant ability, understanding, experience, skills, resources and quality measures required. Little or no evidence to support the response.

Panel members will be allowed to score anywhere between 0 and the maximum score of 100 marks for the particular question - whatever they think is most appropriate for each criterion. Bidders must score a minimum quality score of at least 41 marks out of the possible 100 marks available for each criterion detailed in the table above to proceed in the evaluation process. Bidders who do not achieve this score will be excluded from this process. The minimum quality score ensures that all reasonably compliant bids have the chance to succeed but that a bidder cannot win even with a very competitive price if there have been some concerns established with their technical bids.

There will be an evaluation panel formed from the three project partners to determine the scoring of the bids received. Scores and supporting comments from each member of the panel will be recorded and a mediation meeting will be held to reach a consensus score for each question.

## Cost

Cost will be assessed using the 'Proportion of Best' calculation. This is where the lowest priced bidder will achieve maximum points under this section and all other bids will be awarded a score based on a straightforward 'proportion of best' calculation, outlined as follows:  $\text{Lowest Priced Bid} / \text{Price of tender being evaluated} \times \text{Price weighting ratio (i.e. 40\%)} = \text{SCORE}$ .

- Clear separate costings for each aspect of the project including a detailed breakdown of what activities each member of the research team will conduct with a specification of the time allocated and their daily rate, and any assumptions associated with the costs.
- Potential Providers must ensure that the Pricing Schedule has been completed in full.
- Prices should be submitted in pounds Sterling and exclusive of VAT.
- It is imperative that ALL costs are accounted for as we will reserve the right to only honour payment of reasonable discrepancies and only when first agreed in advance in writing.



### **Tender evaluation weighting**

Proposals will be evaluated by an evaluation panel using the following weightings:

<b>Evaluation Criteria</b>	<b>Criteria Weighting %</b>
Quality	60%
Price	40%
Total	100%

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 B

### **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**

**E-mail address:**

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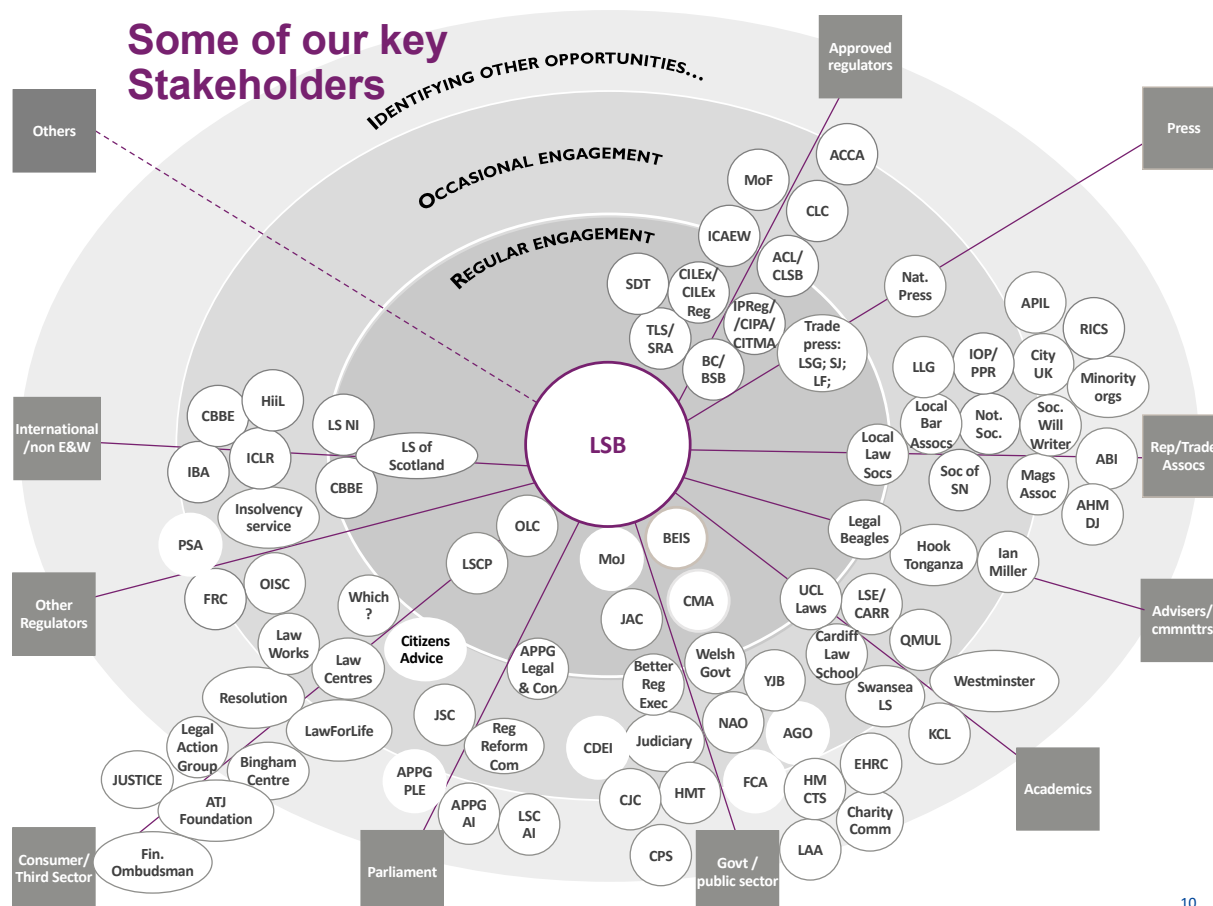
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## Some of the LSB's stakeholders

Some of our key stakeholders are shown on the diagram below, with an indication of how often we currently engage with them. The stakeholders are also listed below. Those in green are those whose views we would most like to understand.



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### Legal professionals

- Lawyers
- Barristers
- Accountants
- Legal executives

### Approved regulators and regulatory bodies

- Association of Certified and Chartered Accountants
- Association of Costs Lawyers / Costs Lawyer Standards Board
- Council for Licensed Conveyancers
- ICAEW - Institute of Chartered Accountants of England and Wales
- The Law Society / Solicitors Regulation Authority
- Bar Council / Bar Standards Board

- CILEx / CILEx Regulation
- Intellectual Property Regulation Board
- Master of the Faculties
- Solicitors Disciplinary Tribunal

#### **Journalists**

- Neil Rose – Editor Legal Futures
- Jean-Yves Gilg Solicitors Journal

#### **Advisors and commentators**

- Legal Beagles
- Hook Tanganza
- Ian Miller (Partner at kingsley Napley)

#### **Representative bodies and trade associations**

- Local Bar Associations
- Minority organisations
- UKRN
- Society of Will Writers
- Institute for Professional Will Writing
- Local Law societies
- Magistrates Association
- The Notaries Society
- City UK
- Association of Personal Injury Lawyers
- Institute of Paralegals / Professional Paralegal Register
- Lawyers in Local Government
- Royal Institute of surveyors

#### **International bodies outside England and Wales**

- Law Society of Scotland
- Law Society of Northern Ireland
- Scottish Legal Complaints Commission
- International Conference of Legal Regulators
- Insolvency Service
- Hague Institute for Innovation of Law
- International Bar Association

#### **Other Regulators**

- Office of the Immigration Services Commissioner
- Professional Standards Association
- Financial Reporting Council

#### **Consumer / third sector bodies**

- Which?
- Citizens Advice
- Law Works
- Legal Action Group
- Office for Legal Complaints
- Legal Services Consumer Panel
- Justice
- Financial Ombudsman
- Law for Life
- Law Centres
- Resolution
- Legal Action Group
- JUSTICE
- Access to Justice Foundation
- Bingham Centre

### **Government / Public Sector**

- Ministry of Justice
- Department for Business, Energy and Industrial Strategy
- Competition and Markets Authority
- Welsh Government
- National Audit Office
- Her Majesty's Courts and Tribunals Service
- Equality and Human Rights Commission
- Charity Commission
- Judicial Appointment Commission
- Better Regulation Executive
- The Judiciary
- Crown Prosecution Service
- Youth Justice Board
- Her Majesty's Treasury
- Centre for Data Ethics and Innovation
- Financial Conduct Authority
- Attorney General's Office

### **Academic**

- Westminster University
- Kings College London
- Swansea Law School
- Cardiff Law School
- Queen Mary University of London
- London School of Economics Centre for Analysis of Risk and Regulation
- University of Faculty of Laws

### **Parliamentary**

- APPG on Public Legal Education
- APPG on Artificial Intelligence

- Justice Select Committee
- Lords Select Committee on Artificial Intelligence
- Regulatory Reform Committee