



Best value tendering

The existing unified contract will now expire at the end of June 2010. The proposals in the Commission's consultation include:

Contracts

A single contract tendered, which incorporates police station duty work, a licence to undertake police station own client work, and magistrates' court duty sessions.

For magistrates' court representation cases where publicly funded police station work on a case had not been undertaken, the options are:

- 1: only those providers who secure a BVT contract in a scheme can undertake magistrates' court representation in that scheme area, or
- 2: providers who do not secure a BVT contract, but do hold a CDS contract 2010, have the opportunity to undertake publicly funded magistrates' court work as they do now, with no restrictions.

Bidding prices set for police station work based on either:

- a one-off sealed bid tender where providers enter bids for a volume of police station slots at the price the provider wishes to bid

- a multi-round open auction where providers enter bids for a volume of police station slots at the preset price the LSC offers. If the total bids for slots exceed the number available there will be a new round with a lower price. As price falls, providers can reduce volume bids or switch their bids between schemes.

Price

Setting prices for police station work set through tender. Prices for magistrates' court work throughout England and Wales will cut to current administratively set rates (based on urban non-London rates). Travel and waiting are therefore rolled up in the fees.

Exclusivity

BVT contracts specific to police station scheme areas for all police station work (duty and own client) and duty solicitor court sessions within BVT areas.

Any provider who has undertaken publicly funded police station work on a case may follow the case to magistrates' court, regardless of whether that is based within or outside a BVT area, and regardless of whether they have secured a BVT contract.

Option 1 above would limit access to all other magistrates' court work in BVT areas to only those

CLSA'S ONE DAY CONFERENCE ON BEST VALUE TENDERING

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Friday 15 May 2009 (3 cpd points)

Church House Conference Centre
Dean's Yard Westminster London SW1P 3NZ

10.30am to 4pm, registration from 10am

Registration fee £35 plus VAT including lunch and refreshments

Speakers:

Lord Bach of Lutterworth, parliamentary under secretary of state for justice.

Paul Marsh, president of the Law Society.

Des Hudson, chief executive of the Law Society.

Raymond Shaw, president of the London Criminal Courts Solicitors' Association.

Joy Merriam, chair of CLSA.

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providers who have been successful in the tender for that BVT area.

Under option 2 there would be no such exclusivity in the magistrates' court.

Other proposals

Volume bids are not made in magistrates' court work.

BVT contracts will require that, where publicly funded police station work has been undertaken on a case, and that client requests magistrates' court representation, it must be provided by the provider, except where conflicts of interest arise.

Additional quality and performance safeguards:

- all supervisors must be accredited
- supervisor to fee earner ratios
- new and amended key performance indicators for police station work

Additional bvt specification proposals

Clauses in BVT contracts to require providers to undertake magistrates' court work when the provider has undertaken the police station element and the client wants to retain the provider for representation at the magistrates' court. These conditions will not apply when the provider is precluded from taking on the client for reasons of conflict.

Remove payment for file review for work done in BVT contracts. Providers to reflect this cost in their bid for work, bringing the specification into line with the civil contract arrangements.

Supervisors to be criminal litigation accreditation scheme accredited, supervisor to fee earner ratios to be introduced, and new and amended KPIs for police station work.

Pilot tender and national roll-out

Any finalised model for BVT will be piloted before wide scale implementation. A full assessment of the tender will be conducted before a decision is taken on a more widespread roll-out of BVT (*but not an assessment of the impact upon the supplier base or the service provided for clients*).

The pilot tender evaluation would address:

- the operation of the tender
- an assessment of prices obtained through tender

- an assessment of coverage obtained through tender
- an assessment of the extent to which either consolidation or fragmentation of the market has occurred
- the impact on civil supply
- an assessment of the ability of firms to adjust structures, where necessary, to deliver under new contracts
- an impact assessment of tender outcomes

(and all done before the contract even starts).

Proposed timetable

Pilot tender dates	October 2009
Pilot decisions	January 2010
Date of contract start	July 2010

Phase One

Tender start date	June 2010
Date contract awarded	September 2010
Date of contract start	January 2011

Phase Two

Tender start date	September 2010
Date contract awarded	December 2010
Date of contract start	April 2011

Phase Three

Tender start date	December 2010
Date contract awarded	March 2011
Date of contract start	July 2011

Phase Areas

Pilot

Avon & Somerset, Greater Manchester.

Phase One

London, Merseyside, Northumbria, Derbyshire, Warwickshire, Hampshire, South Wales, Essex.

Phase Two

Sussex, Surrey, West Yorkshire, South Yorkshire, Northamptonshire, Lincolnshire, West Midlands, Nottinghamshire, Leicestershire, Lancashire, Dorset, Gloucestershire, Wiltshire, Devon & Cornwall, Dyfed-Powys, Hertfordshire, Cleveland.

Phase Three

Kent, North Yorkshire, Durham, Humberside, Bedfordshire, Norfolk, West Mercia, Cheshire, Cumbria, Thames Valley, Gwent, North Wales, Suffolk, Staffordshire, Cambridgeshire.