




BAR
STANDARDS
BOARD

REGULATING BARRISTERS

INTERNAL AUDIT

Invitation to tender for provision of Internal Audit services.



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Invitation to Tender: Services to be provided to the Bar Standards Board

1. Introduction

- 1.1. The Bar Standards Board (“BSB”) invites expressions of interest from tenderers with the knowledge, expertise, and experience to be its preferred supplier for the design, delivery, and conclusion of Internal Audit processes for its executive functions.
- 1.2. Information about [how we regulate](#) is available on our website and further information about our governance, can be found on the [governance section](#) of our website. Those responding to this invitation to tender are strongly encouraged to consult the website for a more comprehensive view on the work of the BSB.
- 1.3. The BSB intends to appoint a supplier to provide an internal audit service commencing during the 2023/24 financial year. We are seeking a supplier who can work in partnership with BSB staff to deliver internal audit services to a high standard and help define the scope of future internal audit services, adding value and assurance to the Board and its standing committees.

2. About the BSB and what we do

- 2.1. The BSB regulates barristers and their professional practice and specialised legal services business in England and Wales in the public interest. Our responsibilities include:

- Setting the education and training requirements for becoming a barrister,
- setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers,
- Setting standards of conduct for barristers,
- Authorising organisations that focus on advocacy, litigation, and specialist legal advice,
- monitoring the service provided by barristers and the organisations we authorise to ensure they meet our requirements; and
- considering reported concerns about barristers and the organisations we authorise and taking enforcement or other action where appropriate

- 2.2. The BSB’s regulatory objectives are:

- Protecting and promoting the public interest,
- Supporting the constitutional principle of the rule of law,
- Improving access to justice,
- Protecting and promoting the interests of consumers,
- Promoting competition in the provision of services,
- Encouraging an independent, strong, diverse, and effective legal profession,
- Increasing public understanding of citizens' legal rights and duties; and
- Promoting and maintaining adherence to the [professional principles](#).

- 2.3. Our [Strategic Plan for 2022-2025](#) sets out our key strategic aims:

- **Efficiency** – delivering our core regulatory operations quickly, economically and to a high standard,
- **Standards**- ensuring that barristers provide a high quality and responsive service throughout their careers,
- **Equality** - promoting equality, diversity and inclusion at the Bar and at the BSB, and the profession’s ability to serve diverse consumers

- **Access** - promoting consumer understanding of legal services and choice, and good value in using those services (covering both the supply of, and demand for, barristers' services).
- **Independence** - strengthening the BSB's independence, capability, self-confidence, and credibility

2.4. The BSB is required to be a risk-based, transparent, and proportionate regulator, targeting our work at the areas of most need in relation to our regulatory objectives (see 2.2, above). The BSB [Handbook](#) sets out the regulatory framework and includes the Code of Conduct; Scope of Practice, Authorisation and Licensing Rules; Bar Qualification Rules; and Enforcement Regulations. The Equality and Diversity Rules and Guidance are published separately but the principles run through all BSB work.

The Chair and Director General lead the Board and Executive respectively. More about the work of our teams can be found in Annex 1.

3. Scope of work

- 3.1. The Board adopted the [four lines of defence model](#)¹ and established an internal audit function in 2017 to provide objective and independent assurance of the overall effectiveness of the organisation (the third line of defence).
- 3.2. The successful bidder will act as an internal audit service to the BSB to give an independent and objective opinion on the adequacy, effectiveness, and proportionality of our systems of risk management, control, and governance across the entirety of our operations.
- 3.3. The BSB will require independent assurance of:
 - organisational governance,
 - corporate risk management,
 - regulatory risk management,
 - organisational performance and delivery,
 - key functions and programmes of both regulatory and strategic delivery,
 - key financial and operational controls; and
 - programme and project management.
- 3.4. The appointed internal auditor will draft, for the agreement of the BSB's Governance, Risk and Audit Committee, an internal audit strategy for the period of the contract. The internal audit strategy will comprise distinct annual internal audit plans.
- 3.5. The appointed internal auditor will then provide an internal audit service as outlined within the annual internal audit plan(s).
- 3.6. The appointed internal auditor will prepare a written report and opinion for presentation to the Committee on an annual basis.
- 3.7. The appointed internal auditor will be required to attend and present their reports to the Governance, Risk and Audit Committee in addition to the annual report specified by either the Committee or Board. A schedule of planned Committee meetings has been provided in annex 2
- 3.8. The audit partner / director will be expected to attend, accompanied by the audit manager / lead auditor.

¹ Assurance can come from many sources. The 'four lines of defence' model is a concept for helping to identify and understand the different contributions the various sources can provide

- 3.9. This appointment will be for a three-year period, covering financial years 2023/24, 2024/25, 2025/2026.
- 3.10. An extension to the contract (for a further two years) may be awarded by the BSB, subject to satisfactory performance and mutual agreement.

4. Submission and deadline for proposals

- 4.1 Please submit your proposal by email to Sam Jensen, Corporate Services Manager, at SJensen@barstandardsboard.org.uk. (Proposal documents should be attached as Microsoft Word or pdf documents, wherever possible).
- 4.2 The deadline for all submissions to be received is **Friday, 13 January 2023**
- 4.3 Tenders must be returned by the date and time specified. Late submissions will not be considered by the selection panel.
- 4.4 Shortlisted suppliers will be invited to attend the BSB offices to present their proposed approach during **week commencing 6 February 2023** (see table below). It is required that one of those presenting be the audit director/partner who will be the intended primary contact for the BSB during the period of provision of services.
- 4.5 Organisations will be notified if there are any delays to the timetable for evaluation of proposals.
- 4.6 After the review is completed, the BSB will retain copies of all responses to satisfy its audit obligations.
- 4.7 The following is a summary of the timetable that applies to this procurement. The BSB reserves the right to alter this timetable by notice to tenderers

Description	Date
BSB issues tender documentation	12 December 2022
Deadline for organisations to submit tenders	13 January 2023
BSB evaluation panel to score responses	w/c 16 January 2023
BSB notifies shortlisted tenderers	w/c 23 January 2023
Shortlisted suppliers to be interviewed/to present (as required)	w/c 06 February 2023
Recommendation put to the Governance, Risk and Audit Committee for decision on appointment	21 February 2023

Description	Date
Successful tenderer informed of award	04 March 2023
Signing of contracts	w/c 27 March 2023
Commencement of contract	01 April 2023
End of contract	31 March 2026

5. Instructions to tenderers

- 5.1. This Invitation to Tender (ITT) has been prepared by the BSB for the purpose of inviting proposals from organisations for the provision of the services described in the scope of work found in section 3 of this document. You are invited to submit your proposal, including the following:
- General information on your company and relevant previous client experience,
 - your standard business terms and conditions,
 - pricing and proposals for the assignments,
 - two client referees for whom you have delivered similar services to those outlined in this ITT,
 - information, comments, and observations you wish to provide, drawing on your expertise, in relation to the service we are seeking to procure; and
 - any other information you think would be useful in helping us assess your suitability for this assignment.
- 5.2. Unless stated otherwise in these instructions or in writing from the BSB, all communications from tenderers (including their sub-contractors, consortium members, consultants, and advisers) during the period of this procurement exercise must be directed to the Corporate Services Manager.
- 5.3. To simplify exchange of information regarding this ITT, please nominate a Key Contact or Bid Manager (together with a deputy) and relevant contact telephone numbers and email addresses
- 5.4. The instructions outlined are designed to ensure that all tenderers are given equal and fair consideration. It is important therefore that tenderers provide all the information asked for in the format and order specified. Tenderers must contact the BSB via the designated BSB contact named in the details above (see section 4.1 of this document) if they have any doubt as to what is required or will have difficulty in providing the information requested.
- 5.5. Tenderers must read the instructions on the tendering procedures carefully. Failure to comply with them or to return any of the required documents or information may invalidate their tender which must be returned by the date and time given in the table above (4.7)
- 5.6. The tender response must include information in four areas:
- The Services
 - Commercial Details
 - Contractual Details
 - Financial Details

The Services, the tender response must include an explanation of:

- the proposed approach to development of an internal audit strategy.

- the proposed methodology for carrying out the internal audit work identified through the audit planning process,
- details of the staff proposed, including summarised CVs and confirmation of proposed role; and
- an explanation of how they will be able to add value to help the BSB in the delivery of its strategic and regulatory objectives. (For clarity “added value” in this context encompasses the quality of assurance provided by internal audit reviews across the whole range of functional areas).

Commercial Details, the tender response must include:

- details of the person(s) at their organisation who can be contacted by the BSB with any queries arising in relation to their response or otherwise in connection with this ITT.
- details of the organisation with which it is proposed that the BSB enters a contractual relationship, including full registered address, company registration number (if applicable).

Contractual Details, the tender response must include the following:

- a declaration of any connection between their organisation and the BSB or the General Council of the Bar.
- details of any existing contracts between their organisation and the BSB or the General Council of the Bar and any arrangements which have been in place over the last 24 months including details of any contractual arrangements (including date, length of term, name of contact, types and levels of services supplied, contract value and departments involved).
- specific detail in relation to any areas or elements for which they wish to use subcontractors. Tenderers must provide reasons they have for such subcontracting and if particular third parties would be chosen. Tenderers must give details of any existing relationship with such subcontractor and how they would ensure that appropriate management controls are or would be put in place.
- clearly defined responsibilities between the BSB and the appointed organisation. Detailing which elements for which their organisation will be responsible and those elements for which the BSB will be responsible.

Financial Details, the tender response must include the following:

- how many hours are included in their normal day and when their day starts and ends.
- how their rates would change for hours worked outside of their normal day if at all.
- any specific invoicing requirements, other than payment within 30 days of receipt of invoice.
- the procedure they would propose if an invoiced amount was disputed for any reason.

6. Evaluation and Selection criteria

6.1. The BSB will be aiming to deliver value for money. However, that does not mean automatically accepting the lowest bid. We invite proposals that will support the BSB’s organisational values and regulatory objectives.

6.2. Criteria that proposals will be assessed against are as follows:

- **Track record:** a proven track record with evidence of success delivering internal audit services to a high standard. Demonstration of the ability to work in partnership with clients to define the scope of future internal audit services,
- **Collaborative working:** the identification of a team, including a senior partner, to work with the BSB who will be able to forge a strong and constructive relationship based on a good understanding of BSB’s culture, aims and challenges.
- **Value for money:** prices which reflect the economy of scale associated with a continuing relationship and understanding of BSB; and

- **Governance:** well-established governance arrangements to ensure compliance with data protection and equality laws and requirements

6.3. The successful tenderer(s) will:

- Demonstrate a clear understanding of the assignment, the organisation and the BSB's role, regulatory functions, and an understanding of the wider legal regulatory environment.
- Evidence a robust approach and methodology for undertaking internal audit assignments at the BSB.
- Provide evidence that sufficient resource with the right depth and breadth of experience will be employed to add value to BSB operations (in particular evidence that specialist skills and experience can be brought to bear in respect of the BSBs regulatory activities).

6.4. Tenderers must demonstrate their willingness and ability to work according to the BSB organisational values, which are:

➤ **Fairness and Respect**

- We strive to achieve equal access and equal treatment, valuing and respecting our differences

➤ **Independence and Integrity**

- We are objective and evidence-based, open, honest and accountable, and we expect everyone to meet these same ethical standards.

➤ **Excellence and Efficiency**

- We are committed to learning and improving, seeking to maximise our effectiveness by making the best possible use of our resources.

6.5. The tender evaluation process will be used to evaluate the competence of the bidder against the below criteria:

Score	Scoring principles
0 – Very poor	<p>The response is significantly below what would be expected because of one or all of the following:</p> <ul style="list-style-type: none"> • The response indicates a significant lack of experience and understanding relating to the scope of work • The response fails to adequately incorporate the scope of work
1 – Poor	<p>The response meets elements of the scope of work but gives concern in a number of significant areas. There are reservations because of one or all of the following:</p> <ul style="list-style-type: none"> • There is at least one significant issue needing considerable attention • Experience does not demonstrate competence or understanding • The response is light and unconvincing.
2 – Satisfactory	<p>The response meets most of the scope of work but there is at least one significant issue of concern, or several smaller issues. These would require some further clarification or attention later in the procurement process and may arise through lack of demonstrated capability and/or appropriate evidence. The response therefore shows:</p> <ul style="list-style-type: none"> • Basic experience and understanding of the scope of work • Sufficient competence demonstrated through relevant evidence • Some areas of concern that require attention.

Score	Scoring principles
3 – Good	<p>The response broadly meets what is expected for the scope of work. There are no significant areas of concern, although there may be limited minor issues that need further exploration. The response therefore shows:</p> <ul style="list-style-type: none"> • Good experience and understanding of the scope of work • Sufficient competence demonstrated through relevant evidence • Some insight demonstrated into the relevant issues.
4 – Excellent	<p>The response exceeds what is expected for the scope of work. Leaves no doubt as to the capability and commitment to deliver what is required. The response therefore shows:</p> <ul style="list-style-type: none"> • Very good understanding of the scope of work • Excellent experience demonstrated through relevant evidence • Considerable insight into the relevant issues • The response is also likely to propose additional value in several respects above that expected

6.6. Unsuccessful bidders will be informed of the BSB’s decision and will be provided with feedback on their submission if requested.

7. Equality and Diversity

7.1. Tenderers must indicate whether their organisation holds an externally assessed equality and diversity standard e.g. The Common Standard for Equalities in Public Procurement, Disability Confident, Diversity Works, Diversity Assured, or equivalent.

7.2. If organisations do not hold an externally assessed equality and diversity standard, then they must provide information on actions they are taking to promote equality and diversity as an employer and a service provider.

8. Risk management and risk assessment

8.1. It is the responsibility of tenderers to have systems in place to ensure that when there are risks to the proposed delivery of the contract or to meeting any of the BSB’s requirements or deadlines, those risks are identified and addressed.

9. General Tenderer Details

9.1. Tenderers must set out details of any parent or holding company (where appropriate). Tenderers must also state where it is registered, ownership details, including details of the relationship with the parent company’s subsidiaries, if applicable.

9.2. Tenderers must specify the number of total staff in your company / group. Tenderers must give a detailed breakdown of staff duties in relation to this ITT.

- 9.3. Tenderers must describe in brief terms your organisation's history and the history of provision of internal audit services.

10. References

- 10.1. Tenderers must provide at least two references (contact name, title, e-mail address and telephone number) from existing customers who were provided with services similar to those being contemplated by the ITT who would be suitable to act as referees.
- 10.2. Tenderers must confirm that they will allow the BSB to contact existing customers during the tender evaluation process to seek written or other references.
- 10.3. Tenderers should use their best endeavours to submit any additional evidence to verify their ability to fulfil this contract which may be requested by the BSB.
- 10.4. Tenderers must state whether any of their service contracts with other organisations, which involve services similar to those envisaged under this ITT, have been terminated early in the last three years and if so, tenderers must give details including any reasons for such termination.

11. Financial Tenderer Details

Cost and cost breakdown

- 11.1. Tenderers must include a detailed breakdown of their cost model, which must set out clearly the basis on which prices have been calculated and wherever possible, producing information which would permit the BSB to calculate charge variations resulting from increased or reduced requirements.
- 11.2. All costs quoted by tenderers must set out whether any additional amounts will be sought from the BSB. Any additional amounts not specified will be assumed to be included in the stated price.
- 11.3. If any costs are not included in the price quoted, tenderers must identify these separately and specify the proposed commercial terms in relation to such items, on a time and materials basis or in accordance with some other method.
- 11.4. Tenderers must confirm that all management requirements set out in the ITT are covered by this charge.
- 11.5. Tenderers must describe how they decide what is included in their charges and for what they charge extra for example, documentation and manuals and on what basis.

12. Tender Conditions

Responsibilities of Tenderers

- 12.1. The BSB relies on tenderers' own analysis and review of the information provided. Consequently, tenderers are solely responsible for obtaining the information which they consider is necessary in order to make decisions regarding the content of their tender and to undertake any investigations they consider necessary to verify any information provided to them during the procurement process.
- 12.2. Tenderers should notify the BSB promptly of any perceived ambiguity, inconsistency, or omission in this ITT, any of its associated documents and/or any other information issued to them during the procurement process.

Confidentiality

- 12.3. The contents of this ITT, together with all other information, materials, specifications, or other documents provided by the BSB or prepared by the tenderers specifically for the BSB, shall be treated at all times as confidential by the tenderers.
- 12.4. Tenderers shall not disclose any such information, materials, specifications, or other documents to any third parties, or to any other part of the tenderers' group, or use them for any purpose other than for the preparation and submission of a response to this ITT. Tenderers must not publicise the BSB's name or the tender without the prior written consent of the BSB.
- 12.5. The BSB confirms that it shall treat all information provided to it by the tenderer as confidential and further confirms that such information will not be disclosed by the BSB to any third parties, other than to members of the BSB Board, its Governance, Risk and Audit Committee, Senior Management Team and Governance and Corporate Services Team.
- 12.6. Tenderers shall ensure that all third parties to whom disclosure is made shall keep any such information, materials, specifications, or other documents confidential and not disclose them to any other third party, except as set out above.
- 12.7. Tenderers must seek the approval of the BSB before providing to third parties any information provided in confidence by the BSB or its professional advisers and must maintain a register of all employees and third parties who have or have had access to such information. If so requested by the BSB, tenderers must make such a register available for immediate inspection by the BSB or its duly authorised representatives. The sharing of this information with any third-party sub-contractor is also bound by the provisions.

Intellectual Property

- 12.8. All intellectual property rights in this ITT and all materials provided by the BSB or its professional advisers in connection with this ITT are, and shall remain, the property of the BSB or its direct or indirect (licensing through an intermediary) licensors.
- 12.9. Tenderers must ensure that any contracts or agreements include provision for ownership and use of intellectual property. Intellectual property includes but is not limited to:
- research data and other findings of research,
 - ideas,
 - processes,
 - software,
 - hardware,
 - apparatus and equipment,
 - substances and materials; and
 - artistic and literary works, including academic and scientific publications.
- 12.10. Tenderers must comply with any additional conditions relating to intellectual property required by the BSB.
- 12.11. Tenderers must discuss any issues that might arise relating to intellectual property at the earliest opportunity and agree jointly with the BSB in advance how they might be addressed.

Warning/disclaimers

- 12.12. As part of this tender process the BSB makes no obligations in any way to:
- Pay any supplier for any ITT response; or

- Award the contract to any bidder with the lowest price; or
- Accept any ITT information received from suppliers; or
- Include suppliers responding to this ITT in any future invitation; or
- Confer any contractual rights or obligations to any suppliers; or
- Any other commitment to suppliers whatsoever.

12.13. Following the submission stage, shortlisted suppliers will be invited to make a presentation to the ITT procurement panel before a final decision is made.

12.14. Receipt of this ITT by the tenderer does not imply the existence of a contract or commitment by or with the BSB for any purpose. Clauses within this ITT do not constitute an agreement, contract, or representation between the BSB and any other party. Tenderers should note that this ITT may not result in the award of any business.

12.15. The BSB reserves the right to change any aspect of, or cease, the tender process at any time.

12.16. The BSB accepts no liability to tenderers whatsoever and however arising and whether resulting from the use of this ITT, or any omissions from or deficiencies in this document.

12.17. The BSB may exclude any tenderers from the tender process who have been found to be in breach of confidentiality or intellectual property rights and may pursue any remedy or take any other action for breach, as it considers appropriate.

12.18. The BSB may use the information included in a tenderer's response for any reasonable purpose connected with this ITT.

12.19. It is the responsibility of tenderers to obtain for themselves at their own expense all additional information necessary for the preparation of their response to this ITT.

12.20. Any tenderer who directly or indirectly canvasses any employee of the BSB, or any member of their respective committees or working parties concerning the award of the contract will be disqualified.

13. Data Management

Collection and retention of data

13.1. Tenderers must comply with all legal and organisational requirements for the collection, use and storage of data, and specifically with the requirements of data protection legislation in relation to personal data. The data protection legislation includes the EU General Data Protection Regulation (EU GDPR) the UK GDPR, the Privacy and Electronic Communications Regulations 2003, the Regulation of Investigatory Powers Act 2000, and all applicable laws and regulations relating to processing of personal data and privacy.

13.2. Tenderers must also maintain confidentiality where undertakings have been made to third parties or to protect intellectual property rights. Tenderers must ensure that any data relating to recruitment services are available for discussion with the BSB and stakeholders, subject to any existing agreements on confidentiality.

13.3. Tenderers must ensure that data is kept intact for any legally or contractually specified period and otherwise for three years at least, subject to any ethical or other requirements, from the end of the contract. It must be kept in a form that would enable retrieval by a third party, subject to limitations imposed by legislation and general principles of confidentiality.

13.4. If data is to be deleted or destroyed, either because its agreed period of retention has expired or for legal reasons, it must be done so in accordance with all legal, with particular concern for confidentiality and security.

- 13.5. Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, tenderers will implement appropriate technical and organisational measures to protect the personal data against unauthorised or unlawful processing and against accidental loss, destruction, damage, alteration or disclosure, to ensure a level of security appropriate to that risk, including, as appropriate, the measures referred to in Article 32(1) of the GDPR.
- 13.6. Any staff who have access to the personal data as part of the contract must be reliable, have undergone adequate training in handling personal data, and subject to a duty of confidentiality and tenderers should ensure that access is strictly limited to those individuals who need to know/access personal data.
- 13.7. Sub-contractors can only be engaged as part of the contract with the written consent of the BSB and imposing the same data protection obligations as apply to the successful contractor.
- 13.8. Tenderers must make all the data collected available to the BSB and supply details relating to data protection as requested by the BSB.
- 13.9. Tenderers must cooperate with the monitoring and audit of recruitment by the BSB and other applicable bodies and undertake such when required.
- 13.10. Tenderers must maintain confidentiality and must inform the BSB of any breach of confidentiality and misconduct, such as misuse of data (including plagiarism, fabrication, misinterpretation or falsification).

14. Questions about this ITT

Queries should be directed to the Corporate Services Manager via email to:

SJensen@BarStandardBoard.org.uk or post to:

Corporate Services Manager
Corporate Services
Bar Standards Board
289-293 High Holborn
London, WC1V 7HZ
DX: 240 LDE

Telephone: 020 7611 7381

Please clearly reference any queries the appropriate paragraph in the ITT and, where possible, queries should be aggregated rather than sent individually. As far as is reasonably possible, the BSB will respond to all reasonable requests for clarification of any aspect of this ITT in accordance with the following paragraph, provided they are received before the above deadline.