

TERMS OF REFERENCE for a Health & Safety Consultant

June 2022

1. Purpose:

Ministry of National Planning, Housing and Infrastructure (Ministry) is looking to hire a team to review the relevant sections in legislature, regulations, and compliance documents relating to health and safety aspects during construction and demolition. The team will be required to work on reviewing and updating the following documents (stated in no.s 1-4) and preparation of Report (stated in no.5).

1. Construction Site Health and Safety Regulation
2. Building Code Section F4: Safety from Falling and F5: Construction and demolition Hazards
3. Compliance document on Section F5: Construction and demolition Hazards
4. Compliance document on Section F4: Safety from falling
5. Report highlighting the following aspects:
 - a. Changes proposed for documents in 1-4 and reasons for the changes proposed to Regulation and draft Code,
 - b. Stakeholder log
 - c. Analyze Construction Act (Act no.4/2017), Construction Administrative Regulation, Construction Practitioner Regulation and Construction Contractors Regulation and propose any changes required to implement Construction Site Health and Safety Regulation and Building Code Section F5 and F4.

The team will be required to draft documents (in amendment format) on the proposed changes, as well as conduct stakeholder consultations, research and awareness with the Ministry team, and might be required to work with other Consultants working with the Ministry. The team will also be required to propose solutions where any of the Health and Safety documents clash with any international or national commitments as well as any international or national health and safety regulations or guidelines, especially the occupational health and safety management systems of the International Labour Organization.

2. Tasks and Responsibilities:

- A) The team will be required to carry out the following tasks: -
1. Carry out research of similar regulations and compliances in other countries
 2. Review available data on the types of accidents that occur on construction sites in the Maldives
 3. Carry out research into international and national commitments as well as any applicable international and national health and safety regulations or guidelines
 4. Carry out stakeholder consultations and collect all the relevant information from the stakeholders and applicable authorities.
 5. Research into local conditions, materials, practices and practicable solutions.
 6. Review the documents identified in 1 and propose the best solutions for Maldives with respect to the works carried out under 2.A)1-5.
 7. Elaborate as per request, any documents necessary to discuss the draft with Ministries, departments, other organizations, committees and individuals involved in the coordination process.

8. Support the Ministry throughout the entire period of coordinating the draft in terms of considering all comments received and to finalize and formulate the responses to the comments.

B) The team must provide the document after drafting (in required format), to present to the Ministry as follow:

1. Prepare the draft document in format required to be submitted for gazette
2. Prepare the presentation and any necessary documentation essential for information sessions.
3. Deliver all the necessary information required during the information sessions.

3. **Deliverables:**

- a) The team shall prepare a work schedule, identifying deliverables as per Ministry's instructions. Where any changes are required, *the team* may discuss and amend the work schedule as acceptable to the Ministry.
- b) Deliverables shall be submitted for each of the following items.
 - a. For documents in 1.1-4 deliverables shall be as follows:

#	Deliverable	% Claimable from total price for document
1	Submission of draft document	30%
2	Submission of draft updated after Stakeholder consultation and log of stakeholder comments and Consultant's responses for the comments	40%
3	Finalized document after consultation with Ministry & relevant committee	20%
4	Input for the document up to time of gazette	10%

- a. For Report in 1. 5 deliverables shall be as follows:

#	Deliverable	% Claimable from total price for document
1	Submission of draft report	40%
2	Submission of final report	60%

4. **Organizational Setting and leaves:**

- a) The Team will work under the direct supervision of the Ministry.
- b) The Team is not required to be stationed in the Ministry, but is required to participate in all work-related meetings.
- c) Work related meetings should be prioritized to be carried out between 8:00am to 14:00pm on public working days and adequate notice shall be given.
- d) Ministry shall provide or arrange venues for meetings, consultations and workshops as required.
- e) Ministry shall provide stationery and printing facilities for documentation required for meetings, consultations and workshops.

5. **Input:**

Ministry will provide the Team with necessary information and any relevant material available within the Ministry that is required for fulfillment of the tasks.

Ministry will also facilitate the venue and refreshments for meetings and stakeholder consultations.

6. Minimum Requirements of the Team:

A) The team is to constitute of experts from the following areas

1. Health and Safety Expert
2. Construction Sector Expert
3. Lawyer

B) Qualifications and experiences required of the team members are as follows:

1. Health and Safety Expert
 - a. Someone with a Bachelors degree in Occupational Health and Safety or relevant area, or
 - b. Someone with experience in health and safety
 - ii. 5 years' experience in construction site health and safety
 - iii. 5 years' experience in health and safety area (other than construction site)
 - b. Note: both a. and b. need not be in same person
2. Construction Sector Expert
 - a. Academic requirement:
 - i. Bachelors degree in a field related to Architecture, Civil Engineering, Structural Engineering, Quantity Surveying, Project Management (Construction Sector related) or Construction Management, or relevant area
 - b. Experience
 - i. 10 years' experience in construction sector
 - ii. 5 years' experience in construction site
3. Lawyer
 - a. Academic requirement:
 - i. Bachelor's degree in Shariah and Law or Law or in a relevant field of assignment from a recognized university.
 - b. Experience:
 - i. 1 year experience in a legal entity (mandatory)
 - ii. Experience in drafting legislature or regulations
 - iii. Conversant with key legislatures and regulations relevant to Construction Sector

Note: Health and Safety Expert and Construction Sector Expert can be the same person.

There should be minimum the following requirements in the team to qualify:

1. a construction sector expert, and
2. a lawyer on the team to qualify.

C) Additional Requirements of Team:

1. Exposure to and familiarity with other related fields of construction.
2. Strong communication, analytical and drafting skills
3. Ability to work within a team setting and able to lead a team
4. Good computer skills and fluency in legal / technical documentation
5. Fluent in Dhivehi and English

7. Duration of Consultancy:

- (a) The initial consultancy contract shall be for a duration of 3 (three) months.
- (b) Upon completion of the contractual period, if the Ministry requires further engagement of the Team, the Ministry may seek to extend the contract period.
- (c) If any further extension is required with justifiable reasons, the contract may be extended by for an agreed length of time until specific works are completed.
- (d) Once the assigned tasks are completed the agreement will be voided even though the contractual period is not completed.

8. Proposed Work schedule:

The Work Schedule proposed by the Ministry is attached for your reference. However, any initial changes required to be brought to the schedule should be highlighted within 1 month of contract.

9. Application requirements:

- (a) Cover letter (should include price proposed for the work and total duration)
- (b) CV of individuals proposed as Team (that demonstrates that the applicants are qualified to perform the services including a description of similar assignments, experience in similar conditions, availability of appropriate skills etc.)
- (c) Attested copies of Educational Certificates (copies taken from original accredited certificates where applicable)
- (d) ID copies
- (e) Work experience documentation (records from employees verifying experiences listed in CV), preferably should list at least one method of contact (phone or email)
- (f) Copies of legal or technical documentation
- (g) Registration certificate (registration at Ministry of Economic Development)
- (h) Payment breakdown

10. Payments:

- a) The *Team* can claim for payment upon completion of the total works or upon completion of each deliverable identified in 3b once the deliverables are accepted by the *Ministry*
- b) Months in this TOR are considered to be months starting from the date of signing of agreement (eg: if agreement signed on 20th January, the first month is from 20th January – 19th February and so forth).
- c) Where the *Team* is unable to provide a deliverable in 3b as per the submitted work schedule without acceptable reason, 0.25% of the price for that specific deliverable can be deducted per day delay from that deliverable's payment up to a maximum of 15%.

11. Evaluation Criteria:

The bidder with the highest total marks will be selected when marks are given using the formula below, after evaluating according to 11.1 and 11.2.

$$\text{Bidder Total Marks} = \text{Bidder Qualifications} + \text{Bidder Price}$$

11.1 Bidder Qualifications (Total 70marks)

Marks for Qualifications will be as per the formula below using the marks received in the marking criterion set forth in 11.1.1 to 11.1.3.

$$\text{Bidder Qualifications} = \frac{\text{Total Marks received from 11.1.1. + 11.1.2+ 11.1.3}}{100} \times 70$$

11.1.1. Health and Safety Expert (total marks: 30)

Academic Requirement		
Bachelor's degree in Occupational Health and Safety or relevant area	Having First Degree only	5
	Having Master's Degree	10
Experience Requirement		
Experience in construction site health and safety	5-7.5 years	2.5
	7.5-10 years	5
	10-15 years	7.5
	15-20 years	10
Experience in health and safety area (other than construction site)	5-7.5 years	2.5
	7.5-10 years	5
	10-15 years	7.5
	15-20 years	10

11.1.2. Construction Sector Expert (total marks: 50)

Academic Requirement		
Bachelor's degree in Construction Site management or relevant area	Having First Degree only	5
	Having Master's Degree	10
Experience Requirement		
Experience in construction sector	5-7.5 years	5
	7.5-10 years	10
	10-15 years	15
	15-20 years	20

Experience in construction site management	5-7.5 years	5
	7.5-10 years	10
	10-15 years	15
	15-20 years	20

11.1.3. Lawyer (total 20)

Academic Requirement		
Bachelor's degree in Shariah and Law or Law or in a relevant field	Having First Degree only	5
	Having Master's Degree	10
Experience Requirement		
Experience in a legal entity	1-2 year	5
	3-4 years	7.5
	5 or more years	10
Experience in drafting legislature or regulation	1 document	5
	2 documents	7.5
	5 or more documents	10

Note: Where experiences or qualifications require further clarifications Ministry reserves the right to call applicants for an interview to finalize selection.

11.2 Bidder Price (Total 30 marks)

Marks for Price will be given as per the formula below

$$\text{Bidder Price} = \frac{\text{Price submitted by the bidder}}{\text{Highest price submitted}} \times \underline{30}$$