

TERMS OF REFERENCE (TOR) – LEGAL COUNSEL

Tradenet Maldives Corporation Limited (Tradenet) is seeking the expertise of a knowledgeable and experienced party (Legal Firm) to provide Legal Counsel to the Company, as outlined in the following terms of reference.

1. BACKGROUND

Tradenet is a 100% State Owned Enterprise incorporated on 14th October 2019. Tradenet is the Government designated operator of the National Single Window system in the Maldives, an initiative that utilizes information and Communications Technologies (ICT) to streamline international trade procedures by allowing electronic information exchange between Cross Border Regulatory Authority (CBRA) information systems by automating operations across stakeholder systems.

Additionally, Tradenet carries out design, development, and operation of One Stop Shop Services (OSSS), branded as oneGov, which aims to modernize, streamline, digitize and integrate services of numerous government agencies under a single platform, improving public service delivery through citizen centric services, increasing people's engagement, enhancing transparency, accountability, and inclusion, and ultimately making life better for all.

2. OBJECTIVE:

The Legal Counsel shall provide legal advisory and representation services to the Company in accordance with the following terms and conditions.

3. SCOPE OF WORK:

The Legal Counsel shall perform the following tasks:

Legal Advice and Opinions:

- Provide timely and well-researched legal advice and opinions to the Company. This includes providing opinion on;
 - matters or cases specifically referred to by the Company
 - developments in the legal environment in the Maldives impacting Tradenet operations and compliance requirements; and
 - developments in international law and norms, in particular pertaining to ICT laws and standards, which have a bearing and impact on the operations of Tradenet.

Drafting and Review of Agreements:

- Draft and/or review legal documents and agreements (in English and Dhivehi) to be executed between the Company and third parties, as requested by the Company.

Legal Notices and Letters:

- Draft and/or review legal notices and letters to be sent by the Company to third parties, as requested by the Company.

Litigation Support:

- Provide legal advice, representation, and support in filing legal actions initiated by the Company and representing the Company in actions filed against it by third parties in Maldivian courts and tribunals.

Legal Compliance:

- Ensure the Company's compliance with the latest changes in the laws and regulations of the Maldives. Align Company policies and regulations accordingly and promptly inform the management of any operational adjustments required.

Translation Services:

- Provide support to translate legal opinions and administrative notices in English and Dhivehi language.

Support Legal Awareness:

- Cater to Company's request to improve organizational knowledge level on pertinent laws, regulations and standards applicable to company operations.

4. WORKING ARRANGEMENTS:

Remote Work:

- The Legal Counsel is not required to work on the premises of the Company.

Availability:

- The Legal Counsel shall be available by phone during all working hours of the Company.

On-Site Meetings:

- The Legal Counsel may be required to attend the offices of the Company when requested by the Company or as otherwise agreed by the Parties.

5. REPORTING:

The Legal Counsel shall provide regular reports on work undertaken during the reporting month, the status of ongoing legal matters and any significant legal developments that may affect the Company.

6. CONFIDENTIALITY

The Legal Counsel shall treat all information obtained during the provision of services as confidential and shall not disclose such information without the Company's prior written consent.

7. DURATION OF ENGAGEMENT

This engagement shall commence on 1st March 2024 and continue for a period of 2 years, unless terminated earlier by either party with written notice. Subject to the performance, the service contract may be extended for an additional 2 years.

Selection criteria

- Monthly Retainer price per hour 15% - highest marks for the lowest price and prorated accordingly
- Hourly rate – 15 % highest marks for the lowest price and prorated accordingly
- Hourly rate to represent in the Court - 10% highest marks for the lowest price
- Translation services - 10% highest for the lowest rate and prorated accordingly

- Experience of the firm – 5 or more years in operation (less than 5 years 0; 5-8 years 10%; 8 - 10 years 15%; exceeding 10 years 20%) – 20%
- Experience and qualification of the lawyer assigned from the firm 25% (minimum, practicing lawyer for at least 7 years; (less than 7years – 0%; 7-10 years – 5% ; 10-13 years 10%; 13-15 years 15%; 15-18 years 20%; more than 18 years 25%)
- Experience and qualification of the alternative lawyer if the main focal lawyer is not available – 5%
