



TERMS OF REFERENCE

Adjudicator, (Individual)

1. Background

- 1.1. The Government of the Republic of Maldives through the Ministry of Construction and Infrastructure (“Employer”) is implementing “Maldives Urban Development and Resilience Project” (MUDRP) financed by the World Bank. Under this project the Employer is entering into a Contract for the Construction of Male’ stormwater management system.
- 1.2. Considering the importance of timely implementation of the Contract the Employer is looking for an Adjudicator to provide timely contract dispute mediation services as required under the Contract.

2. Objective and Purpose of Assignment

- 2.1. The objective of the assignment is to hire an Adjudicator who will serve in providing services as the Contract Dispute Mediator on disputes of all types that may arise between the Contractor and Employer in relation to implementation of the Contract.
- 2.2. The Adjudicator will attempt to resolve disputes through mutual consultation and make decisions pursuant to the provisions as set out in the General and Special Conditions (GCC & SCC) of the governing Contract.
- 2.3. Specifically, the Adjudicator will review statements and evidence presented by the disputed parties at a hearing and resolves the dispute by issuing a decision.



3. Criteria For Appointment as An Adjudicator

3.1. The candidate chosen as “Adjudicator” shall:

3.1.1. Have disclosed in writing to the Employer, the Contractor and the Other Members (if any), before entering into the Adjudicator Agreement and to his/her best knowledge and recollection, any **financial interest**, professional or personal **relationships** with any director, officer or employee of the Employer and the Contractor.

4. Scope of Work

4.1. The Adjudicator will adjudge all disputes referred to him/her under the Contract. The Adjudicator shall give a decision in writing within 28 days of receipt of a notification of a dispute.

4.2. Responsibilities of the Adjudicator include:

4.2.1. Engage both parties in mutual consultation;

4.2.2. Preside over all sessions convened for the purpose of hearing statements and collecting evidence presented by the disputing parties;

4.2.3. Ensure transparency in the adjudication proceedings through the sharing of statements and evidence presented with all disputing parties;

4.2.4. Conduct independent verification of statements and evidence related to the matter under dispute;

4.2.5. Conduct independent research into the subject matter under dispute;

4.2.6. Where necessary, identify and engage the expert advice of subject matter specialist;

4.2.7. Review all statements and evidence presented and compiled in the Adjudicator’s bundle in deliberating so as to arrive at an independent and objective decision;



4.2.8. Review all Articles and Sections provided in the governing contract including all documents incorporated as Addendum and/or Annexes to the SCC so as to inform decision;

4.2.9. Make decisions in accordance with the provisions of the General Conditions of Contract (GCC) and Special Conditions of Contract (SCC) and its extensions and informed by the laws and regulations of Maldives.

4.2.10. Make decisions that uphold the principles of natural justice, common law, and the governing law of the contract; and

4.2.11. Inform the decision made in writing, share the analysis, expert opinions received (if any) and all considerations leading to the decision handed down to the Parties.

5. Duration and Commencement of Services

5.1. Expected duration of the Adjudication Agreement: Completion of Contract (est. June 2026).

5.2. The performance criteria that will be used to assess the performance of the successful candidate at regular intervals are the effectiveness, efficiency and quality of delivering on the Scope of Services, Duties and Responsibilities of the assignment. Based upon the performance the Adjudication Agreement may be terminated.

6. Qualification skills and Experience

6.1. Masters in Law, Construction Law, Civil Engineering, or in a related field to the assignment from a recognized university.

6.2. At least 5 years of relevant professional experience post-graduation from relevant field of assignment.

6.3. Experience in dispute resolution / mediation will be an advantage.

6.4. Experience in Engineering will be an added advantage.



- 6.5. Experience in research skills will be an advantage.
- 6.6. Experience in report writing in a concise, lucid, and comprehensible manner;
- 6.7. Strong conceptual and analytical skills and excellent interpersonal skills, strong verbal and written communication skills in Dhivehi and English.

7. **Reporting Obligations**

- 7.1. The Adjudicator will report to the disputing parties.

8. **Remuneration**

- 8.1. The Member shall be paid as follows, in the currency named in the Adjudicator Agreement.
- 8.2. A daily fee after the dispute process has been initiated per calendar month (once Adjudicator Agreement comes into effect), which shall be considered as payment in full for:
 - 8.2.1. being available on 7 days' notice for all site visits and hearings;
 - 8.2.2. becoming and remaining conversant with all project developments and maintaining relevant files; and
 - 8.2.3. all office and overhead expenses including secretarial services, photocopying and office supplies incurred in connection with his/her duties.
- 8.3. The daily fee shall be paid with effect from the last day of the calendar month in which the Adjudicator Agreement becomes effective; until the last day of the calendar month in which the Adjudicator decision is issued.
- 8.4. The Director General of Infrastructure Department of the Employer will be responsible signing off for all payment request as certified by the MUDRP Project Manager.



9. Conditions

- 9.1. The Adjudicator is expected to provide his/her own tools & resources to undertake this assignment, where necessary the client will provide a venue for meetings and or hearings.
- 9.2. All materials and documents and information accessed during the conduct of this Adjudication proceedings remain the property of the Employer and is not authorized for use or dissemination by the Adjudicator for any other purpose than for the effective conduct of the proceedings.

10. Location

- 10.1. The Adjudicator will work offsite and only be required to attend meetings at the Ministry of Construction and Infrastructure upon request.

11. Evaluation Criteria

11.1. Qualification	20%
11.2. Specific experience required	30%
11.3. Specific skills required	25%
11.4. Understanding of the TOR	15%
11.5. Interview	10%

12. Application Instructions

- 12.1. Ministry of Construction and Infrastructure now invites interested individuals qualified for the assignments to submit an Expression of Interest inclusive of the following documentation to demonstrate your eligibility for the assignment. Failure to submit any



of the following shall disqualify the individual to proceed to further stages of selection.

12.1.1. Cover Letter for Expression of Interest

12.1.2. Copy of National Identification Card

12.1.3. CV including information that demonstrates that the candidate is qualified to undertake the scope of work

12.1.4. Copies of academic qualifications

12.1.5. Reference letters from current and /or previous employers.

12.2. Interested candidates are may submit their proposals on or before the time provided in the advertisement to the following address:

12.2.1. Ministry of Construction and Infrastructure, Ameenee Magu, Maafannu Male',
20392, Republic of Maldives.

12.2.2. Email: