

mitdc

**MALDIVES INTEGRATED
TOURISM DEVELOPMENT
CORPORATION**

5th Floor
Velaanaage
Ameeru Ahmed Magu
Male', Maldives



TERMS OF REFERENCE FOR
PROVISION OF LEGAL SERVICES FOR MITDC

Subject: TOR Legal Services 2020

Ref: MITDC-TOR/2020/0005

Date: 13th July 2020

MALDIVES INTEGRATED TOURISM DEVELOPMENT CORPORATION LTD
08TH FLOOR, M. DHOONIFUSHI, ORCHID MAGU
MALE', MALDIVES

1. BACKGROUND

The Maldives Integrated Tourism Development Corporation Ltd. (MITDC or the “Employer”), a 100% Maldivian Government owned corporation has been established in 2016, and has been mandated with the development of integrated tourism in the Maldives. As part of the assigned mandate, MITDC has been allocated uninhabited islands, land areas from inhabited islands for the development of tourism related Projects.

In order to diversify the ever-growing tourism and hospitality industry in the Maldives, the Maldivian Government has been looking into exploring the possibility of tapping into the mid-range tourism market. And under this initiative, the Maldivian Government has embarked on developing the concept of integrated tourism in the Maldives.

2. OBJECTIVES

The overall objective of the Legal Services is to engage a qualified external party (the “Firm”), to carry out the provision of legal services for MITDC in support of the development Projects undertaken by MITDC.

3. CONTRACT MANAGEMENT FRAMEWORK

The Services shall be undertaken under an agreement summarized as follows:

- 3.1. MITDC shall engage the Firm as the assigned Legal Counsel for MITDC and the Firm will be required to engage their resources as an external party.
- 3.2. The Firm shall be engaged for a minimum period of 12 months on pre-defined payment terms, with the scope and deliverables assigned by the Firm.

4. SCOPE OF WORKS

The Firm’s key responsibilities will comprise of the following:

- 4.1. An analysis of the Employers strategy for implementing the allocated Projects to provide feedback to the Employer on the applicable legalities in moving ahead with the Projects.
- 4.2. Drafting of required legal documentations such as contracts and similar documents pertinent to the implementation of the Projects.
- 4.3. Reviews of existing business arrangements, contracts and documentations and to provide legal opinions where required for such existing business arrangements and documentation.
- 4.4. Preparation for and representation of the Employer at the courts or other relevant government authorities where required in the capacity as the Legal Counsel for the Employer.

5. CONSULTANTS MINIMUM CRITERIA

The Firm (represented through a locally registered, local firms only) should conform to the following criteria and propose a minimum of the following as part of the resident consultancy team to be available during the contract period:

- 5.1. The proposed Firm should have undertaken legal services for period **not less than 5 years** **OR** the Partners must be in legal practice for a period of **not less than 5 years**

- 5.2. The proposed Firm's portfolio of works should have relevance to the Employers core area of business, namely developments related to hospitality and tourism.
- 5.3. The proposed Firm's legal team should have a minimum of three (03) full-time registered and licensed lawyers actively engaged full-time at the Firm's corporate office.
- 5.4. The proposed Firm should assign one Lawyer from the above criteria to act as the primary liaison and Legal Counsel for MITDC.
- 5.5. The assigned liaison should be available to MITDC and first priority representation should be given to MITDC, but where circumstances invalidate such arrangements, a viable alternative should be made available when required.

6. SCHEDULE OF RATES AND PAYMENT TERMS

The Firm is expected to provide their proposed price as per the given schedule of rates in compliance with MITDC's proposed payment terms as follows:

| # | Monthly fee | Proposed pricing (in Maldivian Rufiyaa) | Pricing method |
|---|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 1 | Retainer Fee | (to be proposed by the consultant as monthly fee for the consultancy services. This should state the number of covers covered per month) | Monthly payments paid at the end of each active month |
| 2 | Indicative additional charges | (to be proposed by the consultant as time based fees or as to be billed by the consultant) | Monthly payments paid at the end of each active month |

The detailed terms and conditions of the Consultancy including penalties, deductions and payments terms will also be clearly defined in the Consultancy Agreement.

7. EVALUATION CRITERIA

The evaluation of the Firm will be weighted both in terms of the price and experience, where the scoring will be distributed as follows:

40% for contract price and;

35% for experience, to be judged on the Firm's profile inclusive of past work done of related nature, experience and qualification of proposed consultant team.

25% for submitted proposal, to be judged based on the experience of the assigned lawyer to MITDC (incase the company wins the bid) in handling related cases.

8. QUERIES

8.1. Any queries or requests for clarification should be sent in writing to the below email on or before 14:00 hrs on 19th July 2020 to:

Email: procurement@mitdc.com.mv

Subject Header: Query on Legal Services

8.2. Unless notified by announcements or direct written communication, no changes will be allowed in the Bid Submission details or deadline.

9. BID SUBMISSION GUIDELINES

9.1. Each party may submit only one bid either singly or jointly (party shall be defined per active business registration number)

9.2. The bids should be accompanied by the Format of Bid Submission as given in the Annexure

9.3. Each bid should be accompanied by a full company profile, business registration certificate and references verifying the completed works as required for the eligibility of the submission

9.4. The proponent may submit details of sample documents in support of the proponent's capacity to be engaged in the capacity as required by the Employer. Such samples can either be a sample contract documents and summaries of litigations and outcomes.

9.5. The details of the assigned project team should be verified through submission of the CV's, certificates and portfolio of works for the proposed consultants team.

9.6. Bids should be submitted to MITDC by, on or before 10:00hrs of the 20th July 2020.

c/o:

Maldives Integrated Tourism Development Corporation Ltd.

08th Floor, M. Dhoonifushi

Orchid Magu

Subject: TOR Legal Services 2020

10. ANNEXURES

Format of Bid Submission (to be completed by Each Bidder and included in the bid submission)

To:
 The Maldives Integrated Tourism Development Corporation Ltd.
 08th Floor, M. Dhoonifushi
 Orchid Magu
 Male', Maldives

Project: Provision of Legal Services for MITDC

Having examined the documents and all relevant Amendments / Addendums for the execution of the Project, we the undersigned, offer to execute and complete the works wherein in conformity with the Bid Documents for the prices quoted as follows:

| # | Monthly fee | Proposed pricing (in Maldivian Rufiyaa) | Pricing method |
|---|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 1 | Retainer Fee | (to be proposed by the consultant as monthly fee for the consultancy services. This should state the number of covers covered per month) | Monthly payments paid at the end of each active month |
| 2 | Indicative additional charges | (to be proposed by the consultant as time based fees or as to be billed by the consultant) | Monthly payments paid at the end of each active month |

We understand and agree that if our Bid is accepted that we shall be available to commence works within seven days of receipt of the Letter of Award and to execute the works in accordance with the Service Agreement until completion of the Project or until termination of the contract by the Employer.

We agree to abide by this Bid and to remain available for execution of the Service Agreement for a Bid Validity of 30 days from the date of Bid Submission and that the price submitted shall remain binding until completion of this validity period regardless of whether the Employer has issued an acceptance to another party.

We accept that once the Letter of Award is issued to us, that this Bid, together with the Letter of Acceptance and Notification of Award shall constitute a binding contract between us and the Employer until a formal Service Agreement is signed.

We understand that MITDC is not bound to accept the lowest or any Bid you may receive and that we will not hold MITDC liable for any costs incurred by us in association with the preparation, submission and your final decision regarding this Bid.

Date this day of 2020

Signed by

In the capacity of having the authority to sign and submit bids

for and on behalf of (company name, registration number and stamp)

Name and Address of Signatory