



Ministry of National Planning, Housing and Infrastructure
Republic of Maldives

TERMS OF REFERENCE

for the

HIRE OF A LEGAL FIRM

Iulaan No: (IUL)471-CDS3/1/2021/68

Date: 20th April 2021

A. PURPOSE

The Ministry of National Planning, Housing and Infrastructure (“Employer”) is mandated with a majority of Tasks of the Current Government and as such is seeking to get legal aid for the Daily works that it under takes. The Legal Firm hired will be required to work with the Ministry’s legal section to provide legal advice pertaining to all and any such work within the Mandate of the Ministry. Please refer to Mandate of the Ministry for more information.

B. OBJECTIVES OF ASSIGNMENT

Providing legal Advice to the various Sections and Departments of the Ministry under the management of the Legal Section. Works will be assigned by Legal Section of the Ministry

C. DURATION OF WORK

The duration of work is starting from Agreement date till one year.

D. PLACE OF WORK

The Firm will be required to work from their respective Place of work / office, where in all relevant documents and information will be provided in order to finish the tasks assigned
Regular brief meetings and work handover meetings shall be held with the Legal Section each calendar week at the Ministry.

E. CRITERIA FOR APPOINTMENT AS MEMBER

The candidate chosen shall:

1. Not have any interest financial or otherwise in the Employer except for payment under the Contract signed for the hire of Legal Firm;
2. Not previously have made any Claims against the Employer except in such circumstances as were disclosed in writing to the Employer before they sign the Contract;



3. have disclosed in writing to the Employer, before entering into the Contract to his/her best knowledge and recollection, any professional or personal relationships with any director, officer or employee of the Employer, and any previous involvement in any projects or works of the Employer.
4. Not have any pending Claims and or disputes against the Employer
5. The Legal Firm that will be hired should have a dedicated team of lawyers who will closely work with the Ministry's Legal section in order to provide the required legal assistance and complete the assigned tasks
6. Each member of the dedicated team will be evaluated and an accumulated pool of experience in specialized fields will be considered.

F. SCOPE OF WORKS

1. Providing legal advice with regards to Drafting of the various Bills within the Mandate of the Ministry
2. Providing legal advice with regard to Contract Management, Dispute resolution, and Termination of Contracts
3. Providing legal advice with regards to staff contracts in view of Employment Law, Civil Service Law and Regulations among others.
4. Drafting of various Contracts or amendments
5. Review of Various Contracts and Amendments
6. Drafting and review of existing regulations within the Mandate of the ministry's work
7. Providing Legal advice pertaining to various Housing Schemes and Social Housing Issues
8. Providing Legal Advice pertaining to allocation of land for residential purposes.
9. Providing legal advice pertaining to allocation of Land for commercial purposes
10. Any other matter that the Ministry might require legal advice on
11. Translation of Documents from Dhivehi to English and vice versa
12. Providing legal assistance to all the internal Committees established at the Ministry where and as needed
13. Providing legal Aid in interpretation and enforcement of established Laws and Regulations

G. QUALIFICATIONS AND EXPERIENCE

Minimum Criteria required to be Selected

1. Each Lawyer in the team must have professional work experience in of at least Five (5) years
2. Each Lawyer in the team should have a Bachelor's degree in Law (LLB).

Additional Criteria

3. Experienced in the drafting and interpretation of Contract documentation (FIDIC Contracts will be an added advantage).
4. Fluent in written and spoken English and Dhivehi language.
5. Experience in dispute resolution in Projects will be considered
6. Master's Degree in Law of a member /s will be an added advantage
7. Specialization and / or experience of a member in Land Law related cases will be considered

8. Specialization and / or experience of a member in Construction Law related cases will be considered
9. Experience in Drafting of Law and / or Regulation will be considered

The successful Firm must be willing to work for extended periods without direct supervision and travel routinely to islands within the catchment.

The short-listed candidate will be requested to participate in personal interviews and submit the names and contact details of personal referees who can attest to their ability.

The successful candidate must understand the objectives and delivery mechanisms of the Ministry and the Firm must be willing to work in a team, be flexible to emerging or changing conditions, and undertake initiative in his/her broad field of actions.

H. TERM OF ASSIGNMENT

The term of Assignment shall be one year from Signing of Contract with the option of extension of Term by a further one year (if needed)

I. WORKING HOURS

The Selected Firm shall be expected to work for 36 hours each week in order to complete the tasks assigned to them

J. REMUNERATION

The Member shall be paid as follows,

- a. a proposed retainer fee per calendar month which shall be considered as payment in full for:
 - i. being available on 6 days of work each week where in the Firm will
 - ii. (ii) becoming and remaining conversant with all Ministry works assigned to them and maintaining relevant files;
 - iii. (iii) all office and overhead expenses including secretarial services, photocopying and office supplies incurred in connection with his duties; and
 - iv. (iv) shall include the expenses stated in paragraph (b) of this Clause.

The proposed retainer fee shall be paid monthly at the end of each Calendar Month

- b. all reasonable expenses including necessary travel expenses (air fare in less than first class, hotel and subsistence and other direct travel expenses) incurred in connection with the Firm's duties.
- c. The retainer fees shall be as specified in the Contract to be signed

K. POINTS ALLOCATION

#	Details	Points Given
1	Price – Candidate who submits the lowest Price will be given the highest points for this section	Highest points given - 100
2	Experienced in the drafting and interpretation of FIDIC Contract documentation	5 points for each work undertaken Maximum points that can be awarded - 25
3	Experience in dispute resolution in Projects	5 points for each work undertaken Maximum points that can be awarded - 30
4	Master's Degree in Law of a member	Each member with a Masters Degree will be given 5 points Maximum points that can be awarded - 25
5	Specialization and / or Experience of a member in Land Law related cases	Each member with such qualification will be given 5 points Maximum points that can be awarded - 30
6	Specialization and / or experience of a member in Construction Law related cases	Each member with such qualification will be given 5 points Maximum points that can be awarded - 30
7	Experience in Drafting of Law	Each member with such experience will be given 5 points Maximum points that can be awarded - 30
8	Experience in Drafting of Regulation	Each member with such experience will be given 5 points Maximum points that can be awarded - 30
Total		300

Note:

- points will be allocated based on the Documents submitted as proof of the above.
- For Experience a work completion letter or a Recommendation Letter from a previous employer will be considered
- For Educational qualification the relevant accredited Certificates will be considered

L. Submission of Bid

The client as defined in the conditions of agreement invites bids from eligible bidders for the task, as described in the bid document.

The successful bidder will be expected to complete the task by the intended completion duration specified in the bid document.

The bidder shall submit the original bid in a sealed envelope to the **Ministry of National Planning, Housing and Infrastructure**. The envelopes shall be marked and addressed as per Instructions to bidders and shall be submitted to:

Ministry of National Planning, Housing and Infrastructure
Ameenee Magu
Male',
Republic of Maldives
Fax No: 3004123
Tel No: 4004700

On 1100 Hours, on the 29th April 2021

For issues which may need further clarification bidders are requested to submit those issues in e-mail to (hudha-gani@planning.gov.mv or bid-secretariats@planning.gov.mv) not later than **27th April 2021,**

1200hrs

