



## **Ministry of National Planning, Housing and Infrastructure**

Republic of Maldives

### **TERMS OF REFERENCE**

**For the**

### **HIRE OF A LEGAL FIRM**

**Iulaan No:** (IUL) 471-CDS3/1/2021/148

**Date:** 30 August 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.

#### **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. PLACE OF WORK**

1. 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
2. Regular brief meetings and work handover meetings shall be held with the Legal Section each calendar week at the Ministry.

#### **D. CRITERIA FOR APPOINTMENT**

The dedicated team of lawyers 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 (Proposal should specify the dedicated team of lawyers)
6. Each member of the dedicated team of lawyers will be evaluated and an accumulated pool of experience in specialized fields will be considered.

#### **E. 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

## **F. QUALIFICATIONS AND EXPERIENCE**

### **Minimum Criteria required to be selected**

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

### **Additional Criteria**

3. Experience in drafting and interpretation of Contract documentation (FIDIC Contracts will be an added advantage).
4. Experience in dispute resolution in Projects will be considered
5. Master's Degree in Law of a member /s will be an added advantage
6. Specialization and / or experience of a member in Land Law related cases will be considered
7. Specialization and / or experience of a member in Construction Law related cases will be considered
8. 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 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.

## **SUPPORTING DOCUMENTS**

The dedicated team of Lawyers from the Law firm must submit;

1. Proposal of the Law Firm
2. Individual CV's of the dedicated lawyers who will be work with Ministry's legal section
3. Relevant accredited Certificates
4. For Experience a work completion letter or a Recommendation Letter from a previous employer will be considered
5. For Experience of work if any applicant is submitting his/her private practice work they should provide supporting documents to evidence that **(these supporting documents will be used to calculate duration of experience)**

## **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)

## **G. WORKING HOURS**

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

## **H. 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
  - ii. becoming and remaining conversant with all Ministry works assigned to them and maintaining relevant files;
  - iii. all office and overhead expenses including secretarial services, photocopying and office supplies incurred in connection with his duties; and
  - 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
- d. Please mention in the Proposal the monthly retainer amount based on the working hours of 36 per week
- e. In addition mention in the proposal the hourly rate if needed to work in addition to the working hours.

## G. 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 - 25
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	Masters 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		225

### Note:

- a. Points will be allocated based on the Documents submitted as proof of the above.
- b. For Experience a work completion letter or a Recommendation Letter from a previous employer will be considered

- c. For Educational qualification the relevant accredited Certificates will be considered**
- d. The supporting documents submitted to evidence the work experience must specify the duration in month and year of each specific work.**

#### **A. Bid security**

Each party shall submit a bid security of MVR750 with 30 days validity period.

#### **B. 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 09<sup>th</sup> September 2021**

For issues which may need further clarification bidders are requested to submit those issues in e-mail to [bid.secretariats@planning.gov.mv](mailto:bid.secretariats@planning.gov.mv) not later than **07<sup>th</sup> September 2021, 1200hrs**