



*The Engineering Professions
Association of Namibia*

Independent Nominating Body and Host of:

The National Adjudicator's List (Namibia)

**ADJUDICATOR'S PERFORMANCE REVIEW
PROCEDURE**

1. Adjudicator Review Procedure

- 1.1 If a party to adjudication or a party with a legitimate interest in an adjudication matter has a complaint against the Adjudicator appointed, such a complaint can be lodged to the Engineering Professions Association (EPA) and shall be dealt with in accordance with this procedure.
- 1.2 The complaint must be lodged in writing and addressed to The President of EPA and should be complete and in detail for an investigation to be undertaken. The complaint must be accompanied by all relevant documents and other evidence relevant to the investigation.
- 1.3 Once received by him/her, the President of EPA will afford the Adjudicator an opportunity to respond to the complaint by availing all documentation received. This must be done within 14 days of the receipt of the complaint and should be complete and in writing.
- 1.4 The written representations received from both parties above will then be submitted by the EPA President to the NAL Committee who in turn will decide as to whether the complaint can be dealt with by them or whether it warrants a further investigation by a Review Panel also to be appointed by them for such specific purpose. During this stage, the NAL Committee shall take into consideration that any relevant DAB Agreement and or any decision resulting from such Agreement can not be reviewed, since it is final under the construction contract. However, the reasoning of such decision can be reviewed.
- 1.5 If decided that the matter can be dealt with by them, then the NAL Committee's findings together with the reasons of why an investigation by a Review Panel was not warranted, will be given by means of a written response to the complainant with a copy to the Adjudicator. The decision of the NAL Committee in this regard shall be considered as final and binding.

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1.6 If warranted by own discretion, the NAL Committee may refer the matter to a Review Panel. Such a Panel will be appointed from 3 Adjudicators, who, before being appointed, will declare any interest pertaining to the complaint. This Review Panel will then further investigate the complaint and make its findings and recommendations in writing. By doing so the Review Panel will establish its own procedures.

As part of its investigation the Review Panel, may invite further representations related to the matter from any of the parties concerned. The Review Panel shall furthermore have the authority to request the complainant and/or the Adjudicator to attend proceedings of the Panel to clarify uncertainties or to lead further verbal evidence.

1.7 The Review Panel shall make a decision on the matter within 30 days after its appointment and receipt of the request for a review (including the complete documentation) from the NAL Committee. The findings and decisions of the Review Panel shall be in writing and considered to be final and conclusive. The Review Panel may take any appropriate action related to the matter including but not limited to:

1.7.1 reject or take no further action regarding the complaint;

1.7.2 reprimand and / or issue a written warning;

1.7.3 revoke the registration of the Adjudicator with the NAL;

1.7.4 suspend the registration of the Adjudicator with the NAL for a specified period and or

1.7.5 recommend a decline to renew the registration of the Adjudicator.

END

Review Panel Declaration
(to be attached to the Report)

Having reviewed the complaint and all relevant factors at hand, we consider the adjudicator's performance to be:

Satisfactory / Not Satisfactory (strike out as appropriate)

Where we have assessed it as Not Satisfactory we set out our final report with reasons overleaf:

Review Panel Recommendation

- 1. Reject or take no further action on the complaint;
- 2. Reprimand and / or issue a written warning;
- 3. Revoke the registration of the Adjudicator with the NAL;
- 4. Suspend the registration of the Adjudicator with the NAL for a specified period;
- 5. Recommend a decline to renew the registration of the Adjudicator.
- 6. Other _____

Panel Members

Name Name Name

Signature Signature Signature

Date Date Date.....

Advice and comments to be passed on to the Adjudicator:

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