

# DRS2C

## SCSI Dispute Resolution Service (DRS)

Request for the appointment of a construction adjudicator in Ireland.

### General:

Under the Construction Contract Act 2013 (CCA2013), there is an entitlement to adjudication of any dispute relating to payment arising on all construction contracts as defined under the Act entered into on or after July 25<sup>th</sup> 2016. Under the Act, parties are entitled to either agree their adjudicator or, failing agreement, they must seek an appointment from the chair of the Panel selected by the Minister (Sec 6 (3) and 6(4) of the CCA 2013). Where parties agree, they can select an adjudicator including those named on the Ministers panel, or other panels, or agree to seek a nomination from the other panels.

The SCSI has formed an Adjudication Panel of SCSI members experienced/qualified in dispute resolution/adjudication in accordance with the terms set out in the Act (section 8 (5) and 8(6)). SCSI may be agreed upon by the parties to nominate an adjudicator from the Panel or parties may agree to select an agreed named adjudicator from the SCSI Panel. Note that where parties apply for a nomination from SCSI a charge for processing the nomination will apply. To help you complete this application, please refer to the explanatory notes contained in this application for guidance.

### Notes to consider before completing the application for a nomination:

- Valid applications must be made on the standard application form and include:
  - A) payment of the appropriate fee;
  - B) a copy of the Notice of Intention to refer a payment dispute to adjudication which should set out the details required at paragraph 5 of the Code of Practice Governing the Conduct of Adjudicators; and
  - C) signed confirmation from the Responding party of their agreement to seek a nomination of the adjudicator from the SCSI Panel or, in the event the application for a nomination is made by the Responding party, the signed confirmation from the referring party
- Applications should be emailed to [drs@scsi.ie](mailto:drs@scsi.ie). The application will be accepted and processed on the understanding that the hard copy is posted simultaneously.
- The appropriate fee must also be received within five days from the date of application. Otherwise, a nomination will not be made. Please enclose with the application proof of EFT for the sum of €500.00 which is to cover administrative costs and is non-refundable (€500.00 in respect of each appointment).
  - EFT (quote the applicant's name as payment reference)  
SCSI at Bank of Ireland  
Sort Code: 901490 A/C 72598806.  
IBAN: IE63 BOFI 9014 9072 5988 06 BIC: BOFIIIE2D  
Lower Baggot St Branch, D2.
  - The SCSI is not registered for sales VAT under exemption CHY 5934.
- The SCSI will respond within five days from the date the application is received (including weekends but excluding Bank Holidays) and will nominate an adjudicator and notify both parties by email. The application should be submitted within 5 days after the Notice of Intention to refer a payment dispute to adjudication has been served.
- Once the SCSI has notified the parties of the nomination, the nominated adjudicator should proceed to complete their appointment as adjudicator in accordance with paragraphs 9 to 12 of the Code of Practice Governing the Conduct of Adjudicators, particularly in respect to the matters concerning potential conflicts of interest.
- The SCSI reserves the right to copy this application to both parties.
- This application form and accompanying required documentation is the contract between the applicant and the SCSI President, and we will rely entirely upon the information contained herein. The information submitted on this application is accepted as being accurate and complete. Neither SCSI nor the adjudicator can accept liability in relation to the nomination if the information provided is inaccurate or incomplete.
- Your application is processed on the basis that nominations are made on behalf of the President of SCSI.

## Information about the dispute

To assist in nominating a suitable adjudicator, please provide information, including where and what the works are, what the dispute is and the amount.

Address of the project: \_\_\_\_\_

Town/city: \_\_\_\_\_ Eircode: \_\_\_\_\_

Brief description of the dispute: \_\_\_\_\_

The amount in dispute: (If applicable) € \_\_\_\_\_

If the application is made under a written form of contract, please state the form of contract and whether any specific rules apply:

A copy of the Notice of Intention to refer a payment dispute to adjudication **must** accompany the application form as part of the application together with signed confirmation from the other party (whether Referring or Responding party) that they have agreed to seek a nomination for an adjudicator for this payment dispute from the President of the SCSI.

## Information about the parties and their representatives

Please ensure the full names of the parties are correctly stated. Errors in this information may lead to an inappropriate nomination or unsuccessful referral. Incorrect information will prevent the proposed adjudicator carrying out a thorough check for any potential conflicts of interest. The parties' professional representatives (if any) should be stated. SCSI DRS will forward all relevant correspondence to them. Normally communications from DRS are sent by email. Therefore, it is important you provide email addresses and contact numbers. Where a party is unrepresented, please ensure contact numbers and email addresses are included.

### Referring party (per the details on the contract if in writing or partly in writing)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/city: \_\_\_\_\_ Eircode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

### Responding party (per the details on the contract if in writing or partly in writing)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/city: \_\_\_\_\_ Eircode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

## Referring Party representative

Title: \_\_\_\_\_ First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Designation: \_\_\_\_\_ SCSI Membership Number (if applicable): \_\_\_\_\_

Firm name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/city: \_\_\_\_\_ Eircode: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Direct line: \_\_\_\_\_ Email: \_\_\_\_\_

If you are completing this form as a party representative, please state in what capacity you are acting e.g. as a company official, a surveyor or solicitor.

## Responding Party representative

Title: \_\_\_\_\_ First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Designation: \_\_\_\_\_ SCSI Membership Number (if applicable): \_\_\_\_\_

Firm name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/city: \_\_\_\_\_ Eircode: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Direct line: \_\_\_\_\_ Email: \_\_\_\_\_

If you are completing this form as a party representative, please state in what capacity you are acting e.g. as a company official, a surveyor or solicitor.

## Professional background of the adjudicator

Sometimes it is clear from the details of the matter in dispute what sort of professional background would be appropriate. This section should only be completed if additional skills are required to assist the adjudicator in understanding and giving a decision on a dispute. Many SCSI adjudicators are dual qualified, and care should be taken not to define the type of expertise too narrowly.

Please list the professional skills required, whether it is appropriate to approach a surveyor, lawyer, etc.

## Conflicts of interest

SCSI will take reasonable steps to ensure that the nominated adjudicator is free from conflict of interest. It is therefore essential that you provide details of the parties involved including any companies or related entities that a prospective adjudicator would need to consider in their conflict checks. Adjudicators are required to disclose involvement or potential conflicts of interest to SCSI prior to nomination. SCSI will never knowingly nominate an adjudicator who has a conflict of interest.

If in your view there are any adjudicators who would have a conflict of interest regarding this matter, you should list them in the box below. Please also provide for such person, brief but clear reasons for this statement.

Name	Firm	Reason

**Please note:** While the President will give careful consideration to any representations, he/she will reach his/her own decision as to who is nominated. Notwithstanding any such statements, the President of SCSI always retains an unfettered discretion to nominate any adjudicator he/she regards as suitable.

## Application submitted by:

Name: \_\_\_\_\_

Firm name: \_\_\_\_\_ Date: \_\_\_\_\_

Submitting this application to SCSI Dispute Resolution Service confirms that you have read and understood the explanatory notes contained in this application form. Your application is accepted on this basis.

## Your privacy:

SCSI takes the privacy and security of the personal information you provide very seriously. SCSI will not use the information you provide in this application to contact you with offers of products and services. Nor will SCSI share your information with third parties for the purpose of sending you details of offers of products and services.

## Explanatory notes:

- SCSI has a duty to act independently and transparently when nominating an adjudicator. On receipt of a request, DRS will select a suitably qualified adjudicator who is free from conflicts of interest normally from the President's Panel of adjudicators. Details of your application will be sent to the prospective adjudicator to help them decide whether they are able to take on the nomination.
- After checking that the adjudicator meets the criteria the nomination is confirmed on or on behalf of the SCSI and the parties and the adjudicator are notified.
- SCSI, as a matter of good practice, will provide a copy of the form and/or correspondence to the responding party on request.
- If the dispute is resolved before a nomination is made, you must notify SCSI as soon as possible.
- Parties are reminded that by completing an application form they may be jointly and severally liable, once the appointment is completed, for payment of the adjudicator's reasonable fees (including abortive fees for any work undertaken if the matter is settled before a decision is given).
- Please be aware that holiday and/or work commitments may prevent an adjudicator accepting a nomination but SCSI will endeavour to ensure that the selected nominee has been consulted on such matters before the nomination is issued.
- SCSI retains discretion which will always be exercised fairly.