

Principles, Criteria, Protocol and Competencies

required for the designation

Qualified Construction Adjudicator (Q.Adj (Const))

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PART I

INTRODUCTION and STATEMENT OF PURPOSE

The Qualified Construction Adjudicator (Q.Adj (Const)) designation recognizes adjudicators who have successfully completed the ADRIIC - RICS Canada Adjudicator Training Program, the goal being to assist those requiring construction adjudication services in finding a highly experienced and skilled practitioner.

To ensure that a high and consistent set of standards is met by those entitled to use this designation, ADRIIC Institute of Canada (ADRIIC) has established general principles, a set of criteria and a protocol to be used in assessing the eligibility of an applicant for the designation and for the granting of the designation.

ADRIIC is national in scope and is represented throughout Canada by seven Regional Affiliates which process applications from their membership for ADRIIC designations in their respective regions. They then make recommendations to ADRIIC for the award of successful applicants.

All reference to rules, forms and requirements are references to the most recent version of the rules, forms and requirements approved by the ADRIIC Board of Directors

Statement of Purpose: ADRIIC Qualified Construction Adjudicator (Q.Adj (Const)) Designation

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Construction adjudication is a form of dispute resolution quite distinct from either arbitration or mediation. It is an expedited form of dispute resolution which typically serves as an adjunct to the prompt payment provisions of legislation applicable to the construction industry. These prompt payment legislations are being rolled out in Canadian provinces and at the national level.

As part of ADRIIC's roles of protecting the public and promoting best practices in ADR, the need for a designation to certify competence, experience and skills specifically in construction adjudication has been determined to be extremely important, especially as the use of construction adjudication services is expanding in many areas of substantive disputes.

The ADRIIC Qualified Construction Adjudicator (Q.Adj (Const)) designation provides clearly defined criteria for those practitioners who wish to obtain it. This in turn provides users of ADR services with confidence that they can rely on the specific and specialized knowledge and experience of individuals with the designation.

By designing and implementing this designation in consultation with experienced and expert ADR practitioners and by imposing strict requirements for members who wish to apply for the designation, ADRIIC is confirming its commitment to the public and to its members as the premier ADR organization and thought leader in Canada.

¹ Specific additional skills and competencies may be necessary and desirable for adjudicators practicing in other sectors where adjudicators are required.

PART II

DEFINITIONS

- (a) “ADRIC” means the ADR Institute of Canada Inc.;
- (b) “ADRIC Accredited Course(s)” means a course or courses accredited in accordance with this Program;
- (c) “Affiliate” means any Regional Affiliate of ADRIC;
- (d) “Approved” or “Accredited Course Provider” means a course provider whose course has been reviewed and approved as an ADRIC Accredited Course;
- (e) “Regional Assessment Committee” (RAC) means an Affiliate’s committee that assesses designation applicants and makes recommendations to ADRIC whether the applicant should be awarded the designation;
- (f) Adjudication is an expedited form of dispute resolution that provides interim binding determinations and orders in specific circumstances and, like arbitration, is usually governed by statutes, but with greater emphasis on the qualifications and experience of the decision maker.

PART III

GENERAL PRINCIPLES

A candidate who meets the standards required of a Qualified Construction Adjudicator may apply for the designation on the form prescribed or approved by ADRIC.

The following process is required to qualify an applicant for certification:

1. Satisfactory completion of the educational and practical experience requirements;
2. Review and approval of the written application by the RAC;
3. Review and approval of the application by ADRIC.
4. The RACs and ADRIC would assess candidates on the basis of criteria specified in this document as the minimum standards required to qualify as a Qualified Construction Adjudicator. Where a RAC does not recommend an applicant, the applicant may appeal as per guidelines under “RIGHT TO APPEAL”, below.
5. On receipt of the RAC's recommendation, and on confirmation that the application and all requirements are complete, ADRIC will inform the applicant whether the Qualified Construction Adjudicator (Q.Adj (Const)) designation will be awarded.

The designation is awarded by ADRIC and is subject to renewal or revocation in accordance with its established rules. The certificate presented to a successful applicant remains at all times the property of ADRIC.

PART IV

CRITERIA

An applicant must meet the following minimum criteria and conditions:

I. EDUCATION

- a. Successful completion of a minimum of forty hours of a construction adjudication training program approved by ADRIC; or
- b. Candidates whose training has not previously been approved by ADRIC may submit the details of their training to ADRIC for review and potential approval in whole or in part.

NOTE: A Skills Assessment (which may be a written examination) is not required for a Qualified Construction Adjudicator designation. ADRIC reserves the right to require one at its discretion.

II. PRACTICAL EXPERIENCE

- a. Relevant working experience related to the construction industry. This may include working in the construction industry as an accountant, architect, engineer, quantity surveyor, project manager, engineer, arbitrator or lawyer.
- b. No construction adjudication experience required. However, experience in construction arbitration or referee services can be an asset.

III. PLEDGE

The applicant must agree to comply with ADRIC's Code of Ethics and Code of Conduct.

IV. MEMBERSHIP

Applicants for a Qualified Construction Adjudicator designation must be a FULL member in good standing of ADRIC, which includes being and remaining a member in good standing of a Regional Affiliate.

V. FEES

Application and Annual Designation Maintenance/Renewal fees are to be paid to ADRIC to maintain the designation in addition to promptly paying Affiliate membership dues and ADRIC designation renewal fees. These fees are posted on the ADRIC website: <http://adric.ca/resources/professional-designations/>

VI. CONTINUING EDUCATION AND ENGAGEMENT (CEE)

A Qualified Construction Adjudicator needs to attain and report to ADRIC a minimum of 20 CEE points annually to maintain the designation.

² The ADRIC - RICS Canada Adjudicator Training Program would satisfy the educational requirements for the designation.

VII. INSURANCE

All Qualified Construction Adjudicators are required to sign and submit the Declaration of Insurance form, indicating that they maintain Errors and Omissions Insurance with a limit of at least \$1 million aggregate or check the appropriate box for an exemption of the requirement. (Those who are employed by others may have insurance coverage under their employer.)

PART V

PROTOCOL

1. Regional Affiliates invite/accept applications from candidates who believe they possess the standards required of a Qualified Construction Adjudicator.
2. The Regional Affiliates will establish their own process to evaluate applicants in accordance with the minimum standards established by ADRIC. Each Affiliate may impose additional requirements.

A. APPLICATION FORM

All applicants will use the standard application and evaluations forms prescribed or approved by ADRIC.

B. APPLICATION APPROVAL AND APPEAL PROCESS

REVIEW PROCESS

- 1 The RAC will forward all applications to ADRIC for record keeping. Where the RAC approves an applicant, by unanimous or majority decision, the RAC will forward the application to the ADRIC Executive Director (ED), or ADRIC Staff designated by the ED, with its recommendation form signed by the committee Chair, Affiliate President or Executive Director.
 - a. ADRIC will review the application and forms to ensure they are complete and meet the requirements established by ADRIC;
 - b. Where ADRIC considers an application to be complete and the recommendation in order, ADRIC will inform the applicant that the application has been approved. ADRIC will forward the Q.Adj (Const) certificate to the applicant on receipt of the applicable annual fee.
 - c. Where ADRIC finds the application incomplete, ADRIC will return the application to the Affiliate to be completed.
 - d. Where the RAC does not recommend an applicant, the Affiliate will so notify the applicant, providing reasons and recommendations, along with information about appeal processes.
 - e. The decision of the RAC is final, but for the right of appeal to the ADRIC Executive Director by a failed applicant based on issues related to application of policy or procedure.

RIGHT TO APPEAL

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- a. The applicant may appeal to the ADRIC Executive Director a decision of the RAC to deny the Q.Adj (Const) designation **only if the reason for denial relates to or raises policy or procedural issues**. The applicant must deliver a written notice of appeal to the ADRIC ED within 30 days of receipt of the decision of the RAC, setting out the grounds for the appeal, otherwise the RAC decision stands.
 - b. ADRIC will review the policy or procedure issues and if a policy or procedure has not been followed, may allow the appeal. If a policy and procedure has been followed but its application is unfair in a particular application, the ADRIC ED may make a recommendation to the ADRIC Board of Directors.

C. AUDIT AND QUALITY CONTROL

- a. A percentage of applications will be sent to ADRIC for review.
- b. ADRIC will review applications sent to it for review to ensure all documentation is in order and the prescribed process has been followed. The concerns raised in the review will be directed to the ADRIC Executive Director, and the appropriate Affiliate to ensure future applications are appropriately processed and reviewed. The decision of the RAC on a particular application will remain final notwithstanding the concerns raised in the review.

D. VOTING

Any member of a RAC or Regional Affiliate Board of Directors who has voted on any application at that level must not vote on that application as a member of the ADRIC Board of Directors.