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Date: 12 May 2017

## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

for individual consultants and individual consultants assigned by consulting firms/institutions

Country:	Viet Nam
Description of the assignment:	International Consultant on Policy Development for ABS and Nagoya Protocol Implementation
Project name:	Capacity Building for the Ratification and Implementation of the Nagoya Protocol on Access and Benefit Sharing in Viet Nam
Period of assignment/services (if applicable):	Estimated 120 working days over the period June 2017 to December 2019
Tender reference:	1-170503

1. Submissions should be sent by email to: [nguyen.thi.hoang.yen@undp.org](mailto:nguyen.thi.hoang.yen@undp.org) no later than: **25 May 2017 (Hanoi time)**.

**With subject line: (1-170503) International Consultant on Policy Development for ABS and Nagoya Protocol Implementation**

Submission received after that date or submission not in conformity with the requirements specified this document will not be considered.

### Note:

- Any individual employed by a company or institution who would like to submit an offer in response to this Procurement Notice must do so in their individual capacity, even if they expect their employers to sign a contract with UNDP.
- Maximum size per email is **7 MB**.
- Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. Procurement Unit – UNDP Viet Nam will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.
- After submitting proposal, bidder should send notification by email (without attachment) to: [procurement.vn@undp.org](mailto:procurement.vn@undp.org) informing that the bidder has submitted proposal. UNDP will not be responsible for the missing of proposal if the bidder does not send notification email to above address.
- Female consultants are encouraged to bid for this required service. Preference will be given to equally technically qualified female consultants.

2. Please find attached the relevant documents:

- [Terms of Reference \(TOR\)](#)..... (Annex I)
- [Individual Contract](#) & [General Conditions](#)..... (Annex II)
- [Reimbursable Loan Agreement](#) (for a consultant assigned by a firm)..... (Annex III)

- [Guidelines for CV preparation](#)..... (Annex IV)
- [Format of financial proposal](#)..... (Annex V)

3. Interested individual consultants must submit the following documents/information **(in English, PDF Format)** to demonstrate their qualifications:

**a. Technical component:**

- Signed Curriculum vitae
- Cover letter indicating your earliest availability to start the assignment
- Methodological note explaining the proposed approach to the execution of the assignment as indicated in TOR.
- Work plan and / or implementation schedule to get deliverables
- Copy of 1-3 publications/writing samples on relevant subject.
- Reference contacts of past 4 clients for whom you have rendered preferably the similar service (including name, title, email, telephone number, address...)

**b. Financial proposal (with your signature):**

- The financial proposal shall specify a total lump sum amount in **US Dollar** including consultancy fees and all associated costs i.e. airfares, travel cost, meal, accommodation, tax, insurance etc. – see format of financial offer in Annex V.
- Please note that the cost of preparing a proposal and of negotiating a contract, including any related travel, is not reimbursable as a direct cost of the assignment.
- If quoted in other currency, prices shall be converted to the above currency at UN Exchange Rate at the submission deadline.

4. Evaluation:

The technical component will be evaluated using the following criteria:

Consultant's experiences/qualification related to the services		
	Criteria	Maximum Points
1	Post graduate degree in biodiversity, environment management, law/environmental law, environmental policy or related fields	150
2	At least eight (8) years of experience in conducting policy analysis and providing policy advice to the government agencies to enhance national and provincial policies in relevant topics	150
3	Profound knowledge of and experience in work streams related to the ABS Nagoya Protocol implementation and national application	200
4	Work experience with in Viet Nam or South East Asia countries	100
5	Experience with GEF project implementation, in working within UNDP or other UN or international organizations preferred	100
6	Having methodology and approach ensure to get expected deliverables	200
7	Proposed workplan and/or implementation schedule is appropriate	100
	<b>TOTAL</b>	<b>1000</b>

A two-stage procedure is utilized in evaluating the submissions, with evaluation of the technical components being completed prior to any price proposals being opened and compared. The price proposal will be opened only for submissions that passed the minimum technical score of 70% of the obtainable score of 1000 points in the evaluation of the technical component.

The technical component is evaluated on the basis of its responsiveness to the Term of Reference (TOR).

Maximum 1000 points will be given to the lowest offer and the other financial proposals will receive the points inversely proportional to their financial offers. i.e.  $S_f = 1000 \times F_m / F$ , in which  $S_f$  is the financial score,  $F_m$  is the lowest price and  $F$  the price of the submission under consideration.

The weight of technical points is 70% and financial points is 30%.

Submission obtaining the highest weighted points (technical points + financial points) will be selected.

Interview with the candidates may be held if deemed necessary.

## 5. Contract

“Lump-sum” Individual Contract will be applied for freelance consultant (Annex II)

“Lump-sum” RLA will be applied for consultant assigned by firm/institution/organization (Annex III)

Documents required before contract signing:

- Personal History (following UNDP form)
- International consultant whose work involves travel is required to complete the courses on Basic Security in the Field **and** Advanced Security in the Field and submit certificates to UNDP before contract issuance.

Note: In order to access the courses, please go to the following link: <https://training.dss.un.org>  
The training course takes around 3-4 hours to complete. The certificate is valid for 3 years.

- Full medical examination and Statement of Fitness to work for consultants from and above 62 years of age and involve travel. (This is not a requirement for RLA contracts).
- Release letter in case the selected consultant is government official.

## 6. Payment

UNDP shall effect payments to the consultant (by bank transfer to the consultant's bank account provided in the vendor form (Annex V) upon acceptance by UNDP of the deliverables specified the TOR.

- 20% of the contract value shall be paid upon approval of work schedule (June 2017) and the inception report on proposal for the Draft National Government Decree on ABS.
- 20% of the contract value shall be paid upon successful assessment by UNDP CO and MONRE/PMU of the IC's inputs to deliverables agreed in the annual work plan for 2017 (December 2017).
- 30% of the contract value shall be paid upon successful assessment by UNDP CO and MONRE/PMU of the IC's input to deliverables agreed in the annual work plan for 2018 (December 2018).
- 30% of the contract value shall be paid upon approval by UNDP CO and MONRE/PMU of the final deliverables as agreed in the Project Results Framework (December 2019).

If two currencies exist, UNDP exchange rate will be applied at the day UNDP instructs the bank to effect the payment.

## 7. Your proposals are received on the basis that you fully understand and accept these terms and conditions.

## **TERMS OF REFERENCE (TOR)**

<b>Position Title</b>	<b>International Consultant on Policy Development for ABS and Nagoya Protocol Implementation</b>
<b>Contract Type</b>	<b>Individual Contract</b>
<b>Duration</b>	<b>Estimated 120 working days over the period June 2017 to December 2019</b>
<b>Location of Assignment</b>	<b>Home-based with missions to Viet Nam</b>
<b>Project Title</b>	<b>Capacity Building for the Ratification and Implementation of the Nagoya Protocol on Access and Benefit Sharing in Viet Nam</b>

### **1. Background**

Viet Nam's specific geographical location, diversified topographical and ecological features in combination with a long history of human involvement with nature has resulted in the country having become one of the world's most prosperous, rich and diverse plant genetic resource countries. While diverse climatic conditions has enriched the country's flora with both tropical and temperate plants, thousands of years of agricultural practice by 54 ethnic groups enriched its crop genetic resources with a great number of local cultivars and land races. In terms of medicinal plants, the high level of genetic diversity makes Viet Nam a particularly attractive country for bio-prospecting, with today approximately 800 medicinal and aromatic plants known, 600 of which have associated traditional knowledge.

However, Viet Nam faces a wide range of issues that threaten its biological diversity and ecological security. These threats emanate from the transition from a subsistence-based agrarian economy to a consumption-based cash economy, competing land-use from urbanization and infrastructure development, poaching of wild plants and animals, localized overharvesting of timber, fuel wood and non-timber forest products (NTFP), human-wildlife conflicts, and climate change. As a consequence of these threats to biological resources, and in parallel strengthened by the socio-economic changes, the traditional knowledge of local communities associated with genetic resources is disappearing rapidly, due to the change of traditional lifestyles. A large volume of traditional knowledge, such as medicinal use of biological resources, is being replaced by modern technology.

The Nagoya ABS Protocol was adopted in October 2010 in Japan by the 10<sup>th</sup> Conference of the Parties to the Convention on Biological Diversity (CBD) and entered into force in October 2014. The Nagoya Protocol provides a transparency mechanism but also a legal certainty for providers and users of genetic resources and associated traditional knowledge (TK), while strengthening the opportunities for equitable sharing of benefits arising from their use. Parties to the CBD have been asked to determine the best approach for implementing the Protocol in order to achieve common goals, while taking into account national interests.

As part of the Government of Viet Nam's engagement to counter the various threats to biodiversity, it has planned various strategies for the conservation and sustainable use of biological resources in support of socio-economic development. One of the recent biodiversity programs includes the promotion of bio-prospecting and of an access and benefit-sharing (ABS) national regime. Although Viet Nam ratified the Nagoya Protocol in 2014, the country currently does not have a fully functional regulatory and institutional framework for ABS, neither the institutional and individual capacity to carry out bio-prospecting beyond basic level and develop and manage ABS schemes that are compliant with Nagoya Protocol.

The project is intended to strengthen national capacities on ABS of genetic resources to facilitate the implementation of the Nagoya Protocol on Access and Benefit Sharing. The above objective would be achieved through four components, namely: (i) strengthening the national policy, legal and institutional framework on

ABS; (ii) developing administrative measures – rules, procedures and coordination mechanisms - for the implementation of the national ABS legal framework; (iii) increasing awareness and capacity of all relevant stakeholders for implementation of the national ABS framework; and (iv) demonstrating private-public-community partnerships on ABS.

## **2. Objectives of the Assignment**

Under the current TOR, UNDP envisions to contract a qualified International Consultant on Policy Development for ABS and Nagoya Protocol Implementation (IC/1) to advisory services to project implementation on strengthening the national regulatory and institutional framework on ABS.

Specifically the IC/1 will support the national implementation partners in developing and strengthening the enabling framework of policies, legislation and regulations, institutions and administrative measures for the effective implementation of ABS mechanisms in Viet Nam.

## **3. Assignment Scope of Work**

The IC/1 will be responsible, together with other International and National Consultants recruited, for providing technical advisory services to project implementation, contributing relevant international benchmarking expertise, research, and sections required on aspects related to legislative best practices, ABS and the Nagoya Protocol (ABS/NP; including elements on bio-prospecting and traditional knowledge). He/she will work closely with UNDP and government specialists and other key stakeholders at the country level as well as with the UNDP-GEF regional staff providing technical support to this project.

Under the above overall responsibilities and with support from the project team, the National Steering Committee, and under supervision of the UNDP Country Office (UNDP CO) and the Project Management Unit (PMU) of the Ministry of Natural Resources and Environment (MONRE/PMU), the tasks of the IC/1 will to include, but may not be limited to:

- Act as the technical gatekeeper to coach all policy related activities of the project. Play leading roles in the ABS policy development activities under this project framework including technical supervision to the national experts/consultants in carrying out policy related studies and policy development, quality assurance of the policy products produced under the project support to ensure they take into account relevant international lessons learnt/best practices and are in line with guidance and requirements of the Nagoya Protocol
- Provide technical guidance and facilitation to the preparation of guidelines, manuals, circulars, and other tools and protocols for establishing a functional certification/licensing and administrative system for ABS.
- Provide comments and recommendations on the content of the draft legal provisions on ABS in order to ensure complementarity with Articles of Nagoya Protocol and international best legal practice.
- Provide international experience and expertise for drafting of ABS Decree, particularly focusing on provisions for traditional knowledge registries, operation of the TK digital library, PIC/MAT procedures and community protocols, checkpoints establishment and procedures for establishment of financial mechanisms to channel revenues from ABS agreements for conservation of biodiversity and sustainable use of its components.
- Support diagnosis and the identification of areas for improvement of the ABS legal system in Vietnam, based on the preliminary assessment as annexed to the UNDP Project Document and the current development of the ABS Decree in Vietnam.
- Support preparation of TORs for national consultants/contractual services to perform project activities such as development of the awareness raising and capacity building program on ABS, application of ABS rules and regulations at pilot sites, GR profiling and TK documentation, etc.
- Propose relevant legal interventions to overcome identified gaps, based on best practices including emerging measures developed or under development for the implementation of the Nagoya Protocol in other countries.
- Review international relevant practices and provide input the development of related documents on ABS prepared by national consultants.
- Provide advice on the content and approach of the measures required to implement the new ABS decree;
- Provide input to and review of the national consultants' drafts and proposals, and provide feedback on key issues upon request of national consultants or the National Review Committee.

- Support the drafting of ABS-related legislative circulars for the implementation of the new ABS Decree.
- Ensure complementarity of all relevant outputs with the Articles of Nagoya Protocol and international best legal practice.

#### **4. Deliverables**

Successful contribution of the IC/1 to the project will be measured according to completion of the following project deliverables in the Project Results Framework:

- National Government Decree on ABS in line with the Nagoya Protocol and international best legal practice developed and adopted.
- Recommendations for further improvement/revisions needed on the latest draft Decree in light of Nagoya Protocol and international best practices.
- Adopted guiding documents, including circulars, guidelines, manuals and other instruments to support implementing the ABS Decree and the Biodiversity Law ABS provisions, including but not limited to, ABS certification/licensing, monitoring and tracking systems.
- Adopted guidelines for a traditional knowledge registry, PIC/MAT procedures, Community Protocols, and ABS Agreements.
- Developed financial mechanism, to channel and reinvest proceeds from ABS Agreements.
- Clear instructions (through guidelines, circulars and manuals) for coordination and information sharing between FP and NCAs, and amongst the NCAs.
- An ABS Clearing House system developed and integrated into the National Biodiversity and genetic resources databases.

#### **5. Timing and Duration**

The estimate level of effort for this assignment is 120 working days, intermittent between March 2017 and December 2019; tasks to be conducted home-based with four missions to Viet Nam (approximately 10-15 days per mission, of which about 30% should be for working in the project site out of Ha Noi. ).

#### **6. Provision of Monitoring and Progress Control**

The IC/1 will be supervised by the UNDP CO and MONRE/PMU. A work schedule will be developed and agreed with the UNDP and MONRE/PMU at the start of the assignment. The MONRE/PMU may request regular meetings and/or updates as required.

The deliverables of the IC/1 will be accepted by UNDP CO and MONRE/PMU based on their satisfactory meeting of the following indicative criteria:

- Quality collection and completeness of existing and gathered information.
- The deliverables contain a complete and objective analysis of all existing and gathered information.
- The deliverables are written in excellent English and are well formatted.
- As relevant: successful formal adoption by designated government agency.

Both MONRE/PMU and the UNDP CO shall serve as Proposed Quality Reviewer.

#### **7. Implementation Arrangements**

Logistics to meet with stakeholders, national and local authorities in the project pilot region shall be provided for by UNDP CO and/or MONRE/PMU as relevant and needed, and in accordance with the work schedule agreed with the UNDP CO and MONRE/PMU at start of the assignment.

#### **8. Terms of Payment**

Payment milestones:

- 20% of the contract value shall be paid upon approval of work schedule (June 2017) and the inception report on proposal for the Draft National Government Decree on ABS.

- 20% of the contract value shall be paid upon successful assessment by UNDP CO and MONRE/PMU of the IC's inputs to deliverables agreed in the annual work plan for 2017 (December 2017).
- 30% of the contract value shall be paid upon successful assessment by UNDP CO and MONRE/PMU of the IC's input to deliverables agreed in the annual work plan for 2018 (December 2018).
- 30% of the contract value shall be paid upon approval by UNDP CO and MONRE/PMU of the final deliverables as agreed in the Project Results Framework (December 2019).

## **9. Competencies**

- Excellent technical, analytical and editing skills, allowing effective communication of complex technical information.
- Strong strategic planning, results-based management and reporting capabilities.
- Excellent team player with good interpersonal skills.
- Ability to manage workload with minimum supervision.
- Ability to work under pressure and tight deadlines.
- Ability to accommodate additional demands at short notice.
- Ability to work in a multi-cultural environment.
- Displays cultural, gender, religion, nationality and age sensitivity and adaptability.
- Skills in achieving results through persuading, influencing, & working with others.
- Skills in negotiating effectively in sensitive situations.
- Skills in facilitating meetings effectively and efficiently and to resolve conflicts as they arise.

## **10. Required Skills and Experience**

- Graduate or advanced degree in a field relevant to genetic resources, bio-prospecting, access and benefit-sharing and the Nagoya Protocol (law/environmental law, environmental policy, biology, genetics, environmental sciences, natural resources management, etc.), preferably with a specific professional specialization in ABS legal frameworks.
- Significant knowledge of and experience in work streams related to the ABS Nagoya Protocol implementation and national application, ideally with exposure to various of the underlying elements – genetic resources, bio-prospecting, national ABS legal, policy and institutional frameworks, traditional knowledge, and related capacity assessments and capacity development.
- At least eight (8) years working experience in conducting policy analysis and providing policy advice to the government agencies to enhance national and provincial policies in relevant topics.
- Excellent conceptualization and analytical skills and proven experience in leading policy researches in relevant topics.
- Good advocacy and communications skills, able to take a forward looking strategic view; Good interpersonal skills and teamwork to work in a multi-cultural environment.
- Relevant work experience in Viet Nam or South East Asia countries is an advantage.
- Experience with GEF project implementation, in working within UNDP or other UN or international organizations preferred, ideally in the field of ABS and Nagoya Protocol.
- English writing proficiency and strong verbal communication skills are essential.

## **Annex IV**

### **GUIDELINES FOR PREPARING CV**

WE REQUEST THAT YOU USE THE FOLLOWING CHECKLIST WHEN PREPARING YOUR CV:

Limit the CV to 3 or 4 pages

NAME (First, Middle Initial, Family Name)

Address:

City, Region/State, Province, Postal Code

Country:

Telephone, Facsimile and other numbers

Internet Address:

Sex, Date of Birth, Nationality, Other Citizenship, Marital Status

Company associated with (if applicable, include company name, contact person and phone number)

#### **SUMMARY OF EXPERTISE**

Field(s) of expertise (be as specific as possible)

Particular development competencies-thematic (e.g. Women in Development, NGOs, Privatization, Sustainable Development) or technical (e.g. project design/evaluation)

Credentials/education/training, relevant to the expertise

#### **LANGUAGES**

Mother Tongue:

Indicate written and verbal proficiency of your English:

#### **SUMMARY OF RELEVANT WORK EXPERIENCE**

Provide an overview of work history in reverse chronological order. Provide dates, your function/title, the area of work and the major accomplishments include honorarium/salary. References (name and contact email address) must be provided for each assignment undertaken by the consultant that UNDP may contact.

#### **UN SYSTEM EXPERIENCE**

If applicable, provide details of work done for the UN System including WB. Provide names and email address of UN staff who were your main contacts. Include honorarium/salary.

#### **UNIVERSITY DEGREES**

List the degree(s) and major area of study. Indicate the date (in reverse chronological order) and the name of the institution where the degree was obtained.

#### **PUBLICATIONS**

Provide total number of Publications and list the titles of 5 major publications (if any)

#### **MISCELLANEOUS**

Indicate the minimum and maximum time you would be available for consultancies and any other factors, including impediments or restrictions that should be taken into account in connection with your work with this assignment.

Please ensure the following statement is included in the resume and that it is signed and dated:

I CERTIFY THAT ALL INFORMATION STATED IN THIS RESUME IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I AUTHORIZE UNDP/UNOPS OR ITS AGENT TO VERIFY THE INFORMATION PROVIDED IN THIS RESUME.

(Signature)



## **Annex V**

### **FINANCIAL OFFER**

Having examined the Solicitation Documents, I, the undersigned, offer to provide all the services in the TOR for the sum of USD .....

This is a lump sum offer covering all associated costs for the required service (fee, meal, accommodation, travel, taxes etc).

#### **Cost breakdown:**

<b>No.</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit rate (USD)</b>	<b>Total</b>
1	Consultancy fee			
2	Out of pocket expenses			
2.1	Travel			
2.2	Per diem			
2.3	Full medical examination and Statement of Fitness to work for consultants from and above 62 years of age and involve travel – (required before issuing contract). *			
2.5	Others (pls. specify).....			
	<b>TOTAL</b>			

*\* Individual Consultants/Contractors who are over 62 years of age with assignments that require travel and are required, at their own cost, to undergo a full medical examination including x-rays and obtaining medical clearance from **an UN-approved doctor** prior to taking up their assignment.*

I undertake, if my proposal is accepted, to commence and complete delivery of all services specified in the contract within the time frame stipulated.

I agree to abide by this proposal for a period of 120 days from the submission deadline of the proposals.

Dated this day /month                      of year

Signature