

REQUEST FOR PROPOSAL (RFP)

From firms/institutes/organizations

Dear Sir / Madam:

We kindly request you to submit your Proposal for National Consultancy Firm for the assessment of the situation and capacity need of legal aid providers (Ref. B-190501)

Please be guided by the form attached hereto as Annex 2 (a-b-c), in preparing your Proposal.

Proposals may be submitted on or before **5pm Tuesday**, **June 04**, **2019** (Hanoi time) by the following ethods:

By email: For green environment, this is	By hard copy: (within working hours 8.00 am -
preferred submission method	5.00 pm Monday - Friday only)
E-mail address for proposal submission: <u>quach.thuy.ha@undp.org</u>	Address for proposal submission:
	Procurement Unit
Separate emails for technical and financial	UNDP Vietnam
proposal.	304 Kim Ma Street, Hanoi, Vietnam
With subject line: (B-190501) RFP for Capacity needs assessment of legal aid providers	With envelop subject: (B-190501) RFP for Capacity needs assessment of legal aid providers
Maximum size per email: 30 MB . Bidders can split proposal into several emails if the file size is large)	When submitting hard copy proposals, please call one of the following staff to receive hard copy proposal:
	 Ms. Quach Thuy Ha, Procurement Assistant Tel: +84-24-38500143
	 Mr. Nguyen Thai Duong, Procurement Assistant Tel: +84-24-38500195
	The bidder is requested to sign a bid submission form when delivering proposal.

Note:

- For both submission methods, please send separate email (without attachment) to <u>procurement.vn@undp.org</u> notifying that you already submitted proposal and the number of email submitted (in case submitted by email). Notification emails should be sent to above address by submission deadline or right after you submit proposals).
- UNDP will acknowledge receipt of the proposals within 2 working days from the submission deadline. In case you do not receive acknowledgement, please contact us within 3 working days after submission deadline.

Your Proposal must be expressed in the English language, and valid for a minimum period of 120 days from the date of bid submission.

In the course of preparing your Proposal, it shall remain your responsibility to ensure that it reaches the address above on or before the deadline. Proposals that are received by UNDP after the deadline indicated above, for whatever reason, shall not be considered for evaluation. If you are submitting your Proposal by email, kindly ensure that they are signed and in the .pdf format, and free from any virus or corrupted files.

Services proposed shall be reviewed and evaluated based on completeness and compliance of the Proposal and responsiveness with the requirements of the RFP and all other annexes providing details of UNDP requirements.

The Proposal that complies with all of the requirements, meets all the evaluation criteria and offers the best value for money shall be selected and awarded the contract. Any offer that does not meet the requirements shall be rejected.

Any discrepancy between the unit price and the total price shall be re-computed by UNDP, and the unit price shall prevail and the total price shall be corrected. If the Service Provider does not accept the final price based on UNDP's re-computation and correction of errors, its Proposal will be rejected.

No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted by UNDP after it has received the Proposal. At the time of Award of Contract or Purchase Order, UNDP reserves the right to vary (increase or decrease) the quantity of services and/or goods, by up to a maximum twenty five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.

Any Contract or Purchase Order that will be issued as a result of this RFP shall be subject to the General Terms and Conditions attached hereto. The mere act of submission of a Proposal implies that the Service Provider accepts without question the General Terms and Conditions of UNDP, herein attached as Annex 3.

Please be advised that UNDP is not bound to accept any Proposal, nor award a contract or Purchase Order, nor be responsible for any costs associated with a Service Providers preparation and submission of a Proposal, regardless of the outcome or the manner of conducting the selection process.

UNDP's vendor protest procedure is intended to afford an opportunity to appeal for persons or firms not awarded a Purchase Order or Contract in a competitive procurement process. In the event that you believe you have not been fairly treated, you can find detailed information about vendor protest procedures in the following link: <u>http://www.undp.org/procurement/protest.shtml</u>.

UNDP encourages every prospective Service Provider to prevent and avoid conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, cost estimates, and other information used in this RFP.

UNDP implements a zero tolerance on fraud and other proscribed practices, and is committed to preventing, identifying and addressing all such acts and practices against UNDP, as well as third parties

involved in UNDP activities. UNDP expects its Service Providers to adhere to the UN Supplier Code of Conduct found in this link : <u>http://www.un.org/depts/ptd/pdf/conduct_english.pdf</u>

Thank you and we look forward to receiving your Proposal.

Sincerely yours,

Tran Thi Hong Head, Procurement Unit 5/21/2019

Description of Requirements

Context of the Requirement	Please see information in the TOR
Implementing Partner of UNDP	Please see information in the TOR
Brief Description of the Required Services	National Consultancy Firm for the assessment of the situation and capacity need of legal aid providers
List and Description of Expected Outputs to be Delivered	Please see information in the TOR
Person to Supervise the Work/Performance of the Service Provider	UNDP Governance and Participation Unit, the Legal Aid Department of the Ministry of Justice
Frequency of Reporting	Please refer to the TOR
Progress Reporting Requirements	Please refer to the TOR
Location of work	 Exact Address: At Contractor Location, Hanoi and 04 pilot provinces (Ha Giang, Hoa Binh, Thanh Hoa and Dong Thap)
Expected duration of work	June-September 2019
Target start date	Early June 2019
Latest completion date	30 September 2019
Travels Expected	Please refer to the TOR
Special Security Requirements	Not applicable
Facilities to be Provided by UNDP (i.e., must be excluded from Price Proposal)	 Office space and facilities Land Transportation Others [pls. specify]
Implementation Schedule indicating breakdown and timing of activities/sub-activities	☑ Required □ Not Required
Names and curriculum vitae of individuals who will be involved in completing the services	 ☑ Required □ Not Required
Currency of Proposal	 □ United States Dollars □ Euro ☑ Local Currency (Vietnam Dong)
	For the purposes of comparison of all Proposals: UNDP will convert the currency quoted in the Proposal into the UNDP preferred

	currency, in accordance with the prevailing UN operational rate of	
	exchange on the proposal submission deadline.	
Value Added Tax on Price Proposal	 ☑ must be inclusive of VAT and other applicable indirect taxes □ must be exclusive of VAT and other applicable indirect taxes 	
Validity Period of Proposals	☑ 120 days	
(Counting for the last day of submission of quotes)	In exceptional circumstances, UNDP may request the Proposer to extend the validity of the Proposal beyond what has been initially indicated in this RFP. The Proposal shall then confirm the extension in writing, without any modification whatsoever on the Proposal.	
Partial Quotes	☑ Not permitted □ Permitted	
Payment Terms	As indicated in the TOR.	
	 Condition for Payment Release: Within thirty (30) days from the date of meeting the following conditions: a) UNDP's written acceptance (i.e., not mere receipt) of the quality of the outputs; and b) Receipt of invoice from the Service Provider. 	
Person(s) to review/inspect/ approve outputs/completed services and authorize the disbursement of payment	UNDP	
Type of Contract to be Signed	☑ Contract for Professional Services	
Criteria for Contract Award	 Highest Combined Score (based on the 70% technical offer and 30% price weight distribution) Full acceptance of the UNDP Contract General Terms and Conditions (GTC). This is mandatory criteria and cannot be deleted regardless of the nature of services required. Non-acceptance of the GTC may be grounds for the rejection of the Proposal. 	
Criteria for the Assessment of Proposal	Proposal shall be considered technically qualified if it achieves minimum 70% of total obtainable technical points.	
	Weight of technical and financial point:	
	Technical Proposal (70%)	
	Financial Proposal (30%) Financial score will be computed as a ratio of the Proposal's offer to the lowest price among the proposals received by UNDP.	
	See detailed evaluation criteria in the below table.	
UNDP will award the contract to:	☑ One bidder	
Annexes to this RFP	 Description to Requirements (Annex 1) Form for Submission of Proposal (Annex 2a: Technical proposal; Annex 2b: Financial proposal; Annex 2c: Submission check-list) Detailed TOR (Annex 3) Contract templates and General Terms and Conditions (Annex 4) 	

Contact Person for Inquiries (Written inquiries only) ¹	Ms. Quach Thuy Ha Procurement Assistant, UNDP Vietnam Email: quach.thuy.ha@undp.org
	Any delay in UNDP's response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary and communicates a new deadline to the Proposers.
Other information	

EVALUATION CRITERIA

Summa	Summary of Technical Proposal Evaluation Forms		
1.	Bidder's qualification, capacity and experience	200	
2.	Proposed Methodology, Approach and Implementation Plan		
3.	3. Management Structure and Key Personnel		
	Total		

Section	Section 1. Bidder's qualification, capacity and experience	
1.1	Reputation of Organization and Staff Credibility / Reliability / Industry Standing	50
1.2	Relevance of specialized knowledge and experience on similar engagements done in the region/country	70
1.4	Quality assurance procedures and risk mitigation measures	30
1.5	1.5 Working experience with government officials, desirable related to the legal sector	
	Total Section 1	200

Section 2. Adequacy of the Proposed Methodology, Approach and Implementation Plan responding to the TOR		Scores
2.1	Does the suggested research schedule sufficiently address the key tasks/responsibilities expressed in the TOR?	50
2.2	Is the suggested methodology for the research sufficient to address the needs/demands of the TOR?	80
2.3	Does the proposal commit commissioning a strong team of national experts to deliver the expected outputs?	50
2.4	Does the proposal commit adequate human and logistical resources (including support staff, translation/interpretation etc.) to ensure high-quality and timely delivery of the report?	70
2.5	Is the presentation of the proposal clear and provided with succinct sequence of approaches to the research?	100

¹ This contact person and address is officially designated by UNDP. If inquiries are sent to other person/s or address/es, even if they are UNDP staff, UNDP shall have no obligation to respond nor can UNDP confirm that the query was received.

2.6	Demonstration of ability to plan, integrate and effectively implement sustainability measures in the execution of the contract	50

Total Section 2

L	Team Leader		250
	- Advanced university degree in social sciences, law or related fields;	50	
	- Proven track record of conducting research, survey and data analysis;	50	
	- Minimum of 5 years of work experience in legal projects;	50	
	- Working experience with vulnerable groups;	20	
	 Working experience with government officials and civil society organizations, experience in legal aid projects; and experience in legal aid practices in other countries is an advantage. 	20	
	- Expertise in conducting institutional capacity assessments, particularly in the area of rule of law, access to justice and human rights, is an advantage	20	
	- Excellent English report writing skill (two report samples submitted, ect.)	20	
	- Working experience as a team leader of a consultant team.	20	
	Team members		150
	- University degree in social sciences, law or related fields;	40	
	- Proven track record of conducting research, survey and data analysis;	30	
	 Minimum of 3 years of work experience in legal aid projects and experience in legal aid practices in other countries is an advantage; 	40	
	- Working experience with vulnerable groups;	20	
	- Working experience in conducting institutional capacity assessments, particularly in the area of rule of law, access to justice and human rights, is an advantage.	20	

FORM FOR SUBMITTING SERVICE PROVIDER'S TECHNICAL PROPOSAL²

(This Form must be submitted only using the Service Provider's Official Letterhead/Stationery³)

[insert: Location]. [insert: Date]

To: Procurement Unit - UNDP Vietnam

Dear Sir/Madam:

We, the undersigned, hereby offer to render the following services to UNDP in conformity with the requirements defined in the RFP dated [specify date], and all of its attachments, as well as the provisions of the UNDP General Contract Terms and Conditions:

A. Qualifications of the Service Provider

The Service Provider must describe and explain how and why they are the best entity that can deliver the requirements of UNDP by indicating among others the following with appropriate supporting documents:

- a) Profile describing the nature of business, field of expertise, licenses, certifications, accreditations;
- b) Business Licenses Registration Papers, Tax Payment Certification, etc.
- c) Track Record list of clients for similar services as those required by UNDP, indicating description of contract scope, contract duration, contract value, contact references

Client	Contract value	Duration of activity	Services/goods provided	References contact (name, phone, email)

- d) Certificates and Accreditation including Quality Certificates, Patent Registrations, Environmental Sustainability Certificates, etc. (if any)
- e) Written Self-Declaration that the company is not in the UN Security Council 1267/1989 List, UN Procurement Division List or Other UN Ineligibility List.

(Note: Please refer to Form 1 – Evaluation criteria for providing appropriate information and supporting documents to demonstrate the bidders' capacity)

B. Proposed Methodology for the Completion of Services

The Service Provider must describe how it will address/deliver the demands of the RFP; providing a detailed description of the essential performance characteristics, reporting conditions and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the local conditions and context of the work.

² This serves as a guide to the Service Provider in preparing the Proposal.

³ Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes

(Note: Please refer to Form 2 – Evaluation criteria listed under section 1 and 2 for UNDP requirements when preparing this section)

C. Qualifications of Key Personnel

The Service Provider must provide:

- a) Names and qualifications of the key personnel that will perform the services indicating who is Team Leader, who are supporting, etc.;
- b) CVs demonstrating qualifications must be submitted;
- c) Evidence on English report writing skills of the team leader (two sample reports, etc.)

(Note: Please refer to Form 3 – Evaluation criteria for UNDP requirements when preparing this section)

We agree to abide by this Proposal for 120 days from the date of proposal submission deadline.

[Name and Signature of the Service Provider's Authorized Person] [Designation] [Date]

FORM FOR SUBMITTING SERVICE PROVIDER'S FINANCIAL PROPOSAL⁴

(This Form must be submitted only using the Service Provider's Official Letterhead/Stationery⁵)

The Proposer is required to prepare the Financial Proposal in an envelope separate from the rest of the RFP as indicated in the Instruction to Proposers.

The Financial Proposal must provide a detailed cost breakdown. Provide separate figures for each functional grouping or category.

Any estimates for cost-reimbursable items should be listed separately.

In case of an equipment component to the service provider, the Price Schedule should include figures for both purchase and lease/rent options. UNDP reserves the option to either lease/rent or purchase outright the equipment through the Contractor.

The format shown on the following pages is suggested for use as a guide in preparing the Financial Proposal. The format includes specific expenditures, which may or may not be required or applicable but are indicated to serve as examples.

A. Cost Breakdown per Deliverable*

	Deliverables [list them as referred to in the RFP]	Percentage of Total Price (Weight for payment)	Price (Lump Sum, All Inclusive)
1	Deliverable 1		
2	Deliverable 2		
3			
	Applicable taxes		
	Total	100%	

B. Cost Breakdown by Cost Component [This is only an Example]:

Description of Activity	Remuneration per Unit of Time	Total Period of Engagement	No. of Personnel	Total Rate
I. Personnel Services				
1. Services from Home Office				
a. Expertise 1				
b. Expertise 2				
2. Services from Field Offices				
a. Expertise 1				
b. Expertise 2				
II. Out of Pocket Expenses				
1. Travel Costs				
2. Daily Allowance				
3. Communications				
4. Reproduction				
5. Equipment Lease				
6. Others				

⁴ This serves as a guide to the Service Provider in preparing the Proposal.

⁵ Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes

III. Other Related Costs		
Applicable taxes		

We agree to abide by this Proposal for 120 days from the date of proposal submission deadline.

[Name and Signature of the Service Provider's Authorized Person] [Designation] [Date]

Annex 2-c

CHECK LIST OF DOCUMENTS SUBMITTED BY BIDDERS

Note:

- Bidders are required to review carefully this checklist before submitting proposal to ensure complete submission.
- Maximum email size: 30 MB/email. Bidders can split proposal into several emails if the file size is large
- Technical and Financial Proposals are to be submitted in separate envelop/email
- Email and proposal should indicate clearly the name of tender.

Item	Documents	To be completed by bidders		
		Doc submitted Y/N	Number of pages	Remarks
1	Fully filled Technical proposal (pls. refer to template in Annex 2-a) with copies/scan of supporting documents i.e. company profile, company registration certificate, CVs of experts			
2	Dully signed Price Schedule (pls. Refer to template in Annex 2-b)			
3	This duly filled, checked, certified submission checklist to be attached to the submission			
4	Send email (without attachment) to procurement.vn@undp.org notifying that you already submitted proposal and the number of email/envelop submitted. Notification emails should be sent to above email address by submission deadline or right after you submit proposals (either by email or hard copy).			

[Name and Signature of the Service Provider's Authorized Person] [Designation] [Date]

TERMS OF REFERENCE

Service	Capacity needs assessment of legal aid providers
Duty station:	Hanoi and 4 pilot provinces (Ha Giang, Hoa Binh, Thanh Hoa, Dong Thap)
Expected	June to September 2019
Duration	
National or	National consultancy firm
International firm	
Supervision:	The service provider will work closely with the Program Officer in charge at the UNDP Governance and Participation Unit, the Legal Aid Department of the Ministry of Justice

1. Background

The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (UNPG) provide that "States should consider the provision of legal aid their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislation and regulations and ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. States should allocate the necessary human and financial resources to the legal aid system."

In Viet Nam, the legal aid system was established by Decision No. 734/TTg dated September 6, 1997 of the Prime Minister. According to this Decision, the system of the State legal aid providing organizations includes the National Legal Aid Agency under the Ministry of Justice and State legal aid centers under the local Departments of Justice in the provinces.

The first Legal Aid Law was promulgated in 2006. After 10 years of implementation, the 2006 Legal Aid Law exposed many gaps and was replaced by the 2017 Legal Aid Law, which came into effect on 1st January 2018.

According to the 2017 Legal Aid Law, legal aid providing organizations include State legal aid centers and Legal aid participating organizations (registered legal aid providers and contracted legal aid providers). Currently, there are 63 State legal aid centers in 63 provinces and cities, and 195 legal aid organizations (21 contracted legal aid organizations and 174 registered legal aid organizations). There are 3941 legal aid providers (including 620 legal aid officials, 3321 contracted legal aid providers (1017 lawyers, 75 legal consultants and 2229 legal aid collaborators).

The new Legal Aid Law expanded the scope of legal aid beneficiaries from 6 groups to 14 groups. It led the number of legal aid beneficiaries to increase.

In this context, together with an assessment of legal needs of legal aid beneficiaries, an assessment of the situation and capacity need of legal aid providers is also very important to identify their needs for capacity building and develop training programs for strengthening the capacity of legal aid providers.

2. Outcomes

- A capacity needs assessment tool for legal aid providers developed, reviewed and finalized based on the comments provided at a consultation workshop and piloting results;
- The developed capacity need assessment tool for legal aid providers piloted in 12 selected districts from 4 selected provinces: Ha Giang, Hoa Binh, Thanh Hoa, Dong Thap;

- The report of the piloting has been developed and presented at a consultation workshop for comments.

3. Expected Outputs

The service provider, in collaboration with the National Legal Aid Agency and UNDP Vietnam, shall work together with an international expert to deliver the outputs as described below:

Outputs	Description	Expected Results	Deadlines
Output 1	Develop a workplan for implementing the activity and propose 12 districts from 04 provinces for pilot survey	Workplan	Beginning of June 2019
Output 2	Develop an outline of a capacity need assessment tool for legal aid providers	Outline of the tool	5th June 2019
Output 3	Develop a capacity need assessment tool for legal aid providers	Capacity need assessment tool for legal aid providers developed	Mid of June 2019
Output 4	Share the tool at a consultation workshop for comments	The capacity need assessment tool presented in power point presentation	End of June 2019
Output 5	Revise the tool based on the comments provided by the international expert and participants at the workshop	The tool revised	Beginning July 2019
Output 6	Pilot survey the tool in 12 selected districts from 4 selected provinces	The tool piloted	End of July 2019
Output 7	Revise and finalize the tool based on the pilot survey results and develop a survey report	The tool finalized Survey report developed	Beginning of August 2019
Output 8	Share the final tool and pilot survey findings at a consultation workshop	The final tool and pilot findings presented in power point presentation	20 th August 2019
Output 9	Finalize the pilot survey report	Pilot survey report finalized	30 th August 2019

4. Expected Qualifications

Interested <u>Vietnamese</u> consultancy firms, universities, NGOs shall form a team that consists of one senior technical expert – team leader and one technical expert.

National Senior technical expert – team leader:

- Advanced university degree in social sciences, law or related fields;

- Proven track record of conducting research, survey and data analysis;
- Minimum of 5 years of work experience in legal projects;
- Working experience with vulnerable groups;
- Working experience with government officials and civil society organizations, experience in legal aid projects; and experience in legal aid practices in other countries is an advantage.
- Expertise in conducting institutional capacity assessments, particularly in the area of rule of law, access to justice and human rights, is an advantage
- Excellent teamwork skill;
- Excellent report writing skill;
- Capable of communicating and writing report in English;
- Working experience as a team leader of a consultant team.

National Technical Expert:

- University degree in social sciences, law or related fields;
- Proven track record of conducting research, survey and data analysis;
- Minimum of 3 years of work experience in legal aid projects and experience in legal aid practices in other countries is an advantage;
- Working experience with vulnerable groups;
- Excellent teamwork skill;
- Working experience in conducting institutional capacity assessments, particularly in the area of rule of law, access to justice and human rights, is an advantage.

5. Timing, duration and location

The Service provider shall work closely with an international expert on this assignment and deliver final outputs as described in Section 3 above. The duty station for this assignment shall be Hanoi and 04 selected provinces.

The Service provider is expected to provide services specified in this TOR from June to August 2019.

6. Contract payment

- 20% of the contract value will be paid after UNDP receives and verifies output 1;
- 50% of the total contract value will be paid after UNDP receives and verifies outputs 2, 3, 4 and 5;
- 30% of the total contract value will be paid after UNDP receives and verifies all remaining deliverables.

7. Provision of monitoring and progress controls

- The Service provider and UNDP Viet Nam shall be responsible for quality control of the outputs.
- The Service provider will report directly to both the National Legal Aid Agency of MOJ and UNDP Viet Nam.
- The Service provider will provide a report on delivery of the service upon completion of the contract.

8. Any reference documents and administrative support provided

UNDP will support the assessment through providing letters of introduction, coordinating the team to work with the National Legal Aid Agency of MOJ. However, all administrative support required for this research (including interpretation, translation of the report into Vietnamese/English,

translation the questionnaire into Vietnamese/English, etc.) **must** be provided by the contractor except as otherwise agreed between UNDP and the Contractor.

The National Legal Aid Agency of MOJ will support the consultancy firm to conduct the survey by liaising with the Departments of Justice in 6 provinces and providing available data, reports, research.

Annex 4

Contract templates and General Terms and Conditions

Please find below link to the Professional service contract template:

http://www.vn.undp.org/content/dam/vietnam/docs/Legalframework/Contract%20Face%20Sheet%20(Goods%20and-or%20Services)%20UNDP%20-%20Sept%202017.pdf

Please find below link to the General Terms and Conditions:

below US\$ 50,000 (Services only):

UNDP General Terms and Conditions for Institutional (de minimis) Contracts apply

http://www.vn.undp.org/content/dam/vietnam/docs/Legalframework/3.%20UNDP%20GTCs%20for%20de%20minimis %20Contracts%20(Services%20only)%20-%20Sept%202017.pdf

below US\$ 50,000 (Goods or Goods and Services):

UNDP General Terms and Conditions for Contracts apply http://www.vn.undp.org/content/dam/vietnam/docs/Legalframework/2.%20UNDP%20GTCs%20for%20Con tracts%20(Goods%20and-or%20Services)%20-%20Sept%202017.pdf

equal to or above US\$ 50,000 (Goods and/or Services):

UNDP General Terms and Conditions for Contract apply http://www.vn.undp.org/content/dam/vietnam/docs/Legalframework/2.%20UNDP%20GTCs%20for%20Con tracts%20(Goods%20and-or%20Services)%20-%20Sept%202017.pdf