

10 May 2019



Empowered lives.
Resilient nations.

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	02 National Consultants working as Programme Research and Administrative Support Officers for the “Supporting and Monitoring Implementation of the revised Criminal Procedure Code” Programme (herein after known as Programme Support Officer”)
Period of assignment/services (if applicable):	(3 June 2019 – 31 December 2020)
Duty Station	01 National Consultant will work in Hanoi 01 National Consultant will work in Ho Chi Minh city
Tender reference:	A-190502

1. Submissions should be sent by email to: quach.thuy.ha@undp.org no later than:

26 May 2019

With subject line:

A-190502- National Consultant as Programme Support Officer

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 **30 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 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 refer to the attached for the relevant documents:

- [Terms of References](#)..... (Annex I)
- [Individual Contract & General Conditions](#)..... (Annex II)
- [Reimbursable Loan Agreement](#) (for a consultant assigned by a firm)..... (Annex III)
- [Letter to UNDP Confirming Interest and Availability](#) (Annex IV)
- [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
- Signed Letter to UNDP Confirming Interest and Availability
- 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 **VND for national consultant** 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:

(A) Prog Support Officer Consultant's experiences/qualification related to the services		
1.1	Knowledge of law and legal study: understanding of substantive legal and institutional issues, political environment relating to law; and work experience in the area of legal research, clinical legal education, criminal law.	300
1.2	Practical experience from similar project, especially legal research, working with students, report writing, project management, working in university environment; experience working with UNDP	200
1.3	Currently enrolled or recently qualified in law, politics	200
1.4	Practical experience in administration: project management, budgeting, reporting.	100
1.5	Excellent report writing and presentation skills in the English language	200
Total		1000

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:

- Full medical examination and Statement of Fitness to work for consultants from and above 65 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) upon acceptance by UNDP of the outputs, deliverables, i.e. specified the TOR.

The selected consultants will be paid monthly for the actual number of working days recorded in the timesheet with the successful service delivery certified by the Head of GPT.

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.

ANNEX I



*Empowered lives.
Resilient nations.*

TERMS OF REFERENCE

Title of Consultancy:	02 National Consultants working as Programme Research and Administrative Support Officers for the “Supporting and Monitoring Implementation of the revised Criminal Procedure Code” Programme (herein after known as Programme Support Officer”)
Type of Contract:	Individual Contract, full time
Duration of the assignment:	3 June 2019-31 December 2020
Duty station:	01 National Consultant will work at the Center for Legal Research and Services (LERES), School of Law, Vietnam National University, E1, 144 Xuan Thuy, Cau Giay, Ha Noi, Viet Nam 01 National Consultant will work at Centre for Legal Consultancy (CLC), Ho Chi Minh City University of Law, 2 Nguyễn Tất Thành, Phường 12, Quận 4, Hồ Chí Minh
Reporting to:	GPU Head, UNDP Viet Nam

I. Consultancy Purposes and Organizational Context:

The 2013 Constitution of Viet Nam guarantees that future prosecutions will be guided by adversarial principles of criminal justice. There have been limited national and sub national efforts to develop the capacity of legal practitioners in adversarial skills. During previous workshops, hosted by UNDP and other stakeholders, vigorous debate among justice sector professionals took place about how to incorporate adversarial principles into their court processes, especially under the current legal framework that has been positively affected by this new Constitutional right, and more recently as provided for under the new Criminal Procedure Code (2015). There is clearly a thirst for more practical knowledge at the local level about how to use adversarial principles in criminal litigation to ensure all justice sector actors operate in accordance with the Constitution. However, there are limited opportunities for local officials and attorneys charged with prosecuting, defending, and adjudicating criminal cases to discuss how to make the process more in line with adversarial principles of law.

Following the revision of the Penal Code (PC) and the Criminal Procedure Code (CPC), the need for clarification and guidance for practitioners has increased further. The CPC in particular provides additional rights to defendants and their counsel that add more legal context to the 2013 Constitutional right to an adversarial proceeding, including additional rights afforded counsel in the courtroom and during the investigative phase, which have significant impact on legal practice and the protection of the criminally accused.

Since 2015, UNDP has been funded by INL to deliver programmes in the North and South of Viet Nam supporting adversarial principles in criminal justice. Both programmes included knowledge sharing workshops and the development of a resource to guide lawyers on the skills needed to

effectively represent their clients. Based on the series of knowledge sharing and drafting workshops it was clear that there were gaps in lawyers' awareness of the new changes in the law, and since implementation of the revised CPC, a reluctance or failure to integrate such changes into their legal practice and representation of clients. Heads of bar associations, lawyers and legal academics agreed that more needs to be done to increase awareness of lawyers of new changes in the law, build capacity of lawyers to integrate adversarial skills into their practice and develop a strong network of criminal defense lawyers in order to share best practice and support young lawyers entering into the criminal defense field.

This Terms of Reference is for recruiting 02 National Consultants working as Programme Support Officers for the "Supporting and Monitoring Implementation of the revised Criminal Procedure Code" Programme. One based in Hanoi, and one based in Ho Chi Minh City.

Under the guidance and supervision of the Human Rights and Innovation Officer, UNDP Viet Nam, the Director of the Center for Legal Research and Services (LERES), of the Vietnam National University, the Director of the Centre for Legal Consultancy (CLC), of the Ho Chi Minh City University of Law, and the Head of the GPU, UNDP Viet Nam, the Programme Support Officers will provide research and administrative support to the Programme, "Supporting and Monitoring Implementation of the revised Criminal Procedure Code" (hereinafter the "CPC Programme"), under the Rule of Law portfolio of the Governance and Participation Unit UNDP, ensuring high quality, accuracy and consistency of work. The Programme Support Officers will also support further work related to the Programme under the mandate of LERES and CLC, and under the guidance of the respective directors. The Programme Support Officers will contribute to the promotion of a client-oriented approach consistent with UNDP rules and regulations.

II. Scope of Work

The Programme Support Officers are requested to support delivery of Programmatic Activities under the CPC Programme with the following services:

- Support LERES and CLC in the implementation of Programmatic Activities under the CPC Programme, including administrative and financial management: recruitment of consultants, organizing workshops, delivery of trainings, translation and proofreading of documents, and engagement with students etc.
- Support LERES and CLC in activities promoting Clinical Legal Education which are related to the delivery of the CPC Programme
- Preparation and submission of all reporting and financial documentation (payment request and required supporting documents) to UNDP, ensuring that donor reporting requirements are met and that transactions are correctly recorded
- Support by preparing basic research on issues relevant to the Programme, including on rule of law, adversarial principles, lawyer training, legal surveys, access to justice and clinical legal education for criminal law

III. Expected Outputs

Outputs	Description	Expected Results	Deadlines
Output 1	1. Develop skills of legal professional through series of training workshops on adversarial skills in criminal justice	<ul style="list-style-type: none"> - Planning workshop with heads of bar associations, academics and criminal law practitioners to discuss on training plan - Training workshop series for 	- 31 Dec 2019

		<p>legal professionals from the 10 participating Bar Associations on utilizing the Handbook on Practical Skills for Criminal Defense Lawyers to give full effect to the new protections outlined in the CPC.</p> <ul style="list-style-type: none"> - Revision of the Handbook and development of Factsheet following survey results and consultations series. 	
Output 2	1. Strengthen participation of legal professionals in implementation of revised Criminal Procedure Code	<ul style="list-style-type: none"> - Baseline assessment of experiences of criminal defense lawyers in integrating the changes in law in legal practice. - Survey of criminal defense lawyers over 12-18 month period to assess any changes in experience or in legal practice in the context of relevant changes in the law. - Consultation series for legal professionals from the 10 participating Bar Associations on the results of the survey and further feedback from the wider legal community. - Development of policy recommendations on strengthening implementation of the revised CPC in Vietnam. 	- 30 June 2020
Output 3	1. Improved skill set and increased awareness of law students through the development of materials and resources for criminal law clinical legal education.	<ul style="list-style-type: none"> - Revision of clinical legal education modules on criminal law following survey results and consultation series. 	- 31 Dec 2020

IV. Duration of the assignment and Duty Station:

The selected consultants are expected to conduct the service for 1 year and 7 months, during the period of 3 June 2019–31 December 2020.

The consultants will work full time.

Duty Station:

01 National consultant will work at the Center for Legal Research and Services, School of Law, Vietnam National University, E1, 144 Xuan Thuy, Cau Giay, Ha Noi, Viet Nam.

01 National Consultant will work at 01 National Consultant will work at Centre for Legal Consultancy, Ho Chi Minh City University of Law, 2 Nguyễn Tất Thành, Phường 12, Quận 4, Hồ Chí Minh

V. Qualifications Requirements

<ul style="list-style-type: none"> • Education: 	<ul style="list-style-type: none"> • Finished secondary Education • Applicants may be qualified, or currently enrolled in Third Level Qualification, preferably with specialised focus in Law, Administration • Applicants currently enrolled in Third Level Qualification must be due to graduate in 2019
<ul style="list-style-type: none"> • Experience: 	<ul style="list-style-type: none"> • Work experience in the area of law, criminal law, administrative support, research • Experience conducting research and working with students would be desirable
<ul style="list-style-type: none"> • Language Requirements: 	<ul style="list-style-type: none"> • Fluency in English and Vietnamese.
<ul style="list-style-type: none"> • Others: 	<ul style="list-style-type: none"> • Vietnamese national • Ability to work with colleagues and collaborators of different national and cultural backgrounds • Experience in the usage of computers and office software packages (MS Word, Excel, etc) and advance knowledge of spreadsheet and database packages, experience in handling of web based management systems.

VI. Schedule of Payments:

The selected consultants will be paid monthly for the actual number of working days recorded in the timesheet with the successful service delivery certified by the Head of GPT.

VII. Evaluation Criteria

(B) Prog Support Officer Consultant's experiences/qualification related to the services		
1.1	Knowledge of law and legal study: understanding of substantive legal and institutional issues, political environment relating to law; and work experience in the area of legal research, clinical legal education, criminal law.	300
1.2	Practical experience from similar project, especially legal research, working with students, report writing, project management, working in university environment; experience working with UNDP	200
1.3	Currently enrolled or recently qualified in law, politics	200
1.4	Practical experience in administration: project management, budgeting, reporting.	100
1.5	Excellent report writing and presentation skills in the English language	200
Total		1000

ANNEX IV

OFFEROR'S LETTER TO UNDP

CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT

Date _____

(Name of Resident Representative/Bureau Director)

United Nations Development Programme

(Specify complete office address)

Dear Sir/Madam:

I hereby declare that:

- A) I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of *[indicate title of assignment]* under the *[state project title]*;
- B) I have also read, understood and hereby accept UNDP's General Conditions of Contract for the Services of the Individual Contractors;
- C) I hereby propose my services and I confirm my interest in performing the assignment through the submission of my CV which I have duly signed and attached hereto as Annex 1;
- D) In compliance with the requirements of the Terms of Reference, I hereby confirm that I am available for the entire duration of the assignment, and I shall perform the services in the manner described in my proposed approach/methodology which I have attached hereto as Annex 3 *[delete this item if the TOR does not require submission of this document]*;
- E) I hereby propose to complete the services based on the following payment rate: *[please check the box corresponding to the preferred option]*:
 - ☐ An all-inclusive daily fee of *[state amount in words and in numbers indicating currency]*
 - ☐ A total lump sum of *[state amount in words and in numbers, indicating exact currency]*, payable in the manner described in the Terms of Reference.
- F) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex V;
- G) I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to UNDP's review, acceptance and payment certification procedures;
- H) This offer shall remain valid for a total period of _____ days *[minimum of 90 days]* after the submission deadline;

I) I confirm that I have no first degree relative (mother, father, son, daughter, spouse/partner, brother or sister) currently employed with any UN agency or office *[disclose the name of the relative, the UN office employing the relative, and the relationship if, any such relationship exists];*

J) If I am selected for this assignment, I shall *[please check the appropriate box]:*

- ☐ Sign an Individual Contract with UNDP;
- ☐ Request my employer *[state name of company/organization/institution]* to sign with UNDP a Reimbursable Loan Agreement (RLA), for and on my behalf. The contact person and details of my employer for this purpose are as follows:

K) I hereby confirm that *[check all that applies]:*

- ☐ At the time of this submission, I have no active Individual Contract or any form of engagement with any Business Unit of UNDP;
- ☐ I am currently engaged with UNDP and/or other entities for the following work:

Assignment	Contract Type	UNDP Business Unit / Name of Institution/Company	Contract Duration	Contract Amount

- ☐ I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

Assignment	Contract Type	Name of Institution/ Company	Contract Duration	Contract Amount

L) I fully understand and recognize that UNDP is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that UNDP will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

M) **If you are a former staff member of the United Nations recently separated, please add this section to your letter:** I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.

N) I also fully understand that, if I am engaged as an Individual Contractor, I have no expectations nor entitlements whatsoever to be re-instated or re-employed as a staff member.

O) Are any of your relatives employed by UNDP, any other UN organization or any other public international organization?

YES ☐ NO ☐ If the answer is "yes", give the following information:

Name	Relationship	Name of International Organization

P) Do you have any objections to our making enquiries of your present employer?

YES ☐ NO ☐

Q) Are you now, or have you ever been a permanent civil servant in your government's employ?

YES ☐ NO ☐ If answer is "yes", WHEN?

R) REFERENCES: List three persons, not related to you, who are familiar with your character and qualifications.

Full Name	Full Address	Business or Occupation

S) Have you been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations)?

YES ☐ NO ☐ If "yes", give full particulars of each case in an attached statement.

I certify that the statements made by me in answer to the foregoing questions are true, complete and correct to the best of my knowledge and belief. I understand that any misrepresentation or material omission made on a Personal History form or other document requested by the Organization may result in the termination of the service contract or special services agreement without notice.

DATE: _____

SIGNATURE: _____

NB. You will be requested to supply documentary evidence which support the statements you have made above. Do not, however, send any documentary evidence until you have been asked to do so and, in any event, do not submit the original texts of references or testimonials unless they have been obtained for the sole use of UNDP.

Annexes *[please check all that applies]:*

- ☐ CV shall include Education/Qualification, Professional Certification, Employment Records /Experience
- ☐ Breakdown of Costs Supporting the Final All-Inclusive Price as per Template

GUIDELINES FOR CV PREPARATION

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.

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(VND for National Consultant)

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

Cost breakdown:

No.	Description	Quantity	Unit Rate	Total
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 65 years of age and involve travel – (required before issuing contract).			
2.5	Others (pls. specify).....			
	TOTAL			

** Individual Consultants/Contractors who are over 65 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

*(The costs should only cover the requirements identified in the Terms of Reference (TOR)
Travel expenses are not required if the consultant will be working from home).*