

Resilient nations.

14 October 2019

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 for Supporting the Government Inspectorate to conduct a study and develop guidelines on the 2018 Anti-Corruption Law for non-state enterprises and social organizations
Period of assignment/services (if applicable):	October 2019 – March 2020
Duty Station:	Home based
Tender reference:	T191001

1. Submissions should be sent by <u>email</u> to: <u>luu.thi.trang@undp.org</u> no later than:

23.59 hrs., 22 October 2019 (Hanoi time)

With subject line:

T191001A – A national consultant (Team leader) for supporting the Government Inspectorate to conduct a study and develop guidelines on the 2018 Anti-Corruption Law for non-state enterprises and social organizations

T191010B – A national consultant (Team member) for supporting the Government Inspectorate to conduct a study and develop guidelines on the 2018 Anti-Corruption Law for non-state enterprises and social organizations

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 find attached the relevant documents:

•	Term of References.	(Annex I)
•	Individual Contract & General Conditions.	(Annex II)
	Reimbursable Loan Agreement (for a consultant assigned by a firm)	. ,
•	Letter to UNDP Confirming Interest and Availability	(Annex IV)
	Financial Proposal	

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
- For Team Leader: 02 sample writing reports to be submitted (01 in Vietnamese and 01 in English);
- b. Financial proposal (with your signature):
- The financial proposal shall specify a total lump sum amount in <u>VND for national consultant and US dollar for International Consultant</u> 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 National Consultant - Team Leader

Consultant(s)' experie	ences/qualification related to the services	
1.1	 Master's degree in law or related field; 	200
1.2	 Working experience in developing legal documents/guidelines on anti-corruption; 	200
1.3	 A minimum of 10 years' working experience in the field of anti- corruption; 	150
1.4	 Working experience with government officials, non-state enterprises and social organizations; 	100
1.5	 Excellent, report writing in Vietnamese, one sample writing report to be submitted; 	150
1.6	 Excellent report writing in English, one sample writing report to be submitted; 	150
1.7	 Having working experience as a team leader of research/consultant teams. 	50
Total	^	1000

A National Consultant - Team Member

Consultant(s)' experiences/qualification related to the services

I		
1.1	 Master's degree in law or related field; 	200
1.2	 A minimum of 10 years' working experience in the field of anti- corruption; 	250
1.3	• Experience in conducting legal research;	150
1.4	 Experince in designing interview questionnaires and conducting interviews; 	250
1.5	 Working experience with government officials, non-state enterprises and social organizations. 	150
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. Sf = 1000 x Fm / F, in which Sf is the financial score, Fm 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 subject to positive reference checks on the consultant's past performance.

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:

- International consultant whose work involves travel is required to complete the courses on BSAFE which is the new online security awareness training and submit certificate to UNDP before contract issuance.
- <u>Note</u>: In order to access the courses, please go to the following link: <u>https://training.dss.un.org</u> The training course takes around 3-4 hours to complete.
- 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 deliverables specified the TOR.

Payments are based upon outputs, i.e. upon delivery of the products specified in the TOR.

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:	Support the Government Inspectorate to conduct a study and develop guidelines on the 2018 Anti-Corruption Law for non-state enterprises and social organizations
NATIONAL OR INTERNATIONAL	 1 international consultant with 6 working days 2 national consultants including: Senior legal expert - Team leader (21 working days) Legal expert – Team member (19 working days)
DUTY STATION:	Home based
DURATION OF ASSIGNMENT:	October 2019 – March 2020
COUNTRY OF ASSIGNMENT:	Viet Nam

1) GENERAL BACKGROUND

Despite Viet Nam's efforts in policy development to prevent and curb corruption since 2005 and in integrating international standards in anticorruption set forth in the United Nations Convention on Anti-corruption (UNCAC) into national laws, the country has continued to face major challenges in enforcing anti-corruption provisions, especially when the country moves up the development ladder to become a low middle-income country. The Corruption Perception Index since 2012 has ranked Viet Nam as a poor performer in the global barometer of corruption perception.

All these considerations led to the adoption of a new Anti-Corruption Law on 20 November 2018. The new law came into effect on 1 July 2019. One of the key new points of the AC Law is that it includes a new whole chapter on anti-corruption in non-state enterprises and organizations. This is first time the AC Law has expanded the governing scope of the law to the non-state sector. That is why the provisions in the Law on this issue are still limited to 10 articles only, including corruption acts in non-state sector, responsibilities of non-state organizations for anti-corruption, prevention of corruption measures in enterprises and non-state organizations, penalties for corrupt individuals. However, right after the adoption of the law, UNDP revealed that there is still a confusion in understanding of the non-state sector toward these provisions. Furthermore, the Decree 59/2019/ND-CP guiding a number of articles and measures for implementing the Anti-Corruption Law adopted on the 1st July 2019, provided explanations to only two articles among these ten articles.

In this context, in order to support the non-state sector to correctly implement the Law, guidelines need to be developed and adopted.

As the revision of the AC Law and its implementation are critical for Viet Nam to implement the UN Convention Against Corruption and more broadly to achieve Sustainable Development Goals, UNDP has been working closely with different agencies during the process from proposal to adoption and implementation, especially of the provisions on anti-corruption in the non-state sector. Continuing the previous support to the adoption of the Law and Decree, UNDP is planned to support the Government Inspectorate to develop these guidelines for non-state sector to facilitate the implementation of the 2018 AC Law.

2) OBJECTIVES OF THE ASSIGNMENT

In 2019 – 2020, within the UK Prosperity Fund Project on "Promoting a Fair Business Environment in ASEAN" UNDP seeks to commission 1 international consultant and 2 national consultants to support the Government Inspectorate of Viet Nam (GI) for studying and analyzing corruption prevention measures for non-state enterprises and social organizations and developing guidelines for them to implement the 2018 Anti-Corruption Law.

3) SCOPE OF WORK

The 3 consultants will work together as a team.

National consultants:

a. <u>Team leader – senior legal expert</u>:

Taking leading role (2 days):

- The team leader is ultimately responsible for the final products to be submitted to UNDP and GI;
- Takes the lead in discussions with the two other consultants, UNDP and GI on implementing the assignment;
- Responsible for the whole process of the assignment, especially:
 - Discuss with two other consultants to develop a workplan with clear deadlines for each activity and send to UNDP and GI for approval;
 - Monitor the work done by other two consultants to get deliverables from them and submit the final products to UNDP and GI by the deadlines.

Develop guidelines for non-state enterprises and social organizations to implement the 2018 Anti-Corruption Law:

- Develop a draft outline of guidelines (1 days);
- Share the draft outline with two other consultants, UNDP and GI and integrate their inputs/comments (1 days);
- Based on the information and analyses done by two other consultants, develop guidelines for non-state enterprises and social organizations to implement the 2018 Anti-Corruption Law (10 days);
- Prepare and deliver presentation on draft guidelines at a consultation workshop to get inputs from workshop's participants (2 days);
- Revise and finalize the guidance based on the inputs from workshop's participants, businesses, social organizations, UNDP and GI (5 days).

b. <u>Team member - Legal Expert</u>:

Desk review:

- Study the existing legal documents, including the 2018 Anti-Corruption Law, Decree 59/2019/ND-CP guiding the 2018 Anti-Corruption Law, and existing studies and reports to provide an analysis on current provisions of the AC Law relating to non-state enterprises and social organizations to assess which provisions are not clear and how to explain in the guidelines to better implement the 2018 Anti-Corruption Law (2 days);
- Provide comments to the draft outline of the guidelines prepared by the team leader (1 days);
- Provide comments to the draft guidelines prepared by the team leader (2 days);
- Attend the consultation workshop to support the team leader in delivering presentation and prepare a workshop report that includes all the comments from workshop's participants (2 days);
- Share the draft guidelines with relevant stakeholders, including businesses and social organizations to get comments to submit to the team leader for finalizing the document (5 days).

Interview:

- Develop a questionnaire to interview relevant government officials, representatives from non-state enterprises and social organizations to assess which provisions are not clear and how to explain in the guidelines for non-state enterprises and social organizations to better implement the 2018 Anti-Corruption Law (1 days);
- Conduct interview with at least 50 persons, including relevant government officials, representatives from non-state enterprises and social organizations, to assess which provisions are not clear and how to explain in the guidelines for non-state enterprises and social organizations to better implement the 2018 Anti-Corruption Law (3 days);
- Analyze the data collected and develop an interview report to submit to the team leader (3 days).

International consultant:

- Study and develop an analysis on international best practices on guidelines for non-state enterprises and social organizations to implement Anti-Corruption Law with examples that can be applied for Viet Nam to share with national consultants (2 days);
- Provide inputs to the outline of the guidelines prepared by national consultants (1 days);
- Provide inputs to the draft guidelines prepared by national consultants (1 days);
- Edit/proofread the English final version of the guidelines (2 days).

4) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

The assignment will be carried out within October 2019 – March 2020.

Duty station: home-based

5) FINAL PRODUCTS***

A study report in Vietnamese and in English (30 – 40 pages) includes:

- A summary of the analysis existing provisions of the AC Law relating to non-state enterprises and social organizations to assess which provisions are not clear and how to explain in the guidelines to implement the 2018 Anti-Corruption Law;
- A summary of the analysis on international best practices on guidelines for non-state enterprises and social organizations to implement corruption prevention measures with examples that can be applied for Viet Nam;
- Guidelines for non-state enterprises and social organizations to implement the 2018 Anti-Corruption Law.

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The 3 consultants will work in close collaboration with each other and under monitoring of the Programme Officer in charge in the UNDP Governance and Participation Team.

#	Activities	Deliverables	Timeline/DL
1.	Develop work plan and	Workplan and	End October
1.	outline of the report	outline of the report	2019
2.	Desk study on existing provisions of the AC Law relating to non-state enterprises and social organizations to assess which provisions are not clear and how to explain in the guidelines for them to implement the 2018 Anti- Corruption Law	An analysis on corruption prevention measures for non-state enterprises and social organizations to assess the need of having a guidance for them to implement the 2018 Anti- Corruption Law	Mid November 2019
3.	Study international best practices with example for Viet Nam by international consultant	An analysis on international best practices on guidance for non- state enterprises and social organizations to implement corruption prevention measures	Mid November 2019

Monitoring and Progress Co	control will be followed up	by the timeline below:
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		with examples that	
		can be applied for	
		Viet Nam	
	Develop interview	Interview report	End
4.	questionnaires and conduct		November
	interviews		2019
	Develop draft outline of the	Draft outline	Poginning
-	guidelines and revise draft		Beginning
5.	outline according to		December
	comments collected		2019
		Draft guidance	Mid
6.	Develop draft guidance		December
			2019
	Prepare and deliver	Presentation	End
7.	presentation at the		December
	consultation workshop		2019
8.	Finalization of guidelines	Guidance finalized	Mid January
ō.	after consultation workshop		2020
9.	Evaluation certification		End January
9.	Evaluation certification		2020

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

<u>Team leader – senior legal expert</u>

- Master's degree in law or related field;
- Working experience in developing legal documents/guidelines on anti-corruption;

- A minimum of 10 years' working experience in the field of anti-corruption;
- Working experience with government officials, non-state enterprises and social organizations;
- Excellent spoken, report writing and presentation skills in Vietnamese, one sample writing report to be submitted;
- Excellent report writing in English, one sample writing report to be submitted;
- Having working experience as a team leader of research/consultant teams.

<u> Team member - Legal expert</u>

- Master's degree in law or related field;
- A minimum of 10 years' working experience in the field of anti-corruption;
- Experience in conducting legal research;
- Experince in designing interview questionnaires and conducting interviews;
- Working experience with government officials, non-state enterprises and social organizations;
- Having capacity to work independently and team work.

International expert

- Master's degree in law or related field;
- Proven track record of conducting research;
- Expertise and working experience in anti-corruption area;
- Working experience in developing legal documents/guidelines on anti-corruption is an advantage;
- Experience in working with national legal researchers is an advantage;
- Excellent spoken and report writing skills in English; two samples of reports to be submitted;
- Capacity to work independently and in a team.

8) PAYMENT TERM

- 30% of the contract value will be paid after UNDP receives and approves the above deliverables 1, 2 and 3;
- 70% of the contract value will be paid after UNDP receives and approves all remaining deliverables following UNDP rules.

9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☑ NONE □ PARTIAL □ INTERMITTENT □ FULL-TIME

EVALUATION CRITERIA WITH ASSIGNED SCORES

<u>Team leader – senior legal expert:</u>

Consultant(s)' experiences/qualification related to the services	
1.1 • Master's degree in law or related field;	200
1.2 • Working experience in developing legal documents/guidelines on anti-corruption;	200
 A minimum of 10 years' working experience in the field of anti-corruption; 	150
1.4 Working experience with government officials, non-state enterprises and social organizations;	100
1.5 Excellent, report writing in Vietnamese, one sample writing report to be submitted;	150
1.6 Excellent report writing in English, one sample writing report to be submitted;	150
 Having working experience as a team leader of research/consultant teams. 	50
Total	1000

<u> Team member - Legal expert:</u>

Consultant(s)' experiences/qualification related to the services		
1.1 •	Master's degree in law or related field;	200
1.2 •	A minimum of 10 years' working experience in the field of anti-corruption;	250
1.3 •	Experience in conducting legal research;	150
•	Experince in designing interview questionnaires and conducting interviews;	250
•	Working experience with government officials, non-state enterprises and social organizations.	150
Total		1000

International consultant:

Consultant(s)' experiences/qualification related to the services		
1.1	 Master's degree in law or related field; 	200
1.2	Proven track record of conducting research;	200
1.3	• Expertise and working experience in anti-corruption area;	200
1.4	 Working experience in developing legal documents/guidelines on anti-corruption is an advantage; 	100
1.5	 Experience in working with national legal researchers is an advantage; 	150

1.6	• Excellent report writing skills in English; two samples of reports to be submitted.	150
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) <u>If you are a former staff member of the United Nations recently separated, please add this</u> <u>section to your letter:</u> 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 \square NO \square 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?
- 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 attach	ed statement.
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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, Processional 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; USD for international 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, <u>at their own cost</u>, to undergo a full medical examination including x-rays and obtaining medical clearance from <u>an UN-approved doctor</u> 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).