



Empowered lives.
Resilient nations.

19 February 2020

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 to support for mutual legal assistance in civil matters in ensuring the rights of women and children under the EU Justice and Legal Empowerment Program in Viet Nam (EU JULE)
Period of assignment/services (if applicable):	February 2020 – April 2020
Duty Station:	Home-based with travel
Tender reference:	T200105

1. Submissions should be sent by **email** to: luu.thi.trang@undp.org no later than:
23.59 hrs., 23 February 2020 (Hanoi time)

With subject line:

T200105A – 01 National Consultant for mutual legal assistance in civil matters in ensuring the rights of women and children under the EU Justice and Legal Empowerment Program in Viet Nam (EU JULE (Team Leader)

T200105B – 01 National Consultant for mutual legal assistance in civil matters in ensuring the rights of women and children under the EU Justice and Legal Empowerment Program in Viet Nam (EU JULE (Team member)

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).....
(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
- For team leader, proven track record of on publishing legal research articles must be provided.
- For team member, 1 writing sample in English is required.

b. Financial proposal (with your signature):

- The financial proposal shall specify a total lump sum amount in **VND for national consultant and US dollar for International 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) **Senior technical expert – team leader**

Consultant(s)' experiences/qualification related to the services		Point
1.	Educational qualifications related to work assignment: Master's degree in law;	200
2.	A minimum of 15 years of work experience in justice issues; Demonstrated knowledge and experience in the field of private international law and the area of mutual legal assistance in civil matters is highly preferable;	400
3.	Experience in reviewing laws and drafting legal proposals; Experience working as a member of a national law drafting team and editing boards of legal projects in marriage, family, civil and commercial fields and/or civil procedure is an asset;	200
4.	Excellent research writing and data analysing skills in the legal field; proven track record on publishing legal research articles;	100
5.	Proven experience collaborating with MOJ and other governmental agencies; Experience working with DIL is preferable.	100
Total		1000

b) **National Consultant - team member:**

Consultant(s)' experiences/qualification related to the services		Point
1.	Educational qualifications related to work assignment: Master of laws;	200
2.	Experience working in the field of private international law for at least 10 years; Demonstrated knowledge of and experience in the area of mutual legal assistance in civil matters is highly preferable;	300
3.	Experience in reviewing laws and drafting legal proposals; Experience working as a member of a national law drafting team and editing boards of legal projects in marriage, family, civil and commercial fields and/or civil procedure is an asset;	150
4.	Good research writing and data analysing skills in the legal field; Proven track record on publishing legal research articles;	150
5.	Proven experience collaborating with MOJ and other governmental agencies is an asset;	100
6.	Good writing skills in English, 1 writing sample in English is required	100
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 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.
- 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.
- 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 the terms and conditions.



Empowered lives.
Resilient nations.

TERMS OF REFERENCE

Service:	A Study on the implementation of the Law on mutual legal assistance in civil matters in ensuring the rights of women and children under the EU Justice and Legal Empowerment Program in Viet Nam (EU JULE)
National or international:	Two national consultants (team leader and team member)
Duty station:	Home based
Country of assignment:	Viet Nam
Duration of assignment:	From February 2020 to April 2020

1. Background

The current Law on Mutual Legal Assistance (LMLA) was promulgated in 2007. The law stipulates principles, competencies, and procedures of executing legal assistance in civil and criminal matters. It also sets out regulations relating to the extradition and transfer of a sentenced person between Viet Nam and a foreign country. Responsibilities of related state agencies of Viet Nam in providing and receiving the mutual legal assistance are also covered in the Law.

In the civil context, the LMLA plays an important role in connecting related individuals and organizations for the proceedings that are conducted not only in Viet Nam but also abroad. Especially in family related matters, the LMLA provides the entitlements of parties in disputes to understand their rights, and to know how to protect them. This Law has been in effect for more than 10 years, which has exposed many inadequacies and gaps. One of the shortcomings includes the fact that the existing Law covers too many legal fields while not being comprehensive on any. Cumbersome procedures present another challenge. In addition, the current provisions have made it difficult for Viet Nam to comply with one of the principles of international law, which is the principle of reciprocity as well as the application of foreign law in carrying out mutual legal assistance, where applicable. These limitations of the existing law, if not improved, would undermine the requirements for legal and judicial reform, as well as for the international integration process of Viet Nam. This leads to the ineffective resolution of civil cases with foreign elements as well as the timely protection of legitimate rights and interests of citizens.

In 2018, the Government of Viet Nam assigned the Ministry of Justice to draft a separate bill on mutual legal assistance in civil matters. The new bill will aim at overcoming the inadequacies of the current law and responding more adequately to the reality. To fulfil this important assignment, the Ministry of Justice will need to submit a policy proposal to the Government in early 2020. .

The new draft Law on mutual legal assistance in civil matters intends to meet international standards and support the effective handling of civil, marriage and family cases with foreign elements. Therefore, it will protect the legitimate rights and interests of parties, especially of the weaker parties who are often women and children. This enhancement will help improve the integrity and transparency of the judiciary and strengthen the rule of law through a more reliable and better-accessed justice system in Viet Nam.

In such context, under the EU JULE Program, UNDP and the MOJ.DIL commission a team of two national consultants to conduct an study on the implementation of the LMLA, focusing on mutual legal assistance in civil matters for vulnerable groups, such as women and children (hereinafter referred to as “the study”). The outcome of this study is expected to provide a comprehensive assessment in order to establish a strong foundation for the future drafting of the bill on mutual legal assistance in civil matters for Viet Nam.

2. Objectives

- To review the legal framework (domestic and international) on mutual legal assistance in civil matters (regulations/treaties).
- To assess the practical implementation of the LMLA from the central to the local level since its enactment in 2007, using various research methodologies, such as desk review, case studies, interviews with relevant officials, practitioners and beneficiaries in the field,; analyze data and assess the practical resolution the marriage, family and civil cases in order to show the impact of the existing regulations and their implementation to women and children who are parties to civil disputes;
- To identify the advantages and challenges of implementing mutual legal assistance activities in practice, including to those concerning substantive and procedural issues of the existing policies and regulations, as well as those regarding financial resources, human and institutional capacity, among others.
- To identify the key recommendations for the MOJ in drafting the bill on mutual legal assistance in civil matters in the next 2 years (2020 – 2022).

3. Scope of work

The study (in Vietnamese and English) will be carried out by 02 national consultants hired by UNDP in cooperation with the MOJ.DIL.

National consultant – Team leader (15 days)

General:

- Take ultimate responsibility for the study;
- Take the lead in discussions and responsibility for the whole process of the assignment with UNDP and MOJ DIL;
- Cooperate closely with team member and international consultant; stay in close touch with UNDP and MOJ DIL during the process of completing the assignment.

Specific:

No	Tasks	Day allocation
----	-------	----------------

1.	Develop an outline of the study	2
2.	With inputs from team member, develop a comprehensive review on the current legal framework (both domestic and international) for mutual legal assistance in civil matters;	1
3.	Draft an assessment on the actual implementation of the law	5
4.	Identify the key recommendations for the MOJ in drafting the bill on mutual legal assistance in civil matters in the next 2 years (2020 – 2022).	3
5.	Prepare and deliver presentation on the draft research to seek inputs from participants at the consultation workshop organized by MOJ DIL;	2
6.	Finalize study to submit to UNDP and MOJ DIL based on the inputs from consultants, UNDP and the workshop participants;	2
Total		15

National consultant – Team member (10 days):

General:

- Work closely with team leader and international consultant; stay in close touch with UNDP and MOJ DIL during the process of completing the assignment;
- Participate actively in discussions and responsibility for the whole process of the assignment with UNDP and MOJ DIL.

Specific:

No	Tasks	Day allocation
1.	Provide inputs on the outline prepared by team leader;	1
2.	Draft a review on the current legal framework (both domestic and international) for mutual legal assistance in civil matters;	1
3.	Draft a special thematic section/chapter evaluating the current law on ensuring the rights and interests of women and children who are parties of civil disputes that require legal mutual assistance;	5
4.	Support team leader to prepare a presentation on the draft research to seek inputs from participants at the consultation workshop organized by MOJ DIL; Take comprehensive notes of all inputs from participants;	2
5.	Support team leader to finalize study to submit to UNDP and MOJ DIL based on the inputs from consultants, UNDP and the workshop participants;	1
Total		10

4. Final product:

01 study on the implementation of the LMLA, focusing on mutual legal assistance in civil matters for vulnerable groups, including and especially women and children, which satisfies the following requirements:

- Bilingual (Vietnamese and English);
- 25 - 30 pages, including executive summary, excluding annexes (if any)
- The content should include: A review on the current legal framework (both domestic and international) for mutual legal assistance in civil matters; An assessment on the implementation of the law, with a special thematic section/chapter evaluating the current law on ensuring the rights and interests of women and children who are parties to civil disputes that require legal mutual assistance; An analysis on real-life case studies illustrating the inadequacies and challenges in implementing the current law; Clear and practical policy recommendations for better mutual legal assistance that can be included in draft law.

5. Expected qualifications of consultants:

Senior technical expert – Team leader

- Educational qualifications related to work assignment: Master's degree in law;
- A minimum of 15 years of work experience in justice issues; Demonstrated knowledge and experience in the field of private international law and the area of mutual legal assistance in civil matters is highly preferable;
- Experience in reviewing laws and drafting legal proposals; Experience working as a member of a national law drafting team and editing boards of legal projects in marriage, family, civil and commercial fields and/or civil procedure is an asset;
- Excellent research writing and data analysing skills in the legal field; proven track record on publishing legal research articles;
- Proven experience collaborating with MOJ and other governmental agencies; Experience working with DIL is preferable.

National consultant – Team member

- Educational qualifications related to work assignment: Master of laws;
- Experience working in the field of private international law for at least 10 years; Demonstrated knowledge of and experience in the area of mutual legal assistance in civil matters is highly preferable;
- Experience in reviewing laws and drafting legal proposals; Experience working as a member of a national law drafting team and editing boards of legal projects in marriage, family, civil and commercial fields and/or civil procedure is an asset;
- Good research writing and data analysing skills in the legal field; Proven track record on publishing legal research articles;
- Proven experience collaborating with MOJ and other governmental agencies is an asset;
- Good writing skills in English, 1 writing sample in English is required.

6. Provision of Monitoring and Progress Controls

The 2 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. Monitoring and Progress Control will be followed up by the timeline below:

#	Activities	Timeline/DL
1.	Submit work plan and outline of the study	February 2020
2.	Submit a comprehensive review on the current legal framework (both domestic and international) for mutual legal assistance in civil matters;	February 2020
3.	Provide an assessment on the actual implementation of the law and key recommendations for the MOJ in drafting the bill on mutual legal assistance in civil matters in the next 2 years (2020 – 2022).	February 2020
4.	Draft special thematic section/chapter evaluating the current law on ensuring the rights and interests of women and children who are parties of civil disputes that require legal mutual assistance;	February 2020
5.	Prepare and deliver presentation at a consultation workshop	March 2020
6.	Revise and finalize the study	April 2020

7. Duration of assignment, duty station and expected places of travel

The duty station for this assignment shall be home-based with travels to Hanoi and Ho Chi Minh city to attend 2 workshops (one day in each location) Cost for travel must be included in the financial offer. The consultants are expected to provide services specified in this TOR from February 2020 to April 2020.

8. Review Time Required and Payment Term:

- 1st installment: 20% of contract amount upon receiving and acceptance by UNDP of detailed workplan and outline of the study;
- 2nd installment: 40% of contract amount upon receiving and acceptance by UNDP of draft study;
- Final installment: 40% of contract amount shall be paid upon satisfactory completion of all deliverables specified in the TORs and accepted by UNDP.

9. Consultant presence required on duty UNDP premises

NONE PARTIAL INTERMITTENT FULL-TIME

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; 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).			
2.4	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).