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20 April 2020

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	01 National Consultant to develop a guiding document on piloting good models and initiatives for grassroots mediation conducted by the Viet Nam Lawyers Association
Period of assignment/services (if applicable):	May 2020 – August 2020
Duty Station:	Home-based
Tender reference:	T200403

1. Submissions should be sent by **email** to: luu.thi.trang@undp.org no later than:

23.59 hrs., 04 May 2020 (Hanoi time)

With subject line:

T200403 - 01 National Consultant to develop a guiding document on piloting good models and initiatives for grassroots mediation.

Submission received after that date or submission not in conformity with the requirements specified in 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
- Proven track record in manual/curriculum/guiding document development must be provided.
- One written sample to be submitted.

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:

Consultant(s)' experiences/qualification related to the services		Point
1.	Advanced university degree in law, or related fields;	200
2.	A minimum of 7 years of working experience in the field of justice or alternative dispute resolution; Experience designing alternative justice models in Viet Nam is highly desirable;	300
3.	Proven track record in manual/guiding document/curriculum development; One written sample to be submitted;	300
4.	Experience working as a technical consultant of similar assignments; Knowledge and experience working with the VLA and its mediation activities would be preferable;	100
5.	Good language skills in English.	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 these terms and conditions.

TERMS OF REFERENCE

Service	Develop a guiding document on piloting good models and initiatives for grassroots mediation conducted by the Viet Nam Lawyers Association
National or international	National
Duty station:	Home-based
Duration of assignment	May – August 2020
Country of assignment	Viet Nam

1. Background

In Viet Nam, grassroots mediation is one of the most popular out-of-court mechanisms for dispute resolution. It often covers minor disputes arising from family and civil relationships, and within communities. The Law on Grassroots Mediation of 2013 currently regulates mediation activities at the grassroots level in the country.

Viet Nam Lawyers Association (VLA) as a “political, social, professional association” under the Viet Nam Fatherland Front, has been one of the mediation providers at the grassroots level in Viet Nam. VLA’s members are professionals with legal expertise and experience. The most common mediation mechanism conducted by VLA is the combined model where mediation becomes an integral part of legal consultation (so called ‘legal consultative mediation’). This mechanism of mediation applies for minor disputes relating to land, marriage, family and other civil issues.

The EU Justice and Legal Empowerment Programme in Vietnam (the EU JULE Programme) funded by the EU and being implemented by UNDP and UNICEF seeks to strengthen the rule of law through a more reliable, trusted and better accessed justice system. Its specific objective is to increase access to justice for vulnerable groups and in particular for women, children, ethnic minorities, and poor people in Vietnam.

In 2019, under the EU JULE Programme, a survey report assessing the current situation and identifying good practices/models to resolving disputes at the grassroots level by VLA was prepared. The report found a number of good practices/models for effective grassroots mediation in surveyed locations (Dien Bien, Ha Tinh, and Soc Trang). As one of the key recommendations for future interventions, the report recommended VLA to further study these practices/models. The goal is to develop a set of good practices or models for grassroots mediation that can be piloted and potentially multiplied throughout the VLA’s system.

UNDP now seeks to hire a national consultant to develop a guiding document on piloting good models and initiatives for grassroots mediation conducted by VLA.

2. Objectives

- Proposing two grassroots mediation models which VLA's members can conduct or participate in (either directly or indirectly). The models should include good practices and initiatives for VLA members to engage more effectively in grassroots mediation.
- Developing a guiding document on establishing, sustaining and evaluating the selected grassroots mediation models/practices/initiatives that can be realised by VLA's offices and members.

3. Final product

One visually attractive and user-friendly guiding document (in English and Vietnamese) of maximum 20 pages on establishing, sustaining and evaluating two grassroots mediation models/practices/initiatives that maximize the participation of VLA and its members in grassroots mediation activities. One model should focus on the direct engagement of VLA's members as grassroots mediators while the other should concentrate on their indirect participation, i.e. VLA's members as legal consultants of grassroots mediators.

The guiding document should include two main parts:

- Designs (1): The selection of 2 models/initiatives. The rationales and feasibility of the selected models/initiatives; Their structures, mechanisms and how they fit in the existing VLA's system, taking into account of the national structure of grassroots mediation in Viet Nam led by the Department of Legal Education and Dissemination – Ministry of Justice; and; The choice of piloting locations for the recommended models/initiatives.
- Implementation (2): Simple step-by-step guidance on how to apply the designs in practice. This should include all operational aspects, such as: human resources, finance, supervision, monitoring & evaluation, reporting, sustainability and training requirements, gender and child sensitivities, etc.

4. Scopes of works:

The assignment will be carried out by one national consultant hired by UNDP in cooperation with VLA (Each expected output must be in both English and Vietnamese). Total number of working days: 20.

No	Tasks	Day allocation
1.	Research and propose the selection of 2 models/initiatives in accordance with (1) as described in Section 3 – Final product.	4
2.	Develop an outline of a step-by-step guidance on how to apply the designs in practice, as described in (2) of Section 3 – Final product.	1
3.	Draft the guiding document on piloting good models and initiatives for grassroots mediation conducted by VLA.	10
4.	Prepare a presentation on the draft guiding document and present it at a consultation workshop in Ha noi organized by VLA.	2

5.	Prepare a simple online/written survey to collect feedback on the draft among workshop's participants; Assess and incorporate the feedback into the draft	1
6.	Finalize the guiding document to submit to UNDP and VLA based on the inputs from consultants, UNDP and the workshop participants;	2
Total		20

5. Expected qualifications

- Advanced university degree in law, or related fields;
- A minimum of 7 years of working experience in the field of justice or alternative dispute resolution; Experience designing alternative justice models in Viet Nam is highly desirable;
- Proven track record in manual/guiding document/curriculum development; One written sample to be submitted;
- Experience working as a technical consultant of similar assignments; Knowledge and experience working with the VLA and its mediation activities would be preferable;
- Good language skills in English.

6. Provision of monitoring and progress controls

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

Outputs	Description	Expected Results	Timeline
1.	Provide proposals for the selection of 2 models/initiatives in accordance with (1) as described in Section 3 – Final product.	Models/initiatives approved by VLA and UNDP	May 2020
2.	Develop an outline of a step-by-step guidance on how to apply the designs in practice, as described in (2) of Section 3 – Final product.	Outline approved by VLA and UNDP	May 2020
3.	Draft the guiding document on piloting good models and initiatives for grassroots mediation conducted by VLA.	Draft approved by VLA and UNDP	May/June 2020
4.	Prepare a presentation on the draft guiding document and present it at a consultation workshop organized by VLA.	Presentation presented and feedback from workshop's participants was collected.	June/July 2020
5.	Prepare a simple online/written survey to collect feedback on the draft among workshop's participants; Assess and incorporate the feedback into the draft	Online/written survey finalised	June/July 2020
6.	Finalise the guiding document	Final product approved by UNDP	August 2020

7. Duration of assignment, Duty station and expected places of Travel

The duty station for this assignment shall be home based with one-time travel to Hanoi in case a face-to-face (as opposed to an online) one day consultation workshop can be organized. Cost for travel (if applicable for applicants outside of Ha Noi) must be included in the financial proposal. The consultant is expected to provide services specified in this TOR from May to August 2020.

8. Reviewed time required and payment terms

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

9. Consultant presence required on duty UNDP premises

☒ NONE ☐ PARTIAL ☐ INTERMITTENT ☐ FULL-TIME

10. Documents to be submitted for evaluation

- CV;
- One written sample to be submitted;

EVALUATION CRITERIA

Consultant(s)' experiences/qualification related to the services		Point
1.	Advanced university degree in law, or related fields;	200
2.	A minimum of 7 years of working experience in the field of justice or alternative dispute resolution; Experience designing alternative justice models in Viet Nam is highly desirable;	300
3.	Proven track record in manual/guiding document/curriculum development; One written sample to be submitted;	300
4.	Experience working as a technical consultant of similar assignments; Knowledge and experience working with the VLA and its mediation activities would be preferable;	100
5.	Good language skills in English.	100
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; 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).