14 May 2020

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country: Viet Nam

Description of the assignment: 01 International Consultant for training of trainers programme on lawyering skills for legal aid providers of the Viet Nam Lawyers Association

Period of assignment/services (if applicable): June 2020 – November 2020

Duty Station: Home-based with one day mission to Ha Noi, Viet Nam.

Tender reference: T200501

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

   23.59 hrs., 28 May 2020 (Hanoi time)

   With subject line:

   T200501 - 01 International Consultant for training of trainers programme on lawyering skills for legal aid providers of the Viet Nam Lawyers Association

   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
      - One-page letter of interest showing competencies
      - One written sample to be submitted, preferably a TOT training programme/curriculum

   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. Master’s degree in law; | 200
2. At least 5 years of legal practice as a lawyer, preferably in the field of legal aid; | 300
3. Expertise in developing training materials using training of trainers methodology is essential; Experience with legal aid or legal awareness-raising activities or participating in legal aid/awareness-raising projects (including clinical legal education programmes in university law programmes) in Viet Nam is a strong advantage; | 300
4. Excellent writing skills in English, one written sample to be submitted, preferably on similar topics of the assignment; | 150
5. Working experience with Vietnamese organizations, including civil society organizations; and/or with non-native English-speaking team members in consultancy projects is an advantage; | 50

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](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 to the payment.

7. Your proposals are received on the basis that you fully understand and accept these terms and conditions.
TERMS OF REFERENCE

<table>
<thead>
<tr>
<th>Service:</th>
<th>Training of trainers programme on lawyering skills for legal aid providers of the Viet Nam Lawyers Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>National or international:</td>
<td>International consultant</td>
</tr>
<tr>
<td>Duty station:</td>
<td>Home based with one day mission to Ha noi, Viet Nam</td>
</tr>
<tr>
<td>Country of assignment:</td>
<td>Viet Nam</td>
</tr>
<tr>
<td>Duration of assignment:</td>
<td>From June to November 2020</td>
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</table>

1. Background

Since the commitment to building a rule-of-law state stipulated in the Constitution of 1992, Viet Nam has made significant efforts to develop a robust legal framework and to strengthen legal and judicial institutions. The Constitution, as amended in 2013, provides for fundamental rights and obligations of citizens and the institutions necessary for people to seek protection of their rights. Legal Aid Law 2017 has expanded the scope of legal aid beneficiaries from 6 groups to 14 groups. The number of legal aid providers (LAPs) have also increased to adjust to the increase in the number of legal aid beneficiaries.

As one of eligible LAPs under the law, the Viet Nam Lawyers Association (VLA) has an important role to play in strengthening of access to justice for Vietnamese citizens through providing free legal advice and assistance. With over 60 years of development since its establishment in 1955, VLA now has more than 64,000 members across the country. VLA’s legal aid providing system includes 9 Legal Consultancy Centres being directly managed by VLA at the central level; and more than 58 Legal Consultancy Centres in the provinces that are managed by VLA’s provincial offices (hereinafter referred to as the Centers). These services have helped beneficiaries improve their legal awareness and enable them to invoke their rights under the Constitution and laws.

The EU Justice and Legal Empowerment Program (EU JULE), implemented by UNDP and UNICEF together with relevant partners, is designed to strengthen the rule of law through a more reliable, trusted and better accessed justice system, through increasing access to justice for women, children and those groups who face the greatest obstacles in using the justice system to invoke their rights. The objectives of the programme are to be achieved through a number of interventions, including increased public awareness and understanding of rights and how to invoke those rights according to principles enshrined in Vietnamese law. Improving mechanisms and procedures for how to use the law, and options for seeking legal advice, assistance and representation is one of the key interventions. Understanding that unequal access to legal information can impede people in accessing public services, employment opportunities, and public institutions, the program is prioritizing support to increase information on rights, access to justice and rights protection, in particular for women, children, ethnic minorities and the poor.
In 2019, EU JULE Program supported the development of a survey report assessing the capacity of VLA’s LAPs (i.e. legal consultants and collaborators). The research data was based on information collected in 30 surveyed provinces for quantitative data and 4 selected provinces for qualitative information (Yen Bai, Lai Chau, Quang Nam and Kien Giang). As one of the key findings, the report shows the need for training on various sets of lawyering and related skills for VLA’s members.

Among the recommended skills, VLA chooses to focus on three lawyering skills with the client-centered approach to develop a TOT training program on for 2020: i) case planning skills (analysing and developing a case-solving plan); ii) consultation skills (skills in communicating with clients and stakeholders); and iii) client-centered decision making skills (skills in empowering clients to make their own decision for their case).

In that context, the EU JULE Programme works with VLA to commission two consultants (one national and one international) to develop a training of trainers (TOT) programme on the mentioned set of skills with the aim to improve the capacity of VLA’s LAPs in providing legal services for their clients, especially clients from vulnerable groups.

2. **Objectives**

   To support the National Consultant (recruited by UNDP) to develop a TOT programme for VLA’s LAPs on the skills in resolving legal cases with vulnerable client-centered lawyering approach, which consists of:

   (a) A detailed one-day training agenda;

   (b) At least 3 lesson plans corresponding with 3 specific skills: i) case planning skills (analysing and developing a case-solving plan); ii) consultation skills (skills in communicating with clients and stakeholders); and iii) client-centered decision making skills (skills in empowering clients to make their own decision on their case). Each lesson plan delivers 3 components of outcomes: knowledge (what), skills (how) and value (why), using interactive methodologies;

   (c) Handouts for learners to use in their daily work;

   (d) Feedback forms for both trainers and learners.

3. **Scope of work**

   *International consultant: 15 days*

<table>
<thead>
<tr>
<th>No.</th>
<th>Tasks</th>
<th>Days</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Desk review on existing TOT training programmes and lesson plans on lawyering skills; Select 1 – 3 good examples to recommend to NC.</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Provide feedback on the template of the 3 TOT training lesson plans designed by NC</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Provide feedback on skeleton one-day training agenda</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Provide feedback and edit the draft 3 lesson plans developed by NC</td>
<td>4</td>
</tr>
</tbody>
</table>
5. Provide feedback and edit the detailed training agenda based on the lesson plans being drafted by NC 1
6. Provide feedback on handouts for learners drafted by NC 1
7. Provide feedback forms for both trainers and learners 1
8. Together with NC, develop: 1) a presentation on the overview of the training program; and 2) a mock training using one of the lesson plans, at the consultation workshop 3
9. Revise the English version of training programme based on feedback collected 2
10. Total 15

4. Final product:
A user-friendly TOT program for VLA’s LAPs in English, of maximum 30 pages, on the skills in resolving legal cases with client-centered lawyering approach (focus on clients from vulnerable groups, such as women, children, persons with disability, ethnic minority and the poor), which consists of: (a) A detailed one-day training agenda; (b) At least 3 lesson plans corresponding with 3 specific skills (skills in analysing and developing a case-solving plan; skills in communicating with clients and stakeholders; and skills in empowering clients to make their own decision on their case). Each lesson plan delivers 3 components of outcomes: knowledge (what), skills (how) and value (why), using interactive methodologies; (c) Handouts for learners to use in their daily work; (c) Feedback forms for both trainers and learners.

5. Expected qualifications of consultants:

**International expert**
- Master’s degree in law;
- At least 5 years of legal practice as a lawyer, preferably in the field of legal aid;
- Expertise in developing training materials using training of trainers methodology is essential; Experience with legal aid or legal awareness-raising activities or participating in legal aid/awareness-raising projects (including clinical legal education programmes in university law programmes) in Viet Nam is a strong advantage;
- Excellent writing skills in English, one written sample to be submitted, preferably on similar topics of the assignment;
- Working experience with Vietnamese organizations, including civil society organizations; and/or with non-native English-speaking team members in consultancy projects is an advantage.

6. Provision of Monitoring and Progress Controls
The consultant will work in close collaboration with the National consultant 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

<table>
<thead>
<tr>
<th>#</th>
<th>Activities</th>
<th>Timeline/DL</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Select 1 – 3 good examples to recommend to NC</td>
<td>June 2020</td>
</tr>
<tr>
<td>2.</td>
<td>Provide input on a template for the 3 TOT training lesson plans and a skeleton one-day training agenda</td>
<td>June 2020</td>
</tr>
<tr>
<td>3.</td>
<td>Provide input on detailed lesson plans</td>
<td>June 2020</td>
</tr>
<tr>
<td>4.</td>
<td>Deliver: 1) a presentation on the overview of the training program; and 2) a mock training using one of the lesson plans, at the consultation workshop</td>
<td>July - October 2020</td>
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<tr>
<td>5.</td>
<td>Revise and finalize the TOT programme</td>
<td>November 2020</td>
</tr>
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</table>

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 to attend a one-day consultation workshop. Cost for travels must be included in the financial offer. The consultants are expected to provide services specified in this TOR from June 2020 to November 2020.

8. **Review Time Required and Payment Term:**

- 1st installment: 20% of contract amount upon receiving and acceptance by UNDP of output 2: “feedback on the template of the 3 TOT training lesson plans designed by NC”;
- 2nd installment: 40% of contract amount upon receiving and acceptance by UNDP of draft TOT programme;
- 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**

x NONE  □ PARTIAL  □ INTERMITTENT  □ FULL-TIME

10. **Documents to be submitted for evaluation**

- One-page letter of interest showing competencies;
- CV;
- One written sample, preferably a TOT training programme/curriculum.
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:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Contract Type</th>
<th>UNDP Business Unit / Name of Institution/Company</th>
<th>Contract Duration</th>
<th>Contract Amount</th>
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☐ I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

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<tr>
<th>Assignment</th>
<th>Contract Type</th>
<th>Name of Institution/Company</th>
<th>Contract Duration</th>
<th>Contract Amount</th>
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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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
<th>Name of International Organization</th>
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<tbody>
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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.

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Full Address</th>
<th>Business or Occupation</th>
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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, 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:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Rate</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Consultancy fee</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2</td>
<td>Out of pocket expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Travel</td>
<td></td>
<td></td>
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<tr>
<td>2.2</td>
<td>Per diem</td>
<td></td>
<td></td>
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<tr>
<td>2.3</td>
<td>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).</td>
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<tr>
<td>2.4</td>
<td>Others (pls. specify) ….</td>
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<td></td>
<td>TOTAL</td>
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</table>

* 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).