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23 June 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 develop proposal for a code of conduct for judicial inspectors
Period of assignment/services (if applicable):	July to October 2020
Duty Station:	Home-based and Hanoi
Tender reference:	P200604

1. Submissions should be sent by **email** to: nguyen.ngoc.phuong@undp.org no later than:

23.59 hrs., 19 July 2020 (Hanoi time)

With subject line:

P200604A– Team leader to develop proposal for a code of conduct for judicial inspectors

P200604B– Team member to develop proposal for a code of conduct for judicial inspectors

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:

- Detailed CV addressing the experience and work
- Financial offer
- Letter of Interest and Availability
- 1 Related report/document in English to be submitted (Preferably on similar topic of the assignment)

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.

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4. Evaluation

The technical component will be evaluated using the following criteria:

Team leader

Consultant(s)' experiences/qualification related to the services		Point
1.	Master's degree in law;	200
2.	A minimum of 10 years of work experience in justice issues, of which at least 5 years working in the field of justice inspection with extensive knowledge on laws on inspection;	300
3.	Experience in assessing laws and developing legal proposals is an advantage;	200
4.	Excellent legal research and drafting skills, a list of publications to be included in the CV;	200
5.	Good English writing skills, one written sample in English to be submitted;	100
Total		1000

Team member

Consultant(s)' experiences/qualification related to the services		Point
1.	Master's degree in law;	200
2.	At least 3 years working experience in justice issues with sound knowledge of laws on inspection;	300
3.	Experience in assessing laws and developing legal proposals is an advantage;	200
4.	Good legal research and drafting skills, one written sample in English to be submitted; a list of publications to be included in the CV;	200
5.	Good English writing skills, one written sample in English to be submitted;	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 the new online security awareness training is 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

The following payment schedules will apply:

- 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, and 3;
- Final installment: 30% of the total contract value will be paid after UNDP receives and verifies all remaining deliverables.

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

ANNEX I



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TERMS OF REFERENCE

Service	A proposal for a code of conduct for judicial inspectors
National or international	Two National Consultants
Duty station:	Home-based and one time travel to Ha Noi
Duration of assignment	June – October 2020
Country of assignment	Viet Nam

1. Background

In the process of implementing judicial and administrative reform, enhancing the sense of responsibility and professional ethics of officials in general and justice officials in particular is one of the key tasks of judicial authorities at all levels.

With that objective, the National Assembly passed the Law on Anti-Corruption on 29 November 2005, which was replaced by the revised Law on Anti-Corruption which was enacted in 2013 (2013 Law). The 2013 Law provides rules for conduct and professional ethics of cadres, civil servants and officials (hereafter referred to as “the officials”). Accordingly, the rules of conduct are behavioural standards for all officials in performing their tasks, official duties and in social relations. The published rules also serve as a tool for citizens to supervise the compliance of the officials. Following the provisions of the 2013 Law on Anti-Corruption, many agencies and units have issued a code of conduct for cadres, civil servants and officials in their sector. In November 2018, the XIV National Assembly, the 6th session, passed the Law on Anti-Corruption which replaces the 2013 Law. The 2018 Law continues to stipulate codes of conduct and professional ethics of cadres, civil servants and officials. In addition, the Law also provides more specific provisions on the conduct of people with powers in governmental agencies, organizations and units.

According to the 2010 Inspection Law, inspectors are civil servants and officials who are appointed to the inspection ranks to perform inspection tasks. Their core functions include detecting wrongdoings, settling complaints and denunciations and preventing and combating corruption. In order to be appointed to the inspection ranks, the civil servants or and officials need to demonstrate that they satisfy a number of conditions and standards. The conditions and standards include a university degree and demonstrated state management and legal knowledge, among other requirements. For specialized inspectors in the justice sector in particular, they must also have professional knowledge about law and justice and an inspection practicing certificate. In addition to that, they are required to have at least 02 years of

experience working in the judicial inspection. Currently, there are nearly 100 judicial inspectors nationwide.

To help safeguard the quality, professionalism and ethics of appointed inspectors, both the State Inspection and the Ministry of Justice (MOJ) have issued their own set of rules of conduct for their respective members.

The Code of Conduct for Officials and Employees of State Inspection was issued under the Decision No. 1860 / QD-TTCT. This Code of Conduct applies to cadres, civil servants, public servants, employees, reserve public employees, probationary employees and contract workers in state inspection agencies. The Code provides officials working for state inspection with guidance in managing their relationships with various parties, including: their supervisors, colleagues, citizens, with relevant stakeholders, i.e. press agencies, foreign organizations and individuals. The Code also provides standards for behaviours for officials working for state inspection in their family and public life.

In the justice sector, the Minister of Justice has issued many important decisions on this matter, such as Decision No. 468 / QD-BTP dated 26 February 2009 of MOJ on the Code of Conduct of MOJ's officials and employees; Decision No. 51/2002 / QD-BTP of February 27, 2002 of MOJ on "Ethical Standards of Executors" and Decision No. 2659 / QD-BTP of 3 October 2012 of the MOJ on professional ethical standards of judicial officials, civil servants and employees.

While there are two separate sets of rules of conduct for all officials and employees working for State Inspection and for the Ministry of Justice (MOJ), there still lacks a code of conduct specialised for inspectors in the justice sector. At present, inspectors in the justice sector are still applying the 2 mentioned codes of conduct, which can cause much confusion and many difficulties in complying.

Therefore, the promulgation of an independent code of conduct for inspectors in the judicial field will be of great significance. On the one hand, it helps guide the conduct of inspectors themselves to ensuring their integrity, ethics and professionalism. On the other hand, it is a useful tool for the Judicial Inspectorate agencies to monitor and assess the capacity and working quality of the individual inspector, as well as to monitor signs of irresponsibility or corruption. In addition, the Code can also help citizen to supervise conduct of the inspectors. All the mentioned advantages would contribute to the enhancement of the professionalism, responsibility and discipline in inspection activities as the whole.

Within the framework of the "EU Justice and Legal Empowerment Programme in Vietnam" (EU JULE) in 2020, UNDP supports the Inspectorate Department of MOJ (MOJ Inspectorate) to develop a proposal for a code of conduct of judicial inspectors. The proposal will be submitted to MOJ for their consideration to adopt. Since MOJ plans to promulgate a Code of Conduct for inspectors in the entire justice sector, including inspectors of the Inspectorate of MOJ and Inspectorates of local Justice Departments, the proposal will enable the completion of this important task. The proposal will consist of 2 main components: a background paper assessing the current rules of conduct of inspectors in the justice sector in Viet Nam and a recommended code of conduct for inspectors.

In that context, the EU JULE Programme works with MOJ Inspectorate to commission three consultants (two national and one international) to develop the mentioned proposal.

2. Objectives

- Developing a comprehensive proposal for a code of conduct for inspectors in the justice sector, thereby ensuring the integrity and responsibility of Justice Inspectors in the course of performing their and official duties.
- Assessing the current legal provisions as well as codes related to the conduct of inspectors in the justice sector. The assessment must take into consideration of international standards for justice professionals as well as international best practices.
- Drafting a Code of Conduct for Inspectors in the Justice Sector, which fully provides core principles, especially on anti-discrimination and anti-corruption; and the standard conduct of inspectors in the course of performing their duties; in their relationships with managers, leaders, citizens, and businesses; as well as recommendations on the application of disciplinary mechanisms for violations.

3. Final product

A proposal (in both English and Vietnamese, of maximum 10,000 words, equivalent to 20-25 pages) for a background paper and a code of conduct for inspectors in the justice sector in Viet Nam.

The proposal should consist of 2 main components:

- A background paper assessing the current rules of conduct of inspectors in the justice sector in Viet Nam
- A recommended Code of Conduct for Inspectors in the Justice Sector that satisfies international standards for justice.

4. Scopes of work:

To implement the project, UNDP in consultation with MOJ Inspectorate will hire two national consultants.

National Consultant – Team Leader (20 days):

No	Tasks	Day allocation
1.	Desk review on existing codes related to the conduct of inspectors in the justice sector (Code of Conduct of Inspectors by Decision No. 1860 / QD-TTCP of September 6, 2007 of the Government Inspectorate; MOJ 's regulations on codes of conduct and ethics in the justice sector by Decision No. 468 / QD-BTP dated 26 February 2009 of MOJ on the Code of Conduct of MOJ's officials and employees; MOJ 's regulations on codes of conduct and ethics in the justice sector by Decision No. 2659/QD-BTP of 3 October 2012 of the MOJ on professional ethical standards of judicial officials, civil servants and employees) to identify possible gaps	5
2.	With inputs from Team Member and International Consultant, draft the background paper assessing the current regulations related to the code of conduct of judicial inspectors	6
3.	Provide inputs on the draft outline Code of Conduct prepared by Team Member	1
4.	With support from Team Member, draft the Code of Conduct for	4

	Inspectors in the Justice Sector	
5.	Attend and deliver a presentation at the half day workshop in Ha Noi	2
6.	Edit and finalize the proposal (which comprises of the background paper and draft code of conduct) based on feedback collected after the workshop	2
	Total	20

National consultant – Team Member (15 days):

No	Tasks	Day allocation
1.	Conducting desk review assessing the current law provisions and requirements imposed on inspectors in general and inspectors in the Justice Sector in particular;	3
2.	Develop an outline code of conduct for inspectors in the justice sector;	1
3.	Support Team Leader to draft the background paper assessing the current regulations related to the code of conduct of judicial inspectors;	4
4.	In collaboration with Team Leader, draft the Code of Conduct for Inspectors in the Justice Sector;	4
5.	Attend and give comments at the half day Workshop in Ha Noi	2
6.	Support Team Leader to edit and finalise the proposal (which comprises of the background paper and draft code of conduct) based on feedback collected after the workshop.	1
	Total	15

5. Expected qualifications

National consultant – Team leader

- Master's degree in law;
- A minimum of 10 years of work experience in justice issues, of which at least 5 years working in the field of justice inspection with extensive knowledge on laws on inspection;
- Experience in assessing laws and developing legal proposals is an advantage;
- Excellent legal research and drafting skills, a list of publication to be included in the CV;
- Good English writing skills, one written sample in English to be submitted;

National consultant – Team member

- Master's degree in law;
- At least 3 years of working experience in justice issues with sound knowledge of laws on inspection;
- Experience in assessing laws and developing legal proposals is an advantage;
- Good legal research and drafting skills, one written sample in English to be submitted; a list of publication to be included in the CV;
- Good English writing skills, one written sample in English to be submitted;

6. Provision of monitoring and progress controls

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

Outputs	Tasks	Timeline
1.	Develop the outline	July
2.	Drafting the Proposal	July - August
3.	Attending and delivering a presentation at the workshop on the Draft Proposal	September
4.	Finalizing the Proposal	October

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 for a half day consultation workshop. 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 June to October 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, and 3;
- 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 in English to be submitted; Preferably on similar topic of the assignment;

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 ofUS\$

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 (US\$)	Total
1	Consultancy fee (daily rate)			
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).....			
2.6	VAT** if applicable (in case your company signs the contract)			
	TOTAL			

* Individual Consultants/Contractors who are over 62 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.

** Individual Consultants/Contractors who request their employer to sign a Reimbursable Loan Agreement (RLA) with UNDP for their behalves are reminded to add the Value Added Tax into the total lump sum of the Financial Offer if applicable.

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).