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13 July 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 study to evaluate the implementation results of the Legal Aid Reform Project (2015 – 2025)
Period of assignment/services (if applicable):	July to September 2020
Duty Station:	Home-based and Hanoi
Tender reference:	P200704

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

23.59 hrs., 23 July 2020 (Hanoi time)

With subject line:

P200704A – Team leader to support study to evaluate the implementation results of the Legal Aid Reform Project (2015 – 2025)

P200704B– Team member to support study to evaluate the implementation results of the Legal Aid Reform Project (2015 – 2025)

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:

- Detailed CV addressing the experience
- Financial offer
- Letter of Interest and Availability
- Team leader: 2 reports/documents, 1 in Vietnamese and 1 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.

4. Evaluation

The technical component will be evaluated using the following criteria:

a. National legal consultant – team leader:

Consultant(s)' experiences/qualification related to the services		
1.1	- Master degree in Law	200
1.2	- Expertise in working for legal aid projects is an essential	300
1.3	- Proven track record in doing research, data collection and analysis	200
1.4	- Having knowledge about and working experience with vulnerable groups, including ethnic minorities is an advantage	100
1.5	- Report writing and presentation skills in Vietnamese is essential (one report in Vietnamese to be submitted)	100
1.6	- Excellent writing skills in English language (one writing sample provided)	100
Total		1000

b. National legal consultant – team member:

Consultant(s)' experiences/qualification related to the services		
1.1	- University degree in law	300
1.2	- Expertise in working for legal aid projects is an essential	400
1.3	- Proven track record in doing research, data collection and analysis	300

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 payment: 20% of the contract amount upon receiving and acceptance by UNDP of deliverables 1 and 2 specified in Session 6
- 2nd payment: 40% of the contract amount upon receiving and acceptance by UNDP of deliverables 3,4,5,6,7 and 8 specified in Session 6
- Final payment: 40% of the contract amount upon satisfactory completion of all deliverables specified in Session 6

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

ANNEX I

TERMS OF REFERENCE

Service	Study to evaluate the implementation results of the Legal Aid Reform Project (2015 – 2025)
Consultancy	Two national consultants
Duty station:	Ha Noi and home based
Expected Duration	From July to September 2020
Supervision:	The national consultants will work in a team under the supervision of the Program Officer in charge in the UNDP Governance and Participation Unit and the National Legal Aid Agency (NLAA) of the Ministry of Justice (MOJ)

1. BACKGROUND

The EU Justice and Legal Empowerment Programme (EU JULE), implemented by UNDP and UNICEF together with relevant State agencies, is designed to strengthen the rule of law through a more reliable, trusted and better accessed justice system, and specifically to increase access to justice for women, children and those groups which face the greatest obstacles in using the justice system to invoke their rights, including ethnic minorities and poor people.

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, mechanisms and procedures for how to use the law, and options for seeking legal advice, assistance and representation.

Under the EU JULE, one of the key areas of intervention is to support implementation of the Law on Legal Aid and the Legal Aid Reform Project for the period 2015 - 2025.

In Viet Nam, the legal aid system was established by Decision No. 734/TTg dated September 6, 1997 of the Prime Minister. According to this Decision, the system of the State legal aid providing organizations includes the National Legal Aid Agency (NLAA) under the Ministry of Justice (MOJ) and State legal aid centers under the local Departments of Justice in the provinces. The first Legal Aid Law was promulgated in 2006. After 10 years of implementation, the 2006 Legal Aid Law exposed many gaps and was replaced by the 2017 Legal Aid Law, which came into effect on 1st January 2018.

On June 1, 2015, the Prime Minister signed Decision No. 749 / QD-TTg promulgating the Legal Aid Reform Project for the period 2015-2025 aiming at improving the quality and

efficiency of legal aid activities, strongly attracting the participation of social sources in legal aid. The Minister of Justice issued Decision No. 1543 / QD-BTP dated August 24, 2015 on the plan for implementing the Project. Based on that, the People's Committees of provinces and centrally run cities issued Implementation Plans in their localities.

A study to evaluate the work done in the past 5 years of the Projects' implementation is necessary to draw lessons, assess the impact, and make recommendations for the Project's implementation in the next 5 years.

2. OBJECTIVES OF THE ASSIGNMENT

The assignment is to support the National Legal Aid Agency (NLAA) of the Ministry of Justice to evaluate the implementation results of the Legal Aid Reform Project.

3. SCOPE OF WORK

The activity will be carried out by two national legal consultants hired by UNDP in consultation with the NLAA.

The two legal consultants will work together in a team. The scope of work for this assignment is as follows:

a. National legal consultant – team leader (25 days)

- Responsible for the entire process of performing the task and delivering the final product
- Take the leading role in discussing with UNDP and NLAA on the assignment (1 day)
- Develop a work plan with detailed timetable for each activity and send it to UNDP and NLAA for approval (1 day)
- Prepare a report outline to share with UNDP and NLAA and revise the outline based on the comments received (1 day)
- Liaise with NLAA and UNDP to select four cities/provinces to send questionnaires and to interview (1 day)
- Develop questionnaires and interview questions for legal aid providers, legal aid beneficiaries, NGOs and share with UNDP and NLAA and revise based on the comments received (3 days)
- Liaise with NLAA and UNDP to identify at least 20 people, including legal aid providers, legal aid beneficiaries and NGOs in the 4 selected cities/provinces and conduct telephone interviews with these 20 legal aid providers (4 days)
- Analyze the data collected (1 day)
- Based on the information provided by the other consultant and the data collected, draft the report (5 days)
- Share the draft report with UNDP, NLAA to get inputs and revise the report accordingly (2 days)
- Prepare and deliver presentation on the key findings of the report at a one day day consultation workshop in Ha noi (2 days)
- Finalize the report according to the comments received from the workshop (4 days)

b. National consultant – team member (20 days)

- Collect and analyze the existing studies and reports on the Legal Aid Reform Project to develop the desk review section of the report (5 days)
- Support team leader to develop questionnaires and interview questions (2 days)
- Liaise with NLAA and UNDP to identify at least 100 people including legal aid providers, legal aid beneficiaries and NGOs in 4 selected cities/provinces for sending questionnaires and follow up to collect questionnaires (4 days)
- Analyze the data collected from questionnaires (1 day)
- Support team leader to draft the report (5 days)
- Attend and support team leader to deliver presentation at a one day consultation workshop in Hanoi (1 day)
- Support team leader to finalize the report (2 days)

4. FINAL PRODUCTS

The two consultants will produce:

An assessment report in English and Vietnamese (10,000 words max, equivalent of about 20-25 pages) with an executive summary (around 1,000 words), including the desk review and analysis of data/case studies collected from the four selected cities/provinces to show the Project's impact, lessons and recommendations for the Project's implementation in the next 5 years.

The assessment report can focus on, but not limited to:

- analyzing the changes in legal aid cases (number of cases classified by the forms of legal aid, availability and quality of legal aid services, especially for vulnerable groups including victims of domestic violence, the poor, children persons with disabilities, members of ethnic minority groups, etc.);
- assessing the impact of the Project in raising awareness and capacity of the legal aid management agencies and legal aid providers to focus on legal aid cases;
- recommendations for legal aid agencies on improved implementation of the Project.

5. DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

The assignment is expected to last approximately 3 months (July – October 2020).

Duty station: Hanoi and home-based

6. PROVISION OF MONITORING AND PROGRESS CONTROL

The consultants shall work collaboratively on this assignment, under monitoring of the Program Officer in charge in the UNDP Governance and Participation Unit and the NLAA and deliver final products as described in Section 4 above.

Monitoring and progress control will be followed up by the timeline below:

#	Activities	Deliverable	Timeline/Deadline
1	Submit to UNDP and NLAA a work plan with detailed timetable for each activity	Workplan approved by UNDP and NLAA	July 2020
2	Develop report outline	Report outline approved by UNDP and NLAA	July 2020

3	Develop the desk review section of the report	Desk review section approved by UNDP and NLAA	July 2020
4	Select four cities/provinces to send questionnaires and to interview	Four cities/provinces selected and approved by UNDP and NLAA	August 2020
5	Develop questionnaires and interview questions for legal aid providers, legal aid beneficiaries, NGOs	Questionnaires and interview questions approved by UNDP and NLAA	August 2020
6	Identify people for interview and sending questionnaires	List of people for interview and sending questionnaires identified and approved by UNDP and NLAA	August 2020
7	Collect and analyse data from interviews and questionnaires	Data collected and analysed	September 2020
8	Draft report	Report reviewed by UNDP and NLAA	September 2020
9	Attend and deliver presentation at a consultation workshop	Presentation delivered and comments collected	September 2020
10	Finalize the report according to the comments received from the workshop	Final report approved by UNDP and NLAA	October 2020

7. DEGREE OF EXPERTISE AND QUALIFICATIONS

The consultants cannot have participated in the project's implementation and should not have a conflict of interest with project's related activities.

a. National legal consultant – team leader:

- Master degree in Law
- Expertise in working for legal aid projects is an essential
- Proven track record in doing research, data collection and analysis
- Having knowledge about and working experience with vulnerable groups, including ethnic minorities is an advantage
- Report writing and presentation skills in Vietnamese is essential (**one report in Vietnamese to be submitted**)
- Excellent writing skills in English language (**one writing sample provided**); communication skills in English are essential.
- Working experience as a team leader of a team of experts.

b. National legal consultant - team member

- University degree in law
- Expertise in working for legal aid projects is an essential
- Proven track record in doing research, data collection and analysis

- Writing report skills in Vietnamese

8. COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS

All outputs produced in this action shall remain the property of UNDP, MOJ who shall have exclusive rights over their use.

The consultants may not use, reproduce such works without prior consent from UNDP and MOJ.

9. REFERENCE DOCUMENTS AND ADMINISTRATIVE SUPPORT

UNDP and NLAA will support the consultant team to complete this assignment, by providing available data, existing reports and research.

10. CONTRACT PAYMENTS

- 1st payment: 20% of the contract amount upon receiving and acceptance by UNDP of deliverables 1 and 2 specified in Session 6
- 2nd payment: 40% of the contract amount upon receiving and acceptance by UNDP of deliverables 3,4,5,6,7 and 8 specified in Session 6
- Final payment: 40% of the contract amount upon satisfactory completion of all deliverables specified in Session 6

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).