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29 July 2020

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	National consultants to formulate provisions on natural landscape management to enact draft amendment Law on Environmental Protection
Period of assignment/services (if applicable):	August 2020 – September 2020
Duty Station:	Home based
Tender reference:	P200706

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

23.59 hrs., 5 August 2020 (Hanoi time)

With subject line:

P200706A– NC1- Formulating provisions on natural landscape management

P200706B– NC2- Formulating provisions on natural landscape management

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
- At least 2 reports/documents in English 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:

Qualification	Points
Postgraduate degree (PhD) in law, environment management, natural resources, environmental economics, or related fields.	200
At least 15 years of working experience in the areas of in environment management, natural resources, environmental economics, or related	200
Profound experience in legislative and policy development of environment, natural resource management, and dealing with the government (ministerial level) and development partners	200
Outstanding experience in policy research/intervention designs and formulations with particularly Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development etc. in the areas of environment management, natural resources, environmental economics	200
Postgraduate degree (PhD) in law, environment management, natural resources, environmental economics, or related fields.	200
At least 15 years of working experience in the areas of in environment management, natural resources, environmental economics, or related	200
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 total contract value should include a lumpsum of consultancy's remuneration (all tax inclusive, fees based on the UNDP's standard rates) and all related cost for producing the deliverables as mentioned above.

30% of the contract value will be paid upon national consultant submission and UNDP acceptance of i) a note on desk review with key findings supported by a reference list; and ii) An interview plan, and questions incl. list of key informants.

The remained amount of 70% total contract value will be paid after provision of the remaining deliverables with satisfactory acceptance from UNDP Country Office.

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

ANNEX I

TERMS OF REFERENCE

Consultancy service:	Two National Consultants – Formulating provisions on natural landscape management to enact draft amendment Law on Environmental Protection
Project name/ID:	Capacity Building for the Ratification and Implementation of the Nagoya Protocol on Access and Benefit Sharing in Viet Nam (Act 1.1.3 - Support development of legal documents on biodiversity – in support of International Consultant on Natural Landscape Management)
Working arrangement:	Individual contract
Duty Station:	Home based
Duration:	Both on Part-time basis National Consultant No.1 - 20 work-day from August 2020 – September 2020. National Consultant No.2– 25 work-day from August 2020 – September 2020.

GENERAL BACKGROUND

The Vietnam Environmental Administration, the Ministry of Natural Resources and Environment is implementing the GEF-UNDP funded Project “Capacity Building for the Ratification and Implementation of the Nagoya Protocol on Access and Benefit Sharing in Viet Nam”. The project’s goal is to contribute to the conservation and sustainable use of globally significant biodiversity in Viet Nam through strengthening national capacities on access and benefit sharing of genetic resources to facilitate the implementation of the Nagoya Protocol on ABS.

The project is designed with four main outcomes, with the aims to develop and implement a national framework for access to genetic resources and benefit sharing (ABS) and to support national capacity building and ABS agreements and private- public partnerships. The project consists of 4 main components including: (i) Strengthening the National Policy, Legal and Institutional Framework on ABS; (ii) Developing administrative measures on ABS; (iii) Increasing awareness and capacity building of all relevant stakeholders on the National ABS Framework; (iv) Demonstrating Private-Public Community Partnerships on ABS.

JUSTIFICATION

The current Law on Environmental Protection 2014 is being updated to keep pace with rapid changes of practice. The management approach in Law on Environmental Protection 2014 is mainly based on processes and procedures rather than focusing on objectives and results of environmental protection. Meanwhile, in the country, environmental quality in some places has exceeded the

permissible level and is no longer capable of receiving waste. Major environmental incidents, disease outbreaks, especially the COVID-19 pandemic, are raising alarm bells, requiring rapid changes in environmental management and control.

Therefore, Ministry of Environment and Natural Resources has been assigned to formulate an amendment law on environmental protection in a holistic, comprehensive and uniform manner, ensuring its effectiveness and efficiency.

In developing the amendment Law on Environmental Protection, the Minister of MONRE assigned Nature and Biodiversity Conservation Agency in proposing provisions on natural landscape management. Till now, the draft amendment Law on Environmental Protection has been published for wider consultation in Government's Portal. However, as highlighted in some comments of Members of National Assembly, the draft provisions on natural landscape management shows inconsistency and vague about scope, object and elements of natural landscape management. It also lacks of scientific and practical basis to support the proposed natural landscape proposals in the amendment Law on Environmental Protection. Therefore, it need expert support in formulating rationales for and proposal of provision on natural landscape management to enact draft amendment Law on Environmental Protection. In parallel with International Consultant identified under Activity 4.4.2.5, the National Consultant will provide expertise to internalize proposal on natural landscape management into draft provision under draft amendment Law on Environmental Protection.

OBJECTIVES OF THE ASSIGNMENT

This assignment is designed to support the implementation of the abovementioned project in order to support the enactment process of Law on Environment Protection. Key tasks for the national consultants include:

- i. Peer-review the current draft provisions on natural landscape and biodiversity in draft amendment Law on Environmental Protection provided by Nature and Biodiversity Conservation Agency (BCA).
- ii. Review relevant national legislation and practical to propose object and scope of natural landscape and biodiversity in draft amendment Law on Environmental protection.
- iii. Formulating 1st draft of provisions of natural landscape and biodiversity as well as rationale for such provisions.
- iv. Formulating 2nd draft of provisions of natural landscape and biodiversity basing on comments from BCA and National Assembly as well as rationale for such provisions.

SCOPE OF WORK AND SPECIFIC TASKS

The national consultants are expected to carry out the tasks, but not limited to followings:

- 1.1 Providing peer-review the current draft provisions on natural landscape and biodiversity in draft amendment Law on Environmental Protection provided by Nature and Biodiversity Conservation Agency (BCA) including consistency, constitutionality and legality with existing legislation framework and in accordance with International Treaty.
- 1.2 Providing in-depth review of relevant national legislation and practical to propose object, scope and elements of natural landscape and biodiversity management in draft amendment Law on Environmental protection, including other development regulation such as planning, forestry, fishery and cultivation.

- 1.3 Formulating 1st draft of provisions of natural landscape and biodiversity as well as rationale for such provisions; providing explanation to BCA and members of National Assembly if needed.
- 1.4 Formulating 2nd draft of provisions of natural landscape and biodiversity basing on comments from BCA and National Assembly as well as rationale for such provisions; providing explanation to BCA and members of National Assembly if needed.

DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

- The assignment is designed with an estimated 1.5 months, spread over the period from August 2020 until September 2020.
- The NCs can work from home.

FINAL PRODUCTS AND TIME FRAME FOR DELIVERY

- **NC 1 (20 work-days)**

Key deliverables	Timeframe for delivery	Estimation of workdays
1. Review of relevant national legislation and practical to propose object, scope and elements of natural landscape and biodiversity management in draft amendment Law on Environmental protection (referred as # 3.2 above)	25 August	20 days

- **NC 2 (25 work-days)**

Key deliverables	Timeframe for delivery	Estimation of workdays
1. Peer-review the current draft provisions on natural landscape and biodiversity in draft amendment Law on Environmental Protection (referred as # 3.1 above)	05 August	05 days
2. Formulating 1st draft of provisions of natural landscape and biodiversity as well as rationale for such provisions (referred as # 3.3 above)	10 September	10 days
3. Formulating 2 nd draft of provisions of natural landscape and biodiversity as well as rationale for such provisions (referred as # 3.4 above)	30 September	10 days

PROVISION OF MONITORING AND PROGRESS CONTROLS

- The NCs will report to the Assistant Country Director/Head of the Sustainable Development Cluster and ABS PMU
- A detailed work plan for the assignment shall be prepared and agreed with UNDP and ABS PMU, with reference to the Programme work-plans.

DEGREE OF EXPERTISE AND QUALIFICATIONS

- Postgraduate degree (PhD) in environment management, natural resources, environmental economics, or related fields.
- At least 15 years of working experience in the areas of in environment management, natural resources, environmental economics, or related
- Profound experience in legislative and policy development of environment, natural resource management, and dealing with the government (ministerial level) and development partners
- Outstanding experience in policy research/intervention designs and formulations with particularly Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development etc. in the areas of environment management, natural resources, environmental economics.
- Proven strong interpersonal skills in leadership, networking, communication, facilitation, and working in a multicultural team.
- Proven proficiency in both spoken and written Vietnamese and English.

ADMIN SUPPORT AND REFERENCE DOCUMENTS

Logistical support

- Arrangement of necessary logistical support for implementation of the work will be provided and supported by UNDP and ABS PMU.

Documentation/secondary information

- All relevant project documents, publications, and materials available at UNDP and ABS PMU relating to the work will be made available to the contractor for reference.

REVIEW TIME REQUIRED AND PAYMENT TERMS

Payment will be made upon satisfactory certification of all deliverables specified in the TORs by the Head of Unit at UNDP Viet Nam and ABS PMU following UNDP rules:

- **NC 1 (20 work-days)**

Key deliverables		Time frame for delivery	Payment
2	Submission and clearance on Delivery #2 (as specified in Section 5)	25/8/2020	100%

- **NC 2 (25 work-days)**

Key deliverables		Time frame for delivery	Payment
1	Submission and clearance on Delivery #1 (as specified in Section 5)	05/8/2020	25%
3	Submission and clearance on Delivery #3 (as specified in Section 5)	10/9/2020	35%
4	Submission and clearance on Delivery #4 (as specified in Section 5)	30/9/2020	40%

CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

✓ NONE

☐ PARTIAL

☐ INTERMITTENT

☐ FULL-TIME

EVALUATION CRITERIA WITH ASSIGNED SCORES

National Consultants

Consultant(s)' experiences/qualifications related to the services		
1	Postgraduate degree (PhD) in law, environment management, natural resources, environmental economics, or related fields.	200
2	At least 15 years of working experience in the areas of in environment management, natural resources, environmental economics, or related	200
3	Profound experience in legislative and policy development of environment, natural resource management, and dealing with the government (ministerial level) and development partners	200
4	Outstanding experience in policy research/intervention designs and formulations with particularly Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development etc. in the areas of environment management, natural resources, environmental economics	200
5	Postgraduate degree (PhD) in law, environment management, natural resources, environmental economics, or related fields.	200
6	At least 15 years of working experience in the areas of in environment management, natural resources, environmental economics, or related	200
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 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).