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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:	International consultant to formulate provisions on natural landscape management to enact draft amendment Law on Environmental Protection
Period of assignment/services (if applicable):	Part-time, 16 days from August 2020 – September 2020
Duty Station:	Home based
Tender reference:	P200707

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

**23.59 hrs., 5 August 2020 (Hanoi time)**

With subject line:

**P200707– International consultant to formulate provisions on natural landscape management**

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](mailto: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 or advanced degree in a field relevant to environmental law, preferably with a specific professional specialization in landscape management.	200
At least 15 years working experience in conducting policy analysis and providing policy advice to the government agencies to enhance national and provincial policies in relevant topics	150
Experience in Viet Nam is an asset	50
Excellent conceptualization and analytical skills and proven experience in leading policy research in relevant topics <b>(at least two sample reports must be provided)</b>	200
Significant knowledge of and experience in work streams related to the environmental legislation implementation and national application	200
Proven strong interpersonal skills in leadership, networking, communication, facilitation, and working in a multicultural team.	100
English writing proficiency are essential	100
<b>TOTAL</b>	<b>1000</b>

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**

<b>Consultancy service:</b>	International Consultant –For formulating rationales for and proposal of natural landscape management to enact draft amendment Law on Environmental Protection
<b>Project name/ID:</b>	Capacity Building for the Ratification and Implementation of the Nagoya Protocol on Access and Benefit Sharing in Viet Nam  (Act 4.4.2.5. Analyzing and evaluating lessons learned from the implementation of policies related to ABS and biodiversity; developing ABS training materials)
<b>Working arrangement:</b>	Individual contract
<b>Duty Station:</b>	Home based
<b>Duration:</b>	Part-time, 16 days 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.

Since the Biodiversity Law took effective as the mid-2009, the context of its implementation and compliance has been greatly changing with respective to the country’s socio-economic transformation, exposing greater demands to consider integration and adaptation for the period 2021-2030 arrangement and development. This includes (i) the new legal frameworks/revisions and associated institutionalization in place such as Planning Law 2017, Forestry Law 2017, Fishery Law 2017, Public Investment Law, Law on Information Access, (ii) the new perspectives for Environmental Law revision emphasizes on management of natural landscapes and biodiversity, climate change (REDD+ policies); and (iii) commitments on international trade and environment as EVFTA, CPTTP request further mainstream of biodiversity preservation from commodity production and chains etc. The overall aim of this assignment is therefore to support strengthening project’s interventions on

policy advice and recommendations to the Government of Viet Nam in this emerging context related to 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 (LEP), 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 the wider consultation in Government's Portal. So far as highlighted in some comments of Members of National Assembly, the current draft provisions on natural landscape management show incoherence and ambiguity in the scope, regulated entities and elements of natural landscape management. It also lacks scientific and practical basis to support the proposed natural landscape proposals in the amendment Law on Environmental Protection. In order to fulfil these critical gaps to meet LEP amendment process, an international expert will be mobilized to provide technical support in formulating strong rationale for and proposal of natural landscape management to enact 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 international consultant 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. In-depth review international experience and approach in addressing natural landscape management in Law on Environmental Protection.
- iii. Propose content of natural landscape management and rationale for such proposals.

## **SCOPE OF WORK AND SPECIFIC TASKS**

The international consultant is expected to carry out the tasks, but not limited to followings:

- 1.1 Providing peer-review for the current draft provisions on natural landscape and biodiversity in draft amendment Law on Environmental Protection in the aspects of consistency, practicality and feasibility.
- 1.2 Carrying out in-depth study on international experience in addressing natural landscape management in Law on Environmental Protection focusing on the following elements:

- Elaboration on concept on landscape/natural landscape;
- Criteria to identify landscapes prioritized for conservation/protection (including HCV, IUCN Protected Area Categories System, UNESCO World Heritage System...)
- Principles and measures on protection of the prioritized landscapes/natural landscape for conservation/protection;
- Mapping roles/responsibilities of relevant stakeholders, private sectors and communities in management and protection of landscape and biodiversity.

1.3 Proposing contents on regulated entities, scope and key elements of natural landscape management and rationale for such proposals.

## **DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL**

- The assignment is designed with an estimated 2 weeks, spread over the period from August 2020 until September 2020.
- The IC can work from home.

## **FINAL PRODUCTS AND TIME FRAME FOR DELIVERY**

Key deliverables	Timeframe for delivery	Estimation of workweeks
1. In-depth review on international experience and approach in addressing natural landscape management in Law on Environmental Protection (referred as #4.1 above)	15 August 2020	8 days
2. Proposals on object, scope and key elements of natural landscape management and rationale for such proposals (referred as #4.2 above)	5 September	6 days
3. Peer-review narrative on the current draft provisions on natural landscape and biodiversity in draft amendment Law on Environmental Protection in the aspects of consistency, practicality and feasibility	At the end of the assignment	2 days

## **PROVISION OF MONITORING AND PROGRESS CONTROLS**

- The IC 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 or advanced degree in a field relevant to environmental law, preferably with a specific professional specialization in landscape management.

- Significant knowledge of and experience in work streams related to the environmental legislation implementation and national application.
- At least 15 years working experience in conducting policy analysis and providing policy advice to the government agencies to enhance national and provincial policies in relevant topics.
- Excellent conceptualization and analytical skills and proven experience in leading policy research in relevant topics.
- Good advocacy and communications skills, able to take a forward-looking strategic view; Good interpersonal skills and teamwork to work in a multi-cultural environment.
- Relevant work experience in Viet Nam or South East Asia countries is an advantage.
- Experience with GEF project implementation, in working within UNDP or other UN or international organizations in the field of environmental law.
- English writing proficiency and strong verbal communication skills are essential.
- Strong strategic planning, results-based management and reporting capabilities.
- Excellent team player with good interpersonal skills.
- Ability to manage workload with minimum supervision.
- Ability to work under pressure and tight deadlines.
- Ability to accommodate additional demands at short notice.
- Ability to work in a multi-cultural environment.
- Displays cultural, gender, religion, nationality and age sensitivity and adaptability.
- Skills in achieving results through persuading, influencing, & working with others.
- Skills in negotiating effectively in sensitive situations.
- Skills in facilitating meetings effectively and efficiently and to resolve conflicts as they arise.

## **ADMIN SUPPORT AND REFERENCE DOCUMENTS**

### *Logistical support*

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

### *Documentation/secondary information*

- All relevant project documents, publications, and materials available at UNDP 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 following UNDP rules:

Key deliverables	Time frame	Payment
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		for delivery	
1	Submission and clearance on Delivery #1 (as specified in Section 6)	15/8/2020	20%
2	Submission and clearance on Delivery #2 (as specified in Section 6)	5/9/2020	40%
3	Submission and clearance on Delivery #3 (as specified in Section 6)	30/9/2020	40%

## CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☒ NONE

☐ PARTIAL

☐ INTERMITTENT

☐ FULL-TIME

## EVALUATION CRITERIA WITH ASSIGNED SCORES

### *International Consultant*

Consultant experiences/qualifications related to the services		
1	Postgraduate or advanced degree in a field relevant to environmental law, preferably with a specific professional specialization in landscape management.	200
2	At least 15 years working experience in conducting policy analysis and providing policy advice to the government agencies to enhance national and provincial policies in relevant topics  Experience in Viet Nam is an asset	150  50
3	Excellent conceptualization and analytical skills and proven experience in leading policy research in relevant topics ( <b>at least two sample reports must be provided</b> )	200
4	Significant knowledge of and experience in work streams related to the environmental legislation implementation and national application	200
5	Proven strong interpersonal skills in leadership, networking, communication, facilitation, and working in a multicultural team.	100
6	English writing proficiency are essential	100
<b>Total</b>		<b>1000</b>



## 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.

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**Annexes** *[please check all that applies]:*

- ☐ CV shall include Education/Qualification, Professional Certification, Employment Records /Experience
- ☐ Breakdown of Costs Supporting the Final All-Inclusive Price as per Template

## **GUIDELINES FOR CV PREPARATION**

WE REQUEST THAT YOU USE THE FOLLOWING CHECKLIST WHEN PREPARING

Your CV:

Limit the CV to 3 or 4 pages

NAME (First, Middle Initial, Family Name)

Address:

City, Region/State, Province, Postal Code

Country:

Telephone, Facsimile and other numbers

Internet Address:

Sex, Date of Birth, Nationality, Other Citizenship, Marital Status

Company associated with (if applicable, include company name, contact person and phone number)

### **SUMMARY OF EXPERTISE**

Field(s) of expertise (be as specific as possible)

Particular development competencies-thematic (e.g. Women in Development, NGOs, Privatization, Sustainable Development) or technical (e.g. project design/evaluation)

Credentials/education/training, relevant to the expertise

### **LANGUAGES**

Mother Tongue:

Indicate written and verbal proficiency of your English:

### **SUMMARY OF RELEVANT WORK EXPERIENCE**

Provide an overview of work history in reverse chronological order. Provide dates, your function/title, the area of work and the major accomplishments include honorarium/salary. References (name and contact email address) must be provided for each assignment undertaken by the consultant that UNDP may contact.

### **UN SYSTEM EXPERIENCE**

If applicable, provide details of work done for the UN System including WB. Provide names and email address of UN staff who were your main contacts. Include honorarium/salary.

### **UNIVERSITY DEGREES**

List the degree(s) and major area of study. Indicate the date (in reverse chronological order) and the name of the institution where the degree was obtained.

### **PUBLICATIONS**

Provide total number of Publications and list the titles of 5 major publications (if any)

### **MISCELLANEOUS**

Indicate the minimum and maximum time you would be available for consultancies and any other factors, including impediments or restrictions that should be taken into account in connection with your work with this assignment.

## Annex V

### FINANCIAL OFFER

Having examined the Solicitation Documents, I, the undersigned, offer to provide all the services in the TOR for the sum of .....US\$

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)			
	<b>TOTAL</b>			

\* 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).*