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21 August 2020

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

| | |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Country: | Viet Nam |
| Description of the assignment: | 01 National Consultant and 01 International Consultant to develop an inter-agency guideline on legal aid providers on duty at courts |
| Period of assignment/services (if applicable): | September 2020 – December 2020 |
| Duty Station: | Vietnam |
| Tender reference: | T200808 |

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

23.59 hrs., 06 September 2020 (Hanoi time)

With subject line:

T200808A - 01 National Consultant to develop an inter-agency guideline on legal aid providers on duty at courts – Team leader

T200808B - 01 International Consultant to develop an inter-agency guideline on legal aid providers on duty at courts – Team member

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:

- Signed Curriculum vitae
- Signed Letter to UNDP Confirming Interest and Availability
- For National Consultant: 01 report in Vietnamese and 01 writing sample in English to be submitted
- For International Consultant: 01 writing sample 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:

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 developing guidelines and/or legal documents | 200 |
| 1.4 | - Having knowledge about and working experience with vulnerable groups, including women, children, people with disability, the poor, 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 in English provided); communication skills in English are essential | 100 |
| Total | | 1000 |

b. International legal consultant – team member:

| 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, analysis and developing guidelines and/or legal documents | 200 |
| 1.4 | - Having working experience with national consultants in term of providing support, advices | 100 |

| | | |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------|
| | and inputs | |
| 1.5 | - Experience in relation to Viet Nam, especially in relation to legal aid/access to justice in Viet Nam, is an advantage | 100 |
| 1.6 | - Excellent writing skills in English language (one writing sample provided); communication skills in English are essential. | 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 is the new online security awareness training and submit certificate to UNDP before contract issuance.
- Note: In order to access the courses, please go to the following link: <https://training.dss.un.org>
The training course takes around 3-4 hours to complete.
- Full medical examination and Statement of Fitness to work for consultants from and above 65 years of age and involve travel. (This is not a requirement for RLA contracts).

- Release letter in case the selected consultant is government official.

6. Payment

UNDP shall effect payments to the consultant (by bank transfer to the consultant's bank account provided in the vendor form upon acceptance by UNDP of the deliverables specified the TOR.

Payments are based upon outputs, i.e. upon delivery of the products specified in the TOR.

If two currencies exist, UNDP exchange rate will be applied at the day UNDP instructs the bank to effect to the payment.

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

TERMS OF REFERENCE

| | |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Service | Develop an inter-agency guideline on legal aid providers on duty at courts |
| Consultancy | One national legal consultant One international legal consultant |
| Duty station: | Ha Noi and home based |
| Expected Duration | From September to December 2020 |
| Supervision: | The two 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.

The coordination between the state legal aid centers and the procedure-conducting agencies plays an important role in supporting legal aid beneficiaries to protect their rights when participating in legal proceedings. On June 29, 2018, the Ministry of Justice, the Ministry of National Defense, the Ministry of Public Security, the Ministry of Finance, the Supreme People's Court and the Supreme People's Procuracy issued Joint Circular No. 10/2018/TTLT-BTP-BQP-BCA-BTC-TANDTC-VKSNDTC coordinating legal aid in legal proceedings.

In order to enhance this coordination for supporting legal aid beneficiaries in using legal aid services in a timely manner according to the provisions of law, especially the Joint Circular No. 10, the Ministry of Justice and the Supreme People's Court have developed a draft Coordination Program on legal aid providers on duty at courts (referred to as the Program).

The draft Program will be submitted to the leaders of the Supreme People's Court and the Ministry of Justice for adoption. Before this Program is adopted, UNDP under the EU JULE Programme is supporting the Ministry of Justice to develop an inter-agency guideline for implementing the Program effectively and smoothly.

2. OBJECTIVES OF THE ASSIGNMENT

The assignment is to support the National Legal Aid Agency (NLAA) of the Ministry of Justice (MOJ) to develop an inter-agency guideline for implementing the coordination program between the Ministry of Justice and the Supreme People's Court (SPC) on legal aid providers on duty at courts.

3. SCOPE OF WORK

The activity will be carried out by one national legal consultant and one international legal consultant 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 (21 days)

- Responsible for the entire process of performing the task and delivering the final product
- Take the leading role in discussing with UNDP, NLAA and SPC on the assignment and coordinating with international consultant in the process (2 days)
- Coordinate with international consultant to develop a work plan with detailed timetable implementing the assignment and send it to UNDP and NLAA for approval (1 day)
- Review the draft program, collect and analyze the existing relevant studies and reports (3 days)
- Review the materials sent by the international consultant (1 day)
- Prepare an outline of the guideline to share with UNDP, NLAA, SPC and revise the outline based on the comments received (1 day)
- Draft the guideline (6 days)
- Share the draft guideline with UNDP, NLAA, Supreme People's Court and international consultant to get inputs and revise the guideline accordingly (2 days)
- Prepare and deliver presentation on the guideline at a one day consultation workshop in Hanoi (2 days)
- Finalize the guideline according to the comments received from the workshop (3 days)

b. International legal consultant – team member (8 days)

- Study and analyze international best practices relating guidelines on legal aid providers on duty at courts of at least 5 countries with special focus given to countries that have similar legal system to Viet Nam; propose recommendations for Viet Nam and submit the study paper to the national consultant for reference (3 days)
- Provide inputs to the outline and draft guideline prepared by national consultant (2 days)
- Provide continuous support and advices to the national consultant during the process of revising and finalizing the guideline (1 day)

- Prepare and attend and deliver presentation online on international best practices relating guideline on legal aid providers on duty at courts at a one-day consultation workshop in Hanoi (1 day)
- Edit English for the guideline (1 day)

4. FINAL PRODUCT

The two consultants will produce:

A guideline for implementing the coordination program between the Ministry of Justice and the Supreme People's Court on legal aid providers on duty at courts in English and Vietnamese (5,000 words max, equivalent of about 10-15 pages). The guideline can focus on, but not be limited to:

- Responsibilities of the legal aid providers on duty at courts
- Criteria for selecting legal aid providers on duty at courts
- How to carry out the responsibilities by legal aid providers at courts
- Responsibilities of NLAA and SPC
- How to spend the funding to pay for legal aid providers on duty at courts
- Responsibilities of court officials for coordinating with legal aid providers on duty at courts

The product can be seen as final when it gets approval from UNDP and NLAA and is uploaded by NLAA in the website of the Ministry of Justice for distributing to legal aid centers and courts.

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

The assignment is expected to last approximately 4 months (August – December 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 product 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 | September 2020 |
| 2 | Study and analyze international best practices relating guidelines on legal aid providers on duty at courts of at least 5 countries with recommendations for Viet Nam | Analysis with recommendations submitted and approved by UNDP and NLAA | September 2020 |
| 3 | Develop outline of guideline | Outline approved by UNDP and NLAA | September 2020 |
| 4 | Develop draft guideline | Draft guideline reviewed by UNDP and NLAA | October 2020 |
| 5 | Attend and deliver presentation at a consultation workshop | Presentation delivered and comments collected | November 2020 |
| 6 | Finalize the guideline according to the comments received from the | Final guideline approved by UNDP and NLAA | December 2020 |

| | | | |
|--|----------|------------------------------------|--|
| | workshop | and uploaded in the website of MOJ | |
|--|----------|------------------------------------|--|

7. DEGREE OF EXPERTISE AND QUALIFICATIONS

a. National legal consultant – team leader:

- Master degree in Law
- Expertise in working for legal aid projects is essential
- Proven track record in developing guidelines and/or legal documents
- Having knowledge about and working experience with vulnerable groups, including women, children, people with disability, the poor, is an advantage
- Report writing and presentation skills in Vietnamese is essential (one report 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. International legal consultant - team member

- Master degree in law
- Expertise in working for legal aid projects is essential
- Proven track record in doing research, analysis and developing guidelines and/or legal documents
- Having working experience with national consultants in term of providing support, advices and inputs
- Experience in relation to Viet Nam, especially in relation to legal aid/access to justice in Viet Nam, is an advantage
- Excellent writing skills in English language (one writing sample provided); communication skills in English are essential.

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 and 4 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 of (VND for National Consultant and USD for International Consultant).

This is a lump sum offer covering all associated costs for the required service (fee, meal, accommodation, travel, taxes etc).

| No. | Description | Quantity | Unit Rate | Total |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|--------------|
| 1 | Consultancy fee | | | |
| 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). * | | | |
| 2.4 | Others (pls. specify)..... | | | |
| 2.5 | VAT** if applicable (in case your company signs the contract) | | | |
| | Total | | | |

* Individual Consultants/Contractors who are over 65 years of age with assignments that require travel and are required, **at their own cost**, to undergo a full medical examination including x-rays and obtaining medical clearance from **an UN-approved doctor** prior to taking up their assignment.

** 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).