

21 August 2020



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INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	Consultants to developing Evaluation proposal on ten years of implementation of the Law on Persons with Disabilities
Period of assignment/services (if applicable):	From September 2020 to December 2020
Duty Station:	Home-based (and Ha Noi for national consultant)
Tender reference:	P200804

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

23.59 hrs., 31 August 2020 (Hanoi time)

With subject line:

P200804A - International Consultant to developing Evaluation proposal on ten years of implementation of the Law on Persons with Disabilities

P200804B – National Consultant to developing Evaluation proposal on ten years of implementation of the Law on Persons with Disabilities

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 you have done.
- Financial offer
- **International consultant:** Two written samples in English to be submitted; preferably on the similar topic of the assignment
- **National consultant:** Two written samples to be submitted, one in English and one in Vietnamese; preferably on the similar topic of the assignment

b. Financial proposal (with your signature):

- The financial proposal shall specify a total lump sum amount in **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:

International consultant – Senior legal expert:

Consultant's experiences/qualification related to the services		
1	Master level degree in Law, preferably with a specialisation in human rights or disability studies;	300
2	A minimum of 7 years of progressively responsible experience in the monitoring and evaluation field, focused on human rights;	300
3	Proven track record of conducting research, project monitoring and evaluation;	200
4	Excellent written in English by submitting two sample reports in English authored by the applicant;	200
Total		1000

National consultant – Team leader:

Consultant's experiences/qualification related to the services	
1 Master degree in law, specialization in disability law is desirable;	200
2 Proven track record of conducting research and data analysis	200
3 Have knowledge and minimum of 10 years of work experience in disability rights, development, monitoring and evaluation;	300
4 Working experience with government officials and organizations of people with disabilities is desirable;	200
5 Proven capacity of communicating and writing report in English and Vietnamese; Excellent report writing skills; and ability to prepare reports under time constraints by submitting one final sample report in English and one in Vietnamese authored by the applicant	100
Total	1000

A two-stage procedure is utilized in evaluating the submissions, with evaluation of the technical components being completed prior to any price proposals being opened and compared.

The price proposal will be opened only for submissions that passed the minimum technical score of 70% of the obtainable score of 1000 points in the evaluation of the technical component. The technical component is evaluated on the basis of its responsiveness to the Term of Reference (TOR). Maximum 1000 points will be given to the lowest offer and the other financial proposals will receive the points inversely proportional to their financial offers. i.e. $S_f = 1000 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the submission under consideration.

The weight of technical points is 70% and financial points is 30%.

Submission obtaining the highest weighted points (technical points + financial points) will be selected subject to positive reference checks on the consultant's past performance.

Interview with the candidates may be held if deemed necessary.

5. Contract

"Lump-sum" Individual Contract will be applied for freelance consultant (Annex II)

"Lump-sum" RLA will be applied for consultant assigned by firm/institution/organization (Annex III)

Documents required before contract signing:

- International consultant whose work involves travel is required to complete the courses on BSAFE which the new online security awareness training is and submit certificate to UNDP before contract issuance.
- Note: In order to access the courses, please go to the following link: <https://training.dss.un.org>
The training course takes around 3-4 hours to complete.
- Full medical examination and Statement of Fitness to work for consultants from and above 65 years of age and involve travel. (This is not a requirement for RLA contracts).
- Release letter in case the selected consultant is government official.

6. Payment

Deliverables	Expected Results	Deadlines	Payment
- Develop the detailed workplan for the research proposal; - Conduct a desk review	Approved workplan; - Results of the desk review	30 September 2020	30% of the total contract value
First draft of the research proposal and presentations on the results to be shared at the consultation workshops	Draft proposal and presentations in English and Vietnamese	20 October 2020	40% of the total contract value
Finalization of the research proposal (following approval by UNDP)	Research proposal finalized	30 November 2020	30% of the total contract value

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

TERMS OF REFERENCE



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Service	Developing Evaluation proposal on ten years of implementation of the Law on Persons with Disabilities
Consultancy	<ul style="list-style-type: none"> - One national consultant – team leader (30 working days) - One international consultant – senior expert (10 days)
Duty station:	<p>For national consultant: Ha Noi and home based</p> <p>For international consultant: Home based</p>
Expected Duration	From September to December 2020 (Note: this is the phase 1 of the consultancy of developing a research proposal for the evaluation. The project can be extended to 2021 when the evaluation is rolled out by the National Council on Disabilities).
Supervision:	The consultants will work closely with the Program Officer in charge at the UNDP Governance and Participation Unit and the National Council on Disabilities administered by the Department of Social Affairs, Ministry of Labour, Invalids and Social Affairs (MOLISA)

1. BACKGROUND

Viet Nam's Law on PWDs was enacted on 17 June 2010 and effective on 01 January 2011. On 05 February 2015, Viet Nam ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD). These milestones mark a significant paradigm shift from the charity-based to the rights-based approach in dealing with disability issues in Viet Nam. Besides the Law on Persons with Disabilities, disability rights are reflected in various specialized laws, including the Law on Health Insurance (amended in 2014), Education Law 2005, Law on Children 2016, Labour Code 2019, Law on Employment 2013, Criminal Code 2015, and specified in various government's decrees and line ministries' circulars, including Decree 28/2012/ND-CP dated April 10th 2012 of the Government guiding the implementation of some articles of the Law on Persons with Disabilities. Significantly, on 01 Nov 2019, The Secretariat of the Communist Party issued the Directive No. 39-CT/TW on enhancing the Party's Leadership in supporting people with Disabilities, which had been longed for and warmly welcomed by all people with disabilities. On 03 June 2020, the Decision No. 753/QD-TTg was issued by the Prime Minister to guide the implementation plan of the Directive.

Despite a comprehensive legal framework for PWDs and the State's proactive measure of developing the national law before ratifying the international convention, after ten years of implementation, the law has revealed its discrepancies from CRPD, the inconsistencies in its by-law documents, and gaps between legislation and implementation. Working closely with the National Council on Disabilities (NCD), in 2019, UNDP has conducted a study on legal gaps between Viet Nam's Law on Persons with Disabilities and the United Nations Convention on the

Rights of Persons with Disabilities (UNCRPD) and a study on improving employment policies for PWDs. The studies have given substantial recommendations to the revision of the Law on Persons with Disabilities and legal documents on disabilities to be aligned with CRPD. Furthermore, the studies indicate that the independent monitoring mechanism of disability rights with the effective and full participation of people with disabilities as rights holders should be improved to strengthen the law implementation.

Continuing the collaboration between UNDP and Viet Nam's Government in realizing the rights of people with disabilities and providing more solid evidence for the revision of the Law on Persons with Disabilities after its ten-year implementation, UNDP and NCD will conduct an evaluation of ten-year implementation of the Law on Persons with Disabilities and analysis of future issues for its future revision. The study will be conducted by independent consultants in consultation with representatives from relevant ministries, PWDs and organizations of PWDs. To prepare for this large-scale study at the local and national level With the active participation of PWDs and various stakeholders, in 2020, UNDP will support NCD to develop effective research methods and tools And a detailed implementation plan for the roll-out of the evaluation in early 2021.

2. OBJECTIVES OF THE ASSIGNMENT

In Phase 1 of the evaluation in 2020, the consultants are expected to develop a detailed research proposal on evaluating ten years of implementation of the Law on Persons with Disabilities, including:

- A desk review on ten years of implementation of the Law on Persons with Disabilities through the Government's guidelines for implementation and periodical reports by line ministries, local authorities and organizations of persons with disabilities;
- A set of indicators and corresponding rating scales to measure the achievements in the law implementation by different stakeholders and at different levels;
- Appropriate research methods and tools (sampling, questionnaires and interviews for different stakeholders...) to conduct the evaluation in 2021;
- Data analysis and synthesis plan;
- Evaluation timeline and report outline.

3. SCOPE OF WORK

The activity will be carried out by one national consultant and one international consultant hired by UNDP in cooperation with the MOLISA Department of Social Affairs (DSA). The national consultant and international consultant will work together as a team. Subject to (i) fund availability and (ii) satisfactory performance, this teamwork could be continued to roll out the evaluation in 2021. DSA will provide support the consultants to conduct the research.

a. National consultant – Team leader:

- Take ultimate responsibility for the final research proposal;
- Take the lead in discussions and responsibility for the whole process of the assignment with UNDP and DSA;
- Draft the research proposal, sharing the drafts timely with the international consultant for inputs/comments;

- Prepare and deliver presentation on the draft proposal to seek inputs from participants at the half-day consultation workshop in Ha noi organized by DSA;
- Revise, finalize and submit the proposal based on the inputs/comments from the international consultant, participants in the consultation workshop, UNDP and DSA;
- In all consultations, translate the proposal in a whole or in parts and its final English version into Vietnamese.

b. International consultant – Senior legal expert:

The international consultant is expected to collaborate with the national consultant to:

- Conduct a desk review on the evaluation methods for the implementation of disabilities laws in other countries;
- Develop appropriate research methods, tools and indicators to measure the success in the implementation of the Law on Persons with Disabilities of Viet Nam, with reference to the indicators of monitoring CRPD implementation;
- Develop a data analysis and synthesis plan
- Provide inputs to the draft proposal prepared by the team leader before the consultation workshop;
- Edit/proofread the final English proposal prepared by the national consultant, using UNDP editorial guidelines.

4. **FINAL PRODUCTS**

- A research proposal of no more than 5,000 words (about 12 pages) in both English and Vietnamese (exclusive of appendices), including:
 - A desk review on the implementation of the law on Persons with Disabilities, especially from the perspectives of persons with disabilities, at the local and national level and the evaluation methods of disability law implementation in several countries;
 - Research methodology;
 - Expected findings;
 - Evaluation timeline and report outline;
 - Appendices, including questionnaire, interview questions and list of potential interviewees and survey respondents etc.
- A presentation in both Vietnamese and English on the proposal delivered at the consultation workshop.

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

The assignment is expected to last approximately four months.

The consultants shall work independently on this assignment and deliver final outputs as described in Section 4 above.

Duty station: For national consultant: Hanoi and home based

For international consultant: Home based

The duration of the consultancy starts from the date both parties signing the consultancy contract. The consultants are expected to provide services specified in this TOR from September to December 2020. They, in collaboration with DSA and UNDP Viet Nam, shall deliver the deliverables as below:

#	Tasks	Deliverables	Timeframe
1.	Develop the detailed work plan for the proposal; - Desk review	Approved workplan; - Results of the desk review	01 September – 30 September 2020
2.	Develop research methodology	Methodology section of the proposal (together with appendices of research tools)	01 October – 20 October 2020
3.	First draft of the proposal and summary presentation to be shared at the consultation workshop	Draft proposal and presentation	20 October - 30 October 2020
4.	Finalization of the research proposal	Final research proposal in English and Vietnamese	20 November 2020

6. DEGREE OF EXPERTISE AND QUALIFICATIONS

Senior national technical expert – team leader:

- Master degree in law, specialization in disability law is desirable;
- Proven track record of conducting research and data analysis;
- Have knowledge and minimum of 10 years of work experience in disability rights, development, monitoring and evaluation;
- Working experience with government officials and organizations of people with disabilities is desirable;
- Proven capacity of communicating and writing reports in English and Vietnamese; Submit one final sample report in English and one in Vietnamese authored by the applicant.

Senior international technical expert – team member:

- Master level degree in Law, preferably with a specialisation in human rights or disability studies;
- A minimum of 7 years of progressively responsible experience in the monitoring and evaluation field, focused on human rights;
- Proven track record of conducting research, project monitoring and evaluation;
- Excellent written in English by submitting two sample reports in English authored by the applicant;

7. REFERENCE DOCUMENTS AND ADMINISTRATIVE SUPPORT

DSA will support the consultant team to conduct the study, providing available and updated necessary data and reports.

8. CONTRACT PAYMENTS

Deliverables	Expected Results	Deadlines	Payment
<ul style="list-style-type: none"> - Develop the detailed workplan for the research proposal; - Conduct a desk review 	Approved workplan; - Results of the desk review	30 September 2020	30% of the total contract value
First draft of the research proposal and presentations on the results to be shared at the consultation workshops	Draft proposal and presentations in English and Vietnamese	20 October 2020	40% of the total contract value
Finalization of the research proposal (following approval by UNDP)	Research proposal finalized	30 November 2020	30% of the total contract value

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).