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01 September 2020

## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

|                                                |                                                                                                       |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Country:                                       | Viet Nam                                                                                              |
| Description of the assignment:                 | National policy expert on the development of ecological, smart and climate-resilient city development |
| Period of assignment/services (if applicable): | September 2020 – March 2021                                                                           |
| Duty Station:                                  | Vietnam                                                                                               |
| Tender reference:                              | T200901                                                                                               |

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

**23.59 hrs., 15 September 2020 (Hanoi time)**

With subject line:

**T200901 - 01 National consultant on the development of ecological, smart and climate-resilient city development**

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](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:**

- Signed Curriculum vitae
- Signed Letter to UNDP Confirming Interest and Availability

**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:

| <b>Consultant(s)' experiences/qualification related to the services</b> |                                                                                                                                                  |     |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 1                                                                       | At least a master degree with knowledge in law, economics/ civil engineering/architecture/ urban planning or related fields                      | 100 |
| 2                                                                       | At least 10 years of experience in law field and participating in law making process                                                             | 300 |
| 3                                                                       | Knowledge in the development of eco, smart, resilient and sustainable cities;                                                                    | 200 |
| 4                                                                       | Able to write analysis documents and reports, draft legal documents and provide justification on related fields at different governmental levels | 200 |
| 5                                                                       | Working experience with relevant stakeholders, Government agencies, National Assembly and Ministry of Construction                               | 150 |
| 6                                                                       | Good command on English language                                                                                                                 | 50  |

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.**



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## TERMS OF REFERENCE

|                                |                                                                                                       |
|--------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Job Title:</b>              | National policy expert on the development of ecological, smart and climate-resilient city development |
| <b>Project:</b>                | Energy Efficiency Improvement in Commercial and High-Rise Residential Buildings in Viet Nam           |
| <b>Duration of Assignment:</b> | Estimated 70 work- days from September 2020 to March 2021.                                            |
| <b>Type of contract:</b>       | Lump sum                                                                                              |
| <b>Recruitment method:</b>     | Selection of national individual consultant                                                           |
| <b>Report to:</b>              | Project Director/ Project Manager/ PMU Senior Advisor                                                 |

### 1) GENERAL BACKGROUND

Ministry of Construction (MOC) (Executing Agency)/Department of Science, Technology and Environment is implementing the Project “Energy Efficiency Improvement in Commercial and High-Rise Residential Buildings in Viet Nam” funded by GEF/UNDP and co-financed by Viet Nam’s agencies/institutions and enterprises.

Implemented between 2016 and 2020, the project’s goal is to reduce intensity of GHG emissions from the building sector in Vietnam. The project’s objective is to improve the energy performance of commercial and high-rise residential buildings in Ho Chi Minh City and Hanoi. Realization of this objective will be achieved through implementation of the three following components:

- a) Revision and Improved Enforcement of Energy Efficiency Building Code;
- b) Building Market Development Support Initiatives; and
- c) Building EE Technology Applications and Replications.

Each component comprises a number of complementary activities that are designed to remove barriers to the stringent enforcement of the revised EEBC, application of EE designs, materials, technologies and equipment in commercial and residential buildings. By EOP, the GEF investment will have catalysed direct GHG emission reduction of about 37,680 tCO<sub>2</sub>e. The cumulative direct reduction in GHG emissions over the lifetime of the project is envisioned to be 236,382 tCO<sub>2</sub>e.

The National Assembly of Vietnam passed the amendments and supplements of Construction Law on 17 June 2020, in which Article 10, Clause 4 stipulates “activities of investment and certification of construction works with economical and energy efficient use of energy,

natural resources and environmental protection; the development of eco, smart, resilient and sustainable cities”. On 24 July 2020, the Government issued Decision 1109/QĐ-TTg regarding the list and assignment of lead agencies to preside over the drafting of legal documents detailing the implementation of laws and resolutions passed National Assembly at the 9<sup>th</sup> session. The Ministry of Construction is assigned to support the development of several decrees and circulars which specify legal provisions related to the development of eco, smart, resilient and sustainable cities. This will be part of a decree to be drafted by the Ministry of Construction to submit to the Government. .

To support the drafting of policy content related to eco, smart and climate-resilient city development and sustainable development, the UNDP and Project Management Unit of EECB Project is seeking a qualified and experienced national expert to review and draft related policy to implement the content of Clause 4, Article 10 of the Law on Construction (2020).

## **2) OBJECTIVES OF ASSIGNMENT**

The objective of the assignment is to support MOC to review, analyse and draft policy content related to the development of eco, smart, climate-resilient and sustainable cities to implement the content of Clause 4, Article 10 of the Law on Construction (2020).

## **3) SCOPE OF WORK**

The national expert shall coordinate with the international policy expert on the development of eco, smart, climate-resilient and sustainable cities to carry out following tasks:

- a) Review the Law on Construction (2020), focusing on the content specified in Clause 4, Article 10 on investment in construction works that are economical and efficient use of energy, the development of eco, smart, resilient and sustainable cities, responsibilities of the Government (Article 161), MOC (Article 162) promulgates policies to ensure efficient construction investment, improve labor productivity, save energy and resources and ensure sustainable development”.
- b) Review documents, policies, practical experiences on the development of eco, smart, resilient and sustainable cities in Vietnam and in the world by working with the international expert to (i) provide inputs for international expert on the development of eco, smart, resilient and sustainable cities and (ii) identify suitable and feasible policies for Vietnam (the justification report on proposed contents in the decree should highlight the analysis of this content)
- c) Draft the content regarding the development of eco, smart, climate-resilient and sustainable cities in related decrees in which each kind of eco, smart, resilient city should include the research, analysis and proposal of (i) principle and requirements for the development of such kind of cities; (ii) defined criteria framework including groups of criteria and minimum criteria; (iii) assessment rules for each framework criterion (iv) the qualification requirements of assessment organizations; (v) preferential and supporting mechanism to invest in construction of such kind of cities; (vi) reporting scheme and (vii) implementation.
- d) Develop justification reports to explain proposed contents which list out relevant international experiences (select and analyse at least 03 most suitable international policies) by working closely with the international expert engaged by UNDP, demand

and requirements of such kind of cities, assess advantages and disadvantages compared to applicable practice conditions in Vietnam;

- e) Prepare materials, make presentation and get feedback and comments of relevant state agencies under MOC and Government on the above-mentioned decree but not limited to following agencies: State Authority for Construction Quality Inspection, the Department of Science, Technology and Environment (DOSTE), Urban Development Agency (UDA), Construction Activities Management Agency (CAMA), Housing and Real Estate Market Management Agency, Building Materials Department (BMD), Planning-Architecture Department (PAD), Legal Affairs Department (LAD) in the process of product development. Results and justifications of received comments and feedback should be mentioned in the justification report;
- f) Coordinate members of the editing and compiling team established by the government in consolidating proposed contents in the decree; participate in reporting and receiving comments and feedback to finalize the draft decree before and during the process of submitting it to the Government for promulgation.

#### **4) DELIVERABLES**

The national expert shall deliver outputs in Vietnamese as follows:

| <b>No</b>    | <b>Outputs</b>                                                                                                                                                                                                                                       |  | <b>Expected time of final submission</b> |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------|
| 1            | 1.1 The first draft of policy on the development of eco, smart, resilient and sustainable cities (the decree on the management of urban development and investment )<br><br>1.2 The first justification report on proposed contents.                 |  | 30/11/2020                               |
| 2            | 2.1 The report proposes the content of policy on the development of eco, smart, resilient and sustainable cities (under the decree on the management of urban development and investment)<br><br>2.2 Final justification report on proposed content. |  | 30/12/2020                               |
| <b>Total</b> |                                                                                                                                                                                                                                                      |  |                                          |

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

The national expert shall be mobilised for estimated 70 work days from September 2020 to March 2021.

Duty station: Hanoi and home-based.

During the contract's implementation, at the request of PMU or consultants, the request for business trips to provinces (if any) shall be submitted by the national expert for approval by

PMU. Eligible travel costs and DSA shall be covered separately by PMU in accordance with UN-EU cost norm.

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

The national expert shall report to National Project Director/ National Project Manager and PMU senior advisor. He/she shall work in close collaboration with the international policy expert on the development of eco, smart, climate-resilient and sustainable cities, PMU advisor, Project Manager and relevant stakeholders in order to ensure best knowledge sharing and highest quality of the product.

A monitoring and progress control shall be carried out in accordance with the project's working regulations in which the national expert shall consult PMU's senior advisor in terms of technical issues and direction to solve arising issues during contract's implementation and report's content before submitting to Project Manager/ Director. Final report shall be accepted by PMU and UNDP.

## **7) ADMIN SUPPORT AND REFERENCE DOCUMENTS**

**Reference documents:** The Law on Construction (2020)

**Admin support:** PMU will support the expert in logistic arrangements for meetings with relevant individuals/state agencies and hotel and meeting room reservation if reasonable. .

The expert does not have interpretation support during contract performance. The expert may need to provide translation and interpretation for the international policy expert on the development of eco, smart, climate-resilient and sustainable cities

## **8) DEGREE OF EXPERTISE AND QUALIFICATIONS**

- At least a master degree with knowledge in law, economics/ civil engineering/architecture/ urban planning or related fields;
- At least 10 years of experience in law field and participating in law making process;
- Knowledge in the development of eco, smart, resilient and sustainable cities;
- Demonstrated ability in working effectively with relevant stakeholders, experience in working with Government agencies, National Assembly and Ministry of Construction preferred.
- Able to write analysis documents and reports, draft legal documents and provide justification on related fields at different governmental levels
- Good command on English language
- Able to work under high pressure and meet deadline.

## **9) PAYMENT TERM**

The payment shall be made on a basis of completed deliverables approved by PMU and instalments shall be made as follows:

- a) First instalment of 50% of contract value shall be made upon submission and approval of output 1 (1.1 and 1.2)
- b) Final instalment of 50% of contract value shall be made upon submission and approval of output 2 (2.1 and 2.2) and all products under the contract.



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 ..... (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).

| <b>No.</b> | <b>Description</b>                                                                                                                                                  | <b>Quantity</b> | <b>Unit Rate</b> | <b>Total</b> |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|--------------|
| 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)                                                                                                       |                 |                  |              |
|            | <b>Total</b>                                                                                                                                                        |                 |                  |              |

\* 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).