

12 October 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:	International Consultant for Research on international experience in mutual legal assistance in civil matters under EU Justice and Legal Empowerment Program in Vietnam (EU JULE)
Period of assignment/services (if applicable):	From October 2020 to March 2021
Duty Station:	Home-based and one-time travel to Viet Nam (TBC)
Tender reference:	P201002

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

23.59 hrs., 19 October 2020 (Hanoi time)

With subject line:

P201002- Research on international experience in mutual legal assistance in civil matters under EU JULE

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
- One written sample in English to be submitted, 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:

Consultant(s)' experiences/qualification related to the services		Point
1	Master's degree in law;	200
2	10 years of experience in the field of private international law required, including on mutual legal assistance in civil matters;	300
3	Experience in conducting comparative legal research, preferably in the field of civil, marriage and family law;	200
4	Excellent legal research and drafting skills with proven track record on publications; one written sample in English to be submitted, preferably on the similar topic of the assignment;	100
5	Having experience working with technical assistance projects in the field of law, preferably in South-East Asia, is an asset;	100
6	Excellent writing skills in English language.	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

- 1st installment: 20% of the contract value (will be paid after UNDP receives and verifies output 1);
- 2nd installment: 50% of the total contract value will be paid after UNDP receives and verifies outputs 2;
- Final installment: 30% of the total contract value will be paid after UNDP receives and verifies all remaining deliverables.

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

ANNEX I



*Empowered lives.
Resilient nations.*

TERMS OF REFERENCE

Service:	Research on international experience in mutual legal assistance in civil matters under EU Justice and Legal Empowerment Program in Vietnam (EU JULE)
Responsible partner:	Department of International Law of Ministry of Justice (MOJ DIL)
Duty station:	Home-based and one-time travel to Viet Nam (TBC)
Expected duration:	From October 2020 to March 2021
Service provider:	One international consultant
Supervision:	The responsible partner will work closely with the Program Officer in charge at the UNDP Governance and Participation Unit

1. Background

The Ministry of Justice has been assigned to produce a policy proposal to draft the Law on Mutual Legal Assistance on Civil Matters (hereafter referred to as “the Law”). In April 2020, the proposal has been approved by the Government of Viet Nam. Subsequently, the proposal was submitted to the Standing Committee of the National Assembly for consideration to include it in the 2021 National Law and Ordinance Making Program. The major orientations of this proposal are:

Firstly, the Law should institutionalize the Party’s orientation and State’s policies on international integration, legal and judicial reform, building a rule-of-law state, and ensuring human rights. The political orientation stresses that legal drafting process should comply with the international law and help reform the state apparatus, as well as promote judicial cooperation.

Secondly, the Law will be built on the basis of selectively inheriting the advantages of the current law (in civil matters) and its guiding documents. Besides, the Law will add new contents in accordance with the international standards, which meet the requirements of development and international integration in civil matters.

Thirdly, the Law should overcome the current shortcomings that stem from legal regulations and the practices of implementing the regulations. One of the solutions is to simplify the process of handling the incoming and outgoing requests to meet the requirement of streamlining the state apparatus in accordance with the Party’s orientation in Resolution No. 18/NQ-TW dated 25/10/2007 of the Vietnam Central Committee. In addition, the Law should enable modern procedures on handling of requests towards the more effective application of information technology in building the e-government in Resolution No. 36a/NQ-CP dated 14 October 2015.

Lastly, there is a need for consultation with a diverse pool of experts in the process of drafting the Law to ensure its quality and feasibility.

In 2019, the EU Justice and Legal Empowerment Program (EU JULE) supported the Department of International Law - Ministry of Justice (MOJ.DIL) to conduct a report on practical implementation of the current Law on Mutual Legal Assistance (MLA) in the civil matters in ensuring the rights women and children (the 2019 Report). The 2019 Report provides an assessment on the current legal framework as well as a number of recommendations for the new Law. Since the Law on MLA is of cross-border and international sphere, there is a need to scrutinize the domestic MLA practices from the comparative perspectives and through the lens of international standards. Under the framework of EU JULE Program in 2020, UNDP continues to support MOJ.DIL to conduct a research on international experience in mutual legal assistance in civil matters. This research report, together with the 2019 Report will support MOJ in drafting a modern and feasible LMLA in civil matters, which will better protect the rights of parties in civil, family and marriage cases involving foreign elements.

In this context, UNDP seeks one national consultant and one international consultant to deliver the research report. This document set out specific terms of reference for the international consultant.

2. Objectives

Overall objective:

- To assist MOJ in improving the current draft Law on Mutual Legal Assistance in Civil Matters in compliance with international standards, especially on the protection of the rights of vulnerable groups such as women and children.

Specific objective:

- To provide international experience and best practices in regulating and handling mutual legal assistance in civil matters that can be applied for Viet Nam.

3. Scope of work

International Consultant (17 days)

No	Tasks	Day allocation
1.	Develop outline of the report and list of selected countries together with the national consultant	3
2.	Draft a brief on international experiences and best practices of selected countries on mutual legal assistance in civil matters, with special focus on countries of the civil law system that receive a high volume of requests from and to Viet Nam (can choose from the following list: Taiwan, China, Korea, Japan) and few examples from countries of the common law system, and countries which have separate law in MLA in civil matters, including at least 1 country in the ASEAN region. The report must demonstrate the scope, content and the exact name of the law. For the countries which do not have separate law, the report must show which law/regulation regulates this area, scope, content and name of the regulation. The report should show the advantage and disadvantage of having separate law and having no separate law.	10
3.	Prepare and deliver presentation on the draft research to seek inputs	2

	from participants at the consultation workshop organized by MOJ DIL (online or in-person - TBC)	
4.	Proofread and edit the English version of the research report	2
Total		17

4. Final product:

- (1) An analysis on international standards on MLA in civil matters that includes a breakdown of good practices from 6 selected countries. The good practices should focus on: i) the substantive drafting of regulations of MLA in civil matters; ii) the practical implementation and enforcement of the regulations; and iii) the internalization of international treaties; A list of specific recommendations for Viet Nam, their reasoning and feasibility. The selection of countries should take into consideration of the legal system (civil law and common law traditions), and/or where there is a high volume of requests from and to Viet Nam, and/or countries in ASEAN region, etc.
- (2) Inputs/advice on the draft outline and report developed by the national consultant; The English final version of the report edited/proofread;

5. Expected qualifications of consultants:

International consultant

- Master's degree in law;
- 10 years of experience in the field of private international law required, including on mutual legal assistance in civil matters;
- Experience in conducting comparative legal research, preferably in the field of civil, marriage and family law;
- Excellent legal research and drafting skills with proven track record on publications; one written sample in English to be submitted, preferably on the similar topic of the assignment;
- Having experience working with technical assistance projects in the field of law, preferably in South-East Asia, is an asset;
- Excellent writing skills in English language.

6. Provision of monitoring and progress controls

Monitoring and Progress Control will be followed up by the timeline below:

Outputs	Tasks	Timeline
1.	Develop an outline of the report	November 2020
2.	Draft the analysis, share with national consultant	December 2020
3.	Attend and deliver a presentation at the consultation workshop	February/March 2021
4.	Finalize the report	February/March 2021

7. Duration of assignment, duty station and expected places of travel

The duty station for this assignment shall be home based with one-time travel to Viet Nam (TBC) for a half day consultation workshop. The Service Provider is expected to provide services specified in this TOR from October 2020 to March 2021.

8. Reviewed time required and payment terms

- 1st installment: 20% of the contract value (will be paid after UNDP receives and verifies output 1);
- 2nd installment: 50% of the total contract value will be paid after UNDP receives and verifies outputs 2;
- Final installment: 30% of the total contract value will be paid after UNDP receives and verifies all remaining deliverables.

9. Consultant presence required on duty UNDP premises

☒ NONE ☐ PARTIAL ☐ INTERMITTENT ☐ FULL-TIME

10. Documents to be submitted for evaluation

- CV;
- A one-page cover letter in English;
- One written sample in English to be submitted; Preferably on similar topic of the assignment;

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).