



16 November 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 for corruption risk assessment in the road transport sector in Viet Nam
Period of assignment/services (if applicable):	November 2020 – April 2021
Duty Station:	Vietnam
Tender reference:	T201102

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

23.59 hrs., 23 November 2020 (Hanoi time)

With subject line:

T201102 – 01 National Consultant for corruption risk assessment in the road transport sector in Viet Nam

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
- 02 sample writing reports (01 in Vietnamese and 01 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:

Consultant(s)' experiences/qualification related to the services		
1.1	<ul style="list-style-type: none">• Master's degree in law or related field;	150
1.2	<ul style="list-style-type: none">• A minimum of 10 years' working experience in the field of provision of legal advisory services for business, internal control in business or anti-corruption;	150
1.3	<ul style="list-style-type: none">• Knowledge on road transport sector is an asset;	100
1.4	<ul style="list-style-type: none">• Proven track record in doing research, conducting survey, data collection and analysis;	100
1.5	<ul style="list-style-type: none">• Working experience with Vietnamese government officials and businesses;	100
1.6	<ul style="list-style-type: none">• Working experience with ISSI and UNDP is an asset;	100
1.7	<ul style="list-style-type: none">• Experience in doing research and survey in the field of anti-corruption is an asset;	100
1.8	<ul style="list-style-type: none">• Excellent spoken, report writing and presentation skills in Vietnamese, one sample writing report to be submitted;	100
1.9	<ul style="list-style-type: none">• Excellent spoken, report writing and presentation skills in English, one sample writing report in English to be submitted	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

TITLE: Corruption risk assessment in the road transport sector in Viet Nam

NATIONAL OR INTERNATIONAL: 1 National consultant (52 days)

DUTY STATION: Home based with travel to Hanoi for 2 one-day consultation workshops

DURATION OF ASSIGNMENT: November 2020 – April 2021

COUNTRY OF ASSIGNMENT: Viet Nam

1) GENERAL BACKGROUND

In the context of the international economic integration, Viet Nam has taken many measures to promote a fair business environment. Businesses have provided important contributions to socio-economic development in Viet Nam. However, there are still existing many obstacles to doing business in Viet Nam. One of these is corruption, because it increases the cost of doing business, distorts the competitive environment, limits opportunities for investment and widens the growing social inequalities. According to findings from the time-series Viet Nam Provincial Competitiveness Index (PCI) by the Vietnam Chamber of Commerce and Industry, in recent years, more than half of the companies surveyed reported paying “informal charges”. This number for 2019 is 53.6%, which is lower than previous years, but still quite high. There is a growing pressure on Viet Nam to take measures to address this situation as foreign countries are enhancing enforcement of anti-bribery legislation, resulting in rigorous implementation of corporate compliance programs in emerging markets, including Viet Nam.

Transport is an important sector in Viet Nam’s economic development and thus it attracts both domestic and international investors. However, this is also an area with a high risk of corruption. According to a study conducted by the World Bank and the Government Inspectorate in 2012, the transport sector ranked 5th out of 22 sectors in terms of the prevalence of corruption. Although there are many studies and surveys relating to corruption, there has not been any corruption risk assessment in the transport sector.

In this context, upon the agreement with the Inspectorate Strategy and Science Institute (ISSI) of the Government Inspectorate of Viet Nam, UNDP Viet Nam is looking forward to hiring one national consultant to conduct a corruption risk assessment in road transport sector in Viet Nam. This activity is under the framework of the UNDP Project on “Promoting a Fair Business Environment in ASEAN” funded by the UK Prosperity Fund under the ASEAN Economic Reform Programme.

2) OBJECTIVES OF THE ASSIGNMENT

The objectives of the assignment are: (i) to analyze and diagnose corruption risks in road transport sector of Viet Nam; (ii) to propose policy solutions, recommendations on how to improve the legal system and measures to promote integrity in road transport sector.

The study report will be shared by the ISSI with relevant stakeholders for consideration in policy and law-making process.

3) SCOPE OF WORK

The consultant will be responsible for producing a high-quality report assessing the practices and risk of corruption in road transport sector and measures for promoting integrity and mitigating corruption risks with policy recommendations.

The corruption risk assessment study will apply the following methods of data collection and analysis:

1. Desk Study:

- Review of road transport sector related national anti-corruption policies and strategies
- Study and analyze laws and regulations, as well as study reports related to corruption risks in the road transport sector

2. Questionnaires to send the relevant stakeholders

3. In depth interviews with the relevant stakeholders

The details of the tasks of the consultant are as follows:

Develop workplan and report outline (3 days):

- Develop a detailed workplan and send to UNDP and ISSI for approval (1 day);
- Study reference materials to develop an outline of the report and send to UNDP and ISSI to get comments; revise the outline accordingly (2 days)

Desk study (7 days):

- Review of road transport sector related national anti-corruption policies and strategies (2 days);
- Study and analyze laws and regulations, as well as study reports related to corruption risks in the road transport sector to assess existing legal framework relating anti-

corruption in road transport sector, its implementation practice to identify gaps and provide recommendations for improvement (5 days)

Survey (26 days)

- Discuss with UNDP and ISSI to determine criteria and based on these criteria to select 7 cities/provinces and select areas at high risk of corruption in road transport sector to conduct the survey (2 days);
- Develop questionnaires for relevant stakeholders, such as, National Assembly deputies, government officials, companies' different level staffs, development partners, NGOs members (3 days); share the questionnaires with UNDP and ISSI to get comments and revise accordingly (2 days);
- Liaison with ISSI and UNDP to identify at least 350 people, including people working in the government agencies and companies to send the questionnaires and follow up to collect the results (10 days);
- Develop interview questions for people working in state agencies and companies, which are operating in the areas at high risk of corruption, share with UNDP and ISSI to get comments and revise the interview questions accordingly (3 days);
- Liaison with ISSI and UNDP to identify at least 20 people, who are working in the government agencies and companies, which are operating in the areas at high risk of corruption in road transport sector, and conduct telephone interviews with these people to identify corruption risk (4 days);
- Analyze the data collected, summarize results of the questionnaires and interviews (2 day)

Develop study report (16 days)

- Draft the study report (5 days);
- Share the initial findings of the study at a one-day workshop to get comments and ideas to conduct further study (1 day);
- Translate the draft into English (3 days);
- Share the draft report with UNDP, ISSI to get inputs and revise the report accordingly (2 days);
- Prepare power point presentation of the report and deliver presentation at a one-day consultation workshop organized by UNDP and ISSI in Hanoi to get comments from workshops' participants (2 days);
- Finalize and submit the final report both in English and Vietnamese to UNDP and ISSI for approval (3 days)

4) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

The assignment will be carried out from November 2020 to April 2021.

Duty station: home-based with travel to Hanoi to attend 2 one-day workshops.

5) FINAL PRODUCTS

A study report in Vietnamese and in English (45 – 50 pages) and an executive summary with the maximum of 1000 words. The report should be focused, but not limited on:

- Identification of risks and types of corruption in road transport sector
- Provision of overall picture of the situation and practices of corruption in this sector
- Analysis of the existing legal framework relating to anti-corruption in road transport sector, its implementation practice and identification of gaps and provision of recommendations for improvement
- Assessment of the impact of corruption to state agencies, businesses in some specific areas at high risk of corruption in road transport sector
- Provision of policy solutions and measures for promoting business integrity and mitigating corruption risk in road transport sector

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The consultant will work under monitoring of the Programme Officer in charge in the UNDP as well as of the ISSI.

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

#	Activities	Deliverables	Timeline/Deadline
1.	Develop work plan and outline of the report	Workplan and outline of the report approved by UNDP and ISSI	November 2020
2.	Desk study of existing policies, strategies, laws, regulations and study reports	An analysis of legal framework and its implementation	December 2020
3.	Develop questionnaires and interview questions	Questionnaires and interview questions approved by ISSI and UNDP	December 2020
4	Prepare and deliver presentation at a consultation workshop	Presentation	December 2020
5.	Identify stakeholders for sending questionnaires and interviews	20 people identified for interviews and 350 people identified for sending questionnaires	January 2021
6.	Send questionnaires and conduct interviews	Data collected and analyzed	January 2021
7.	Develop draft study report	Draft report	February 2021
8.	Prepare and deliver presentation at a consultation workshop	Presentation	March 2021
9.	Finalize study report	Report finalized	March 2021
10.	Evaluation certification	Report approved by UNDP and ISSI	April 2021

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

- Master's degree in law or related field;
- A minimum of 10 years' working experience in the field of provision of legal advisory services for business, internal control in business or anti-corruption;
- Knowledge on road transport sector is an asset;
- Proven track record in doing research, conducting survey, data collection and analysis;
- Working experience with government officials and businesses;
- Working experience with ISSI and UNDP is an asset;
- Experience in doing research and survey in the field of anti-corruption is an asset;
- Excellent spoken, report writing and presentation skills in Vietnamese, one sample writing report in Vietnamese to be submitted;
- Excellent spoken, report writing and presentation skills in English, one sample writing report in English to be submitted

8) PAYMENT TERM

- 30% of the contract value will be paid after UNDP receives and approves the above deliverables 1, 2, 3 and 4 described in section 6;
- 40% of the contract value will be paid after UNDP receives and approves the above deliverables 5,6,7 and 8 described in section 6;
- 30% of the contract value will be paid after UNDP receives and approves all remaining deliverables described in section 6 following UNDP rules.

9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☒ NONE
 ☐ PARTIAL
 ☐ INTERMITTENT
 ☐ FULL-TIME

EVALUATION CRITERIA WITH ASSIGNED SCORES

Consultant(s)' experiences/qualification related to the services		
1.1	<ul style="list-style-type: none"> • Master's degree in law or related field; 	150
1.2	<ul style="list-style-type: none"> • A minimum of 10 years' working experience in the field of provision of legal advisory services for business, internal control in business or anti-corruption; 	150
1.3	<ul style="list-style-type: none"> • Knowledge on road transport sector is an asset; 	100
1.4	<ul style="list-style-type: none"> • Proven track record in doing research, conducting survey, data collection and analysis; 	100

1.5	<ul style="list-style-type: none"> Working experience with Vietnamese government officials and businesses; 	100
1.6	<ul style="list-style-type: none"> Working experience with ISSI and UNDP is an asset; 	100
1.7	<ul style="list-style-type: none"> Experience in doing research and survey in the field of anti-corruption is an asset; 	100
1.8	<ul style="list-style-type: none"> Excellent spoken, report writing and presentation skills in Vietnamese, one sample writing report to be submitted; 	100
1.9	<ul style="list-style-type: none"> Excellent spoken, report writing and presentation skills in English, one sample writing report in English to be submitted 	100
Total		1000

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).