INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country: Viet Nam

Description of the assignment: 01 International Consultant to conduct a rapid research on the United Nations Convention on International Settlement Agreements resulting from Mediation

Period of assignment/services (if applicable): March 2021 – May 2021

Duty Station: Vietnam

Tender reference: T210302

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

23.59 hrs., 24 March 2021 (Hanoi time)

With subject line:

T210302 – 01 International Consultant to conduct a rapid research on the United Nations Convention on International Settlement Agreements resulting from Mediation

Submission received after that date or submission not in conformity with the requirements specified 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 and other related certificates (if any)
- Signed Letter to UNDP Confirming Interest and Availability
- 01 writing sample report 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:

**International Consultant**

<table>
<thead>
<tr>
<th>Consultant(s)’ experiences/qualification related to the services</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1</strong></td>
<td>Master’s degree in law or related field; 200</td>
</tr>
<tr>
<td><strong>1.2</strong></td>
<td>Proven track record of conducting research; 200</td>
</tr>
<tr>
<td><strong>1.3</strong></td>
<td>Expertise and working experience in international commerce law and international commercial dispute settlement; 200</td>
</tr>
<tr>
<td><strong>1.4</strong></td>
<td>Having in-depth knowledge about international treaties on commerce and international commercial dispute settlement, especially the Singapore Convention; 150</td>
</tr>
<tr>
<td><strong>1.5</strong></td>
<td>Having knowledge of Vietnamese law as well as practice in Viet Nam relating international commerce and international commercial dispute settlement is an advantage; 100</td>
</tr>
<tr>
<td><strong>1.6</strong></td>
<td>Excellent writing skills in English language (one writing sample provided) and communication skills in English are essential. 150</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1000</strong></td>
</tr>
</tbody>
</table>

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. Sf = 1000 x Fm / F, in which Sf is the financial score, Fm 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](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.**
TITLE: Support the Ministry of Justice to conduct a rapid research on the United Nations Convention on International Settlement Agreements resulting from Mediation

NATIONAL OR INTERNATIONAL: 1 international consultant with 7 working days

DUTY STATION: Home based

DURATION OF ASSIGNMENT: March – May 2021

COUNTRY OF ASSIGNMENT: Viet Nam

1) GENERAL BACKGROUND

Adopted in December 2018, United Nations Convention on International Settlement Agreements Resulting from Mediation (the “Singapore Convention” or “the Convention”) standardizes the cross-border enforcement of international settlement agreements resulting from mediation. Singapore Convention ensures the effect of international settlement by mediation.

The Convention is an instrument for the facilitation of international trade and the promotion of mediation as an alternative and effective method of resolving trade disputes. Being a binding international instrument, it is expected to bring certainty and stability to the international framework on mediation, thereby contributing to the Sustainable Development Goals (SDG), mainly the SDG 16.

Recognizing the benefits of the Convention, the Prime Minister assigned the Ministry of Justice (the MOJ) to coordinate with other ministries to study and assess the possibility of Viet Nam to accede to the Convention.

In this context, upon the request from the Ministry of Justice, UNDP is supporting the Ministry to conduct a research on the Convention that includes a review of the Vietnamese legal framework in comparing with the Convention’s requirements to see the possibility of Viet Nam to accede to the Convention. This report plays an important role in providing policy recommendation to the Vietnamese Government regarding this matter. The initial draft of the study report will be completed in mid of March 2021.
2) OBJECTIVES OF THE ASSIGNMENT

In the scope of the UNDP’s Project on “Promoting a Fair Business Environment in ASEAN” funded by the UK Prosperity Fund, UNDP seeks to commission 1 international consultant to support the Ministry of Justice in conducting a research on the Singapore Convention to assess the possibility of Viet Nam to accede the Convention.

3) SCOPE OF WORK

The tasks of the selected international consultant are as follows:

- Review the draft report prepared by the Ministry of Justice of Viet Nam and collect international best practices of at least 2 countries, which have joined the Convention. The best practices should be linked to the legal framework and process for joining the Convention (3 days).
- Prepare a presentation that includes international best practices and lessons for Viet Nam, as well as comments to the draft report (1 day)
- Attend and deliver presentation virtually at a workshop organized in Viet Nam by the Ministry of Justice in April 2021 and join the Q&A session of the workshop (1 day)
- Edit English report which is finalized by the Ministry of Justice of Viet Nam for publishing (2 days)

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

The assignment will be carried out within March – May 2021

Duty station: home-based

5) FINAL PRODUCTS***

- A study report in English (10 pages) includes:
  - A summary of the analysis on international best practices of at least 2 countries, which have joined the Convention and lessons learned for Viet Nam;
  - Comments to the draft report prepared by the Ministry of Justice of Viet Nam;

- Workshop’s presentation slides for about 1 hour on international best practices and lessons for Viet Nam, as well as comments to the draft report.

- Final English report edited for publishing.

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The consultant will work under monitoring of the Programme Officer in charge in the UNDP Governance and Participation Team.
Monitoring and Progress Control will be followed up by the timeline below:

<table>
<thead>
<tr>
<th>#</th>
<th>Activities</th>
<th>Deliverables</th>
<th>Timeline/DL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Review the draft report prepared by the Ministry of Justice of Viet Nam and collect international best practices of at least 2 countries, which have joined the Convention</td>
<td>A summary report</td>
<td>20 March 2021</td>
</tr>
<tr>
<td>2.</td>
<td>Prepare a presentation that includes international best practices and lessons for Viet Nam, as well as comments to the draft report</td>
<td>Presentation slides</td>
<td>25 March 2021</td>
</tr>
<tr>
<td>3.</td>
<td>Attend and deliver presentation virtually at a workshop organized in Viet Nam by the Ministry of Justice in April 2021 and join the Q&amp;A session of the workshop</td>
<td>Presentation delivered</td>
<td>10 April 2021</td>
</tr>
<tr>
<td>4.</td>
<td>Edit final English report finalized by the Ministry of Justice of Viet Nam for publishing</td>
<td>English report edited</td>
<td>30 April 2021</td>
</tr>
<tr>
<td>5.</td>
<td>Evaluation certification</td>
<td>All deliverables approved by UNDP</td>
<td>May 2021</td>
</tr>
</tbody>
</table>

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

- Master’s degree in law or related field;
- Proven track record of conducting research;
- Expertise and working experience in international commerce law and international commercial dispute settlement;
- Having in-depth knowledge about international treaties on commerce and international commercial dispute settlement, especially the Singapore Convention;
- Having knowledge of Vietnamese law as well as practice in Viet Nam relating international commerce and international commercial dispute settlement is an advantage;
- Excellent writing skills in English language (one writing sample provided) and communication skills in English are essential.
8) PAYMENT TERM

- 50% of the contract value will be paid after UNDP receives and approves the deliverables 1, 2 and 3 that are described in section 6 of this TOR;
- 50% of the contract value will be paid after UNDP receives and approves all remaining deliverables following UNDP rules.

9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☒ NONE ☐ PARTIAL ☐ INTERMITTENT ☐ FULL-TIME

EVALUATION CRITERIA WITH ASSIGNED SCORES

*International consultant:*

<table>
<thead>
<tr>
<th>Consultant(s)’ experiences/qualification related to the services</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Master’s degree in law or related field;</td>
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<td>200</td>
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<tr>
<td>1.4 Having in-depth knowledge about international treaties on commerce and international commercial dispute settlement, especially the Singapore Convention;</td>
<td>150</td>
</tr>
<tr>
<td>1.5 Having knowledge of Vietnamese law as well as practice in Viet Nam relating international commerce and international commercial dispute settlement is an advantage;</td>
<td>100</td>
</tr>
<tr>
<td>1.6 Excellent writing skills in English language (one writing sample provided) and communication skills in English are essential.</td>
<td>150</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Contract Type</th>
<th>UNDP Business Unit / Name of Institution/Company</th>
<th>Contract Duration</th>
<th>Contract Amount</th>
</tr>
</thead>
</table>

☐ I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Contract Type</th>
<th>Name of Institution/Company</th>
<th>Contract Duration</th>
<th>Contract Amount</th>
</tr>
</thead>
</table>

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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
<th>Name of International Organization</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Full Address</th>
<th>Business or Occupation</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

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).

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Consultancy fee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Out of pocket expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Travel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Per diem</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>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). *</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Others (pls. specify)…….</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>VAT** if applicable (in case your company signs the contract)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>** 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.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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.

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).