



20 April 2021

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	02 National Consultants to review international organizations' publications on achievements, difficulties and limitations of legal policies and databases in the implementation the Convention of Elimination of Racial Discrimination in Viet Nam (CERD) and development of Viet Nam's CERD
Period of assignment/services (if applicable):	May 2021 – June 2021
Duty Station:	Vietnam
Tender reference:	T210405

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

23.59 hrs., 04 May 2021 (Hanoi time)

With subject line:

T210405A – A National Team leader to review international organizations' publications on achievements, difficulties and limitations of legal policies and databases in the implementation the Convention of Elimination of Racial Discrimination in Viet Nam (CERD) and development of Viet Nam's CERD

T210405B – A National Team member to review international organizations' publications on achievements, difficulties and limitations of legal policies and databases in the implementation the Convention of Elimination of Racial Discrimination in Viet Nam (CERD) and development of Viet Nam's CERD

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 English report/paper 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:

01 National Consultant – A Team leader

Evaluation criteria for National team leader (1)		
	Criteria	Maximum Point
1	Advanced university degree in law,	200
2	A minimum of 10 years of work experience in the field of law and/or human rights, especially in civil and political rights; Knowledge and experience working on International Treaties/Agreements/Conventions is an advantage; Experience working on human rights indicators would be an asset;	300
3	Excellent technical advice writing skills; Proven track record of conducting research and analysis;	200
4	Excellent Vietnamese and English language skills (evidenced by one English report/paper);	150
5	Experience working with government officials and NGOs in similar assignment(s) and/or legal topics is preferable.	150
	TOTAL	1000

01 National Consultant – A Team member

Evaluation criteria for the national team members (2)		
	Criteria	Maximum Point
1	University degree in law, economic development or related field;	200
2	A minimum of 8 years of work experience in the field of law, especially in civil and political rights at national and international level; Experience working on human rights indicators would be an asset;	300
3	Good technical advice writing skills; Proven track record of conducting research and analysis;	200
4	Good Vietnamese and English language skills (evidenced by one English report/paper);	200
5	Experience working with government officials in similar assignment(s) and/or legal topics is preferable	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.

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: Two (2) national consultants to review international organizations' publications on achievements, difficulties and limitations of legal policies and databases in the implementation the Convention of Elimination of Racial Discrimination in Viet Nam (CERD) and development of Viet Nam's CERD.

Duration: April - June 2021

Duty Station Ha Noi.

I. GENERAL BACKGROUND

The United Nations International Convention on the Elimination of All Forms of Racial Discrimination (CERD) builds upon the 1963 Declaration on the Elimination of All Forms of Racial Discrimination.

Pursuant to Article 19 of the Convention, Viet Nam acceded on June 9th, 1981. Up to now, Vietnam had presented and dialogued four National Reports on the implementation of the International Convention on the Elimination of All Forms of Ethnic Discrimination in 1983, 1993, 2000, 2012. Committee for Ethnic Affairs (CEA) is the agency assigned by the Government of Vietnam to monitor and develop the periodic CERD report.

On April 18th, 2020 the Government of Viet Nam officially approved the draft of the 5th National report on the implementation of CERD for the period 2013-2019. The Report submitted by Viet Nam on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was prepared in accordance with Article 9 of the Convention. The report comprises of the implementation of the articles of the CERD from 2013 to 2019, with a focus on the concluding observations provided by the Committee on the Convention after reviewing the 2012 Report. For many years, Viet Nam has been playing an active role in bilateral cooperation activities and at multilateral forums on human rights, making a substantive contribution to fostering the joint efforts of the international community in the field of human rights through dialogues and better mutual understanding. Viet Nam's fifth country report on the implementation of CERD is a synthesis of interventions on legislative, administrative, judicial, or other measures and their results over the period from 2013 to 2019 to protect human rights and against all forms of racial discrimination, focusing on ethnic minorities and foreigners in Viet Nam in the period. The report is built on the data from line ministries

published by the Government of Viet Nam.

In this context, Committee for Ethnic Affairs (CEMA) respectfully proposes UNDP to support the Committee in *“Reviewing international organizations’ publications on achievements, difficulties and limitations of legal policies and databases in the implementation the Convention of Elimination of Racial Discrimination in Viet Nam (CERD) and development of Viet Nam’s CERD”*.

The terms of reference (TOR) describes consultancy services to be delivered by a team of **two national consultants** to “Review international organizations’ publications on achievements, difficulties and limitations of legal policies and databases in the implementation the Convention of Elimination of Racial Discrimination in Viet Nam (CERD), built on that to develop Viet Nam’s CERD which will be presented by the GOV at the UN HR Committee in the last Session in 2021 or the first Session in 2022 upon the UN HR Committee’s schedule.

II. OBJECTIVES

1. Overall objective:

Collecting, synthesizing, and analyzing data and information related to achievements, difficulties, and limitations on the directions, policies, laws of Viet Nam in implementing the International Convention on the Elimination of All Forms of Racial Discrimination published by international organizations and non-governmental organizations operating in Viet Nam from 2013 to 2019 and 2020-2021, based on that to develop the Viet Nam report on CERD.

2. Key deliverables:

- 2.1. Inception report that outlines the methodologies and detailed work plan for the assignment as well as clear division of labor across the consultant team;
- 2.2. Literature review surveys publications (reports, articles, studies...) of the international organizations and non-governmental organizations;
- 2.3. Report on the achievements, difficulties, and limitations on the directions, policies and laws of Viet Nam in implementing international convention on the Elimination of all Forms of Racial Discrimination from 2013 to 2019 and 2020-2021, including a summary and recommendations report to assist directly in the future dialogue at the Committee on the Elimination of Racial Discrimination in Geneva;

Note: all the reports are required to be bilingual in English and Vietnamese.

III. TASKS

1) Desk review

- a) To review the published of the international organizations and non-governmental organizations in Viet Nam, including contents in all areas related to human rights and elimination of all forms of racial discrimination (*inputs for deliverable 2.1 and 2.2*).
- b) To identify main focus areas in Article (health, education, law, economics, culture, information,...) in the synthesis of solutions and achievements of the Government of Viet Nam in implementing the Convention; focus on the breakthroughs, improvements, and transformations after absorbing the recommendations on the concluding observations provided by the Committee on the Convention after reviewing the 2012 Report (*inputs for deliverable 2.1, 2.2*).
- c) To synthesize, analyses, verify data/information, documents published by international organizations and non-governmental organizations (*inputs for deliverable 2.2. and 2.3*).
- d) To provide recommendations and evidence against untrue claims about the implementation of the Convention in Viet Nam (*inputs for deliverable 2.2. and 2.3*).

2) Analysis and writing up

- a) Writing up the main report (the outline was discussed and agreed upon at the debriefing with CEMA and UNDP) (*inputs for deliverable 2.3*).
- b) To participate, present and facilitate inclusive consultation and discussions at workshops and technical meetings organized by CEMA and UNDP to improve and finalize the draft report (*inputs for deliverable 2.3*).
- c) Upon the completion of the first draft of the main report on VCERD, writing up a summary and recommendations report on VCERD (*inputs for deliverable 2.3*).

IV. COMPOSITION, TASKS AND WORKING DAYS OF THE CONSULTANT TEAM

The consultant team consists of two national consultants as below:

- 1) 01 national team leader (25 working days)**, responsible for coordination and completion of all tasks of this assessment; being the focal point to ensure smooth communication between CEA and UNDP and other relevant development partners and INGOs; (i) design the inception report that outlines the methodologies and detailed work plan for the assignment as well as clear division of labor across the consultant team (*Deliverable 2.1 and 2.2*); (ii) writing the report on Report on the achievements, difficulties, and limitations on the directions, policies and laws of Viet Nam in implementing international convention on the Elimination of all Forms of Racial Discrimination from 2015 to 2021, and the Summary and Recommendations Report (*Deliverable 2.3*)
- 2) 01 national team member (25 working days)**, responsible for (i) Literature review surveys publications (reports, articles, studies...) of the international organizations

and non-governmental organizations under the guidance from the team leader (*Deliverable 2.2*); (ii) To identify main focus areas (health, education, law, economics...) in the synthesis of solutions and achievements of the Government of Viet Nam in implementing the Convention (*Deliverable 2.2*); (iii) synthesize, analyses, verify data, information, documents published by international organizations and non-governmental organizations (*Deliverable 2.3*)

V. EXPECTED QUALIFICATION OF THE CONSULTANT TEAM

1. Team leader

- Master degree in law, governance or related fields,
- A minimum of 10 years of work experience in the field of law and/or human rights, especially in civil and political rights; Knowledge and experience working on International Treaties/Agreements/Conventions is an advantage; Experience working on human rights indicators would be an asset; Excellent technical advice writing skills; Proven track record of conducting research and analysis;
- Excellent Vietnamese and English language skills;
- Experience working with government officials and NGOs in similar assignment(s) and/or legal topics is preferable.

2. Team member

- University degree in law, economic development or related field;
- A minimum of 8 years of work experience in the field of law, especially in civil and political rights at national and international level; Experience working on human rights indicators would be an asset;
- Good technical advice writing skills; Proven track record of conducting research and analysis;
- Good Vietnamese and English language skills;
- Experience working with government officials in similar assignment(s) and/or legal topics is preferable.

VI. MONITORING AND QUALITY ASSURANCE

- Monitoring, progress and quality controlling of consultants will be in accordance with the objective, deliverables and tasks in Section II and III, in charged by UNDP Program Officer in coordination with the focal point of CEA. The consultant team shall report difficulties to UNDP (if any) during the consultation process for timely handling.

VII. SUPPORT FROM UNDP

- UNDP has no responsibility to provide facilities, equipment and materials to the consultants. However, in case of necessity, UNDP and CEA may assist in organizing consultation meetings with government agencies and international organizations to collect information and necessary document.
- Reference documents related to the on-going technical assistance of UNDP (and some other partners).
- Sharing relevant documents on UNDP interventions both at the national and sub-national level on the issues related to this assignment.

VIII. PAYMENT TERMS

- First payment of 20% of the total contract value upon the submission and acceptance of the detailed action-plan accepted by CEA and UNDP (Deliverable 2.1).
- Second payment of 45% of the total contact value upon the submission and acceptance of the Literature review accepted by CEA and UNDP (Deliverable 2.2).
- Last payment of 35% of the total contract value upon submission and acceptance of all deliverables including the final report accepted by CEA and UNDP (Deliverable 2.3).

IX. SELECTION CRITERIA OF THE CONSULTANTS

EVALUATION CRITERIA WITH ASSIGNED SCORES

Evaluation criteria for National team leader (1)		
	Criteria	Maximum Point
1	Advanced university degree in law,	200
2	A minimum of 10 years of work experience in the field of law and/or human rights, especially in civil and political rights; Knowledge and experience working on International Treaties/Agreements/Conventions is an advantage; Experience working on human rights indicators would be an asset;	300
3	Excellent technical advice writing skills; Proven track record of conducting research and analysis;	200
4	Excellent Vietnamese and English language skills (evidenced by one English report/paper);	150
5	Experience working with government officials and NGOs in similar assignment(s) and/or legal topics is preferable.	150
	TOTAL	1000

Evaluation criteria for the national team members (2)		
	Criteria	Maximum Point
1	University degree in law, economic development or related field;	200
2	A minimum of 8 years of work experience in the field of law, especially in civil and political rights at national and international level; Experience working on human rights indicators would be an asset;	300
3	Good technical advice writing skills; Proven track record of conducting research and analysis;	200
4	Good Vietnamese and English language skills (evidenced by one English report/paper);	200
5	Experience working with government officials in similar assignment(s) and/or legal topics is preferable	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).