



17 June 2021

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 to develop a strategic policy paper on rule of law and access to justice in Viet Nam
Period of assignment/services (if applicable):	July 2021 – August 2021
Duty Station:	Vietnam
Tender reference:	T210604

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

23.59 hrs., 23 June 2021 (Hanoi time)

With subject line:

T210604 – A National Consultant to develop a strategic policy paper on rule of law and access to justice 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 and other related certificates (if any)
- Signed Letter to UNDP Confirming Interest and Availability
- Two sample written reports on related legal issues 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:

A National Consultant

Consultant(s)' experiences/qualification related to the services		
1	Advanced university degree in law.	100
2	10 years working experience in the area law	150
3	Having knowledge and working experience related to survey on legal areas. Proven track record of conducting research and data analysis	200
4	Excellent report writing skill and editing legal documents; Two sample written reports on related legal issues in English to be submitted	100
5	Have good knowledge of policy making process and strategy development, and relevant activities related to rule of law and access to justice	150
6	Working experience with government officials on legal sector is an asset	150
7	Having experience undertaking similar assignments for UNDP is an advantage	150
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

Service	Technical support to develop a strategic policy paper on rule of law and access to justice
Duty station:	Hanoi
Contractor:	One national consultant
Expected Duration	July-August 2021
Supervision	The service provider will work closely with the Program Officer in charge in the UNDP Governance and Participation Unit

1) GENERAL BACKGROUND

- Together with comprehensive economic reform since the renovation in 1986, Vietnam has also implemented substantial legal and judicial reforms. As part of its efforts to build a rule-of-law state, the country issued a new constitution in 1992, providing for fundamental rights and obligations of citizens and the institutions necessary for people to seek protection of their rights. Following the Party's Resolution No. 48 and No. 49 on legal and judicial reforms respectively in 2005, a number of basic laws and codes are revised and effectively enforced in line with international standards and commitments. Meanwhile, organization and operation of judicial agencies are improved with clear legal provisions on their functions and authorities. Review of 15 years of implementation of these two resolutions and the recently issued Resolution of the 13th Party Congress confirm importance of further reform of the legal and judicial systems towards a transparent and powerful rule of law state. This is even more crucial in the context of Industrial Revolution 4.0 and economic recovery post Covid 19 pandemic.

- The UN is currently drafting the Country Programme Document (CPD) for the Socialist Republic of Vietnam for 2022-2026. The CPD has been designed based on wide ranging consultations and derives from and contributes to the Goals of the 2022-2026 United Nations Sustainable Development Cooperation Framework for Viet Nam. Further it is directly aligned to Viet Nam's 10-year Socio-Economic Development Strategy (2021-30), the Socio-Economic Development Plan (2021-2025) and the UNDP strategic framework (2022-2026). The Cooperation Framework focuses on (a) inclusive social development (b) climate change resilience and sustainability, (c) shared prosperity and (d) governance and participation.

- Based on its wide range of government and non-government partnerships, UNDP will provide integrated solutions and mobilize inter-organizational cooperation to address complex challenges articulated in the Cooperation Framework. As part of the offer of NextGen UNDP, the country programme will apply the principles of Anticipatory, Agile and

Adaptive governance to support the UN country team and the Government in navigating and identifying landscapes of change and developing capacities in systems thinking. Experimentation, and active learning to generate and apply innovative solutions for accelerating the development progress will remain instrumental in aiding Viet Nam's aspiration of achieving upper middle- income status by 2035.

- In this context, it is important for UNDP to develop a strategic approach to promote rule of law and access to justice in Vietnam. Such strategy not only informs UNDP of its priorities in working with Vietnamese government but also serves as guidance for continuation and expansion of on-going efforts with development partners over the next 5 years.

2) OBJECTIVES OF THE ASSIGNMENT

The overall objective of the assignment is to provide technical support to develop a strategic policy paper focusing on three key themes including: (i) legal reform, (ii) judicial reform, and (iii) human rights.

Specifically, for each theme, the paper will:

- Provide comprehensive review of relevant policies and legal framework, including but not limited to the Party and Government's directions and strategies, legal normative documents and by-laws, strategies and action plans of legal and judicial stakeholders
- Identify emerging issues, priorities of Vietnamese Government
- recent international trends/standards on rule of law and access to justice
- Make recommendations on:
 - (i) potential areas for UNDP's engagement
 - (ii) possibility of expansion of UNDP's current works including but not limited to e-justice, adversarial procedures, Viet Nam's obligations under UN human rights mechanisms, legal aid, alternative dispute resolutions, the rights of the accused, anti-corruption, judicial and business integrity
 - (iii) how UNDP can act as the pioneer in promoting such trends/standards in Vietnam

3) SCOPE OF WORK

The national consultant will work closely with the Program Officer to undertake the following duties and responsibilities:

- Conduct desk study of relevant policies and legal framework
- Conduct in-depth interviews and discussions with key informants, experts, Vietnamese stakeholders
- Draft the policy paper and/or summary of key findings for sharing at consultation workshop
- Organize a half-day consultation workshop in Hanoi with key stakeholders and finalize the paper. Costs for this workshop to be borne by UNDP

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

The assignment will be carried out from July to August 2021.

Duty station: Home-based for desk research, face-to-face and online meetings for in-depth interviews with key stakeholders

5. FINAL PRODUCTS

Output of the assignment will be in both English and Vietnamese, maximum 20 pages (excluding annexes) including following key contents:

- Analyses of political context, policies on socio-economic development, targets of the national socio-economic development strategy and human development index related to the area of rule of law and access to justice/three key mentioned areas in the next 5 years
- Overall orientation of the development or reform of the legal system and justice system in the next 5 years, Vietnam's priorities in the areas of rule of law and access to justice/ three key mentioned areas
- Key issues for improving the rule of law and access to justice/three key themes
- Proposals/suggestions on the key areas in next 5 years that UNDP should engage, including analyses of current situation on proposed areas; barriers, challenges, factors affecting the implementation/improvement, taking into consideration gender and inclusion approach
- Identifying key partners for each recommended intervention.

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The national consultant will work in close collaboration with the Programme Officer in charge in the UNDP Governance and Participation Team.

#	Activities	Timeline/DL
1.	Submission of the 1 st edited draft report	31 July 2021
2.	Submission of the 2nd edited draft report	15 August 2021
3.	Final edited full report and summary report	31 August 2021

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

- Advanced university degree in law
- 10 years working experience in the area law
- Having knowledge and working experience related to survey on legal areas. Proven track record of conducting research and data analysis
- Excellent report writing skill and editing legal documents; Excellent ability to communicate and write in Vietnamese and English; Two sample written reports on related legal issues in English to be submitted
- Have good knowledge of policy making process and strategy development, and relevant activities related to rule of law and access to justice
- Working experience with government officials on legal sector is an asset
- Demonstrated good understanding of technical terms and terminology used in areas of law

- Having experience undertaking similar assignments for UNDP is preferable

8) REVIEWED TIME REQUIRED AND PAYMENT TERMS

- 50% of the contract value will be paid after UNDP receives and verifies 1st edited draft report
- 50% of the total contract value will be paid after UNDP receives and verifies the final edited reports.

9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

T NONE

* PARTIAL

* INTERMITTENT

* FULL-TIME

EVALUATION CRITERIA WITH ASSIGNED SCORES

Consultant(s)' experiences/qualification related to the services		
1	Advanced university degree in law.	100
2	10 years working experience in the area law	150
3	Having knowledge and working experience related to survey on legal areas. Proven track record of conducting research and data analysis	200
4	Excellent report writing skill and editing legal documents; Two sample written reports on related legal issues in English to be submitted	100
5	Have good knowledge of policy making process and strategy development, and relevant activities related to rule of law and access to justice	150
6	Working experience with government officials on legal sector is an asset	150
7	Having experience undertaking similar assignments for UNDP is an advantage	150
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).