INDIVIDUAL CONSULTANT PROCUREMENT NOTICE



for <u>individual consultants</u> and <u>individual consultants assigned by</u> <u>consulting firms/institutions</u>

Country:	Viet Nam
Description of the assignment:	National Consultant to develop a guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds
Period of assignment/services (if applicable):	28 June 2021 – 31December 2021 (50 days in total)
Duty Station:	Home based
Tender reference:	P210607

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

23.59 hrs., 23 June 2021 (Hanoi time)

With subject line:

P210607 – NC to develop a guideline on asset confiscation

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:

- Detailed CV addressing the experience and work you have done.
- Financial offer
- At least 1 writing sample in English on relevant topic submitted
- b. Financial proposal (with your signature):
- The financial proposal shall specify a total lump sum amount in <u>US dollar for International Consultant</u> 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:

Cons	Consultant's experiences/qualification related to the services					
1.1	Advanced university degree (Master's degree) in law, economics, public policy, or related field	200				
1.2	Minimum of 20 years of professional experience in law-related work in Viet Nam, particularly in criminal justice field is required	200				
1.2	Knowledge of the Vietnamese legal, policy and regulatory framework on confiscation of criminal assets in Viet Nam	200				
1.4	Knowledge of the Vietnamese institutional framework in implementing and enforcing confiscation of criminal assets in Viet Nam	200				
1.5	Demonstrated experience in writing legal reviews, handbooks, guidelines and/or analysis in Vietnamese.in English	200				
	Total	1,000				

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 the new online security awareness training is and submit certificate to UNDP before contract issuance.
- <u>Note</u>: In order to access the courses, please go to the following link: https://training.dss.un.org
 - The training course takes around 3-4 hours to complete.
- Full medical examination and Statement of Fitness to work for consultants from and above 65 years of age and involve travel. (This is not a requirement for RLA contracts).
- Release letter in case the selected consultant is government official.

6. Payment

- 1st payment: 50% after submission of the draft guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds
- 2nd payment: 50% after submission of the final guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds
- 7. Your proposals are received on the basis that you fully understand and accept these terms and conditions.





POST TITLE: National Consultant to develop a guideline on

implementation of national legislation & mutual legal assistance on confiscation and

recovery of criminal proceeds

Organizational Section/Unit: UNODC Country Office in Viet Nam

Duty station: Home based

Duration: 28 June 2021 – 31 December 2021 (50 days in

total

Type of contract: Individual Contract

1) GENERAL BACKGROUND

The UNODC Regional Office for Southeast Asia and the Pacific (ROSEAP) is seeking a suitably qualified contractor to provide technical expertise in the area of criminal justice, especially with regard to development of a guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds.

For transnational organized crimes, especially economic crimes, corruption, human trafficking, drugs, and weapons trafficking, etc., material benefit is in fact the main goal of the offenders. To achieve that goal, perpetrators often use sophisticated tactics to disperse and conceal the origin of proceeds of crime through money laundering activities. These tricks make it difficult for law enforcement agencies to detect criminals as well as to verify, investigate the origin of the assts and recover proceeds of crime.

In order to enhance the effectiveness of the fight against transnational organized crime, the United Nations Convention against Transnational Organized Crime, National Convention (UNTOC) and Forty Recommendations and Nine Recommendations of the Financial Action Task Force on Money Laundering (FATF) require Member States to take necessary measures to ensure the recovery of criminal assets, and to cooperate and provide mutual legal assistance in asset recovery.

Vietnamese laws have provided measures and protocols for confiscating criminal assets through both criminal and civil procedures. However, the total value of proceeds confiscated by civil judgment enforcement agencies still accounts for only 41.27% of the value of proceeds to be confiscated. Proceeds of crime in many cases have been laundered and converted and then have not been able to be confiscated.

One of the reasons for this ineffectiveness is the lack of awareness of law enforcement officers on the role of asset confiscation in crime prevention and control, and not all the necessary measures to confiscate criminal assets have been applied.

It is therefore essential to increase the awareness of law enforcement officers on asset confiscation and to improve knowledge and skills of those involved in asset confiscation, thereby strengthening the capacity of law enforcement officers in asset recovery as well as in the fight against crime in general, transnational organized crime in particular.

As part of UNODC's efforts to develop capacity for law enforcement and other national competent authorities to prevent and respond to emerging transnational organized crime challenges, UNODC plans to support the Vietnamese government in developing a guideline for law enforcement officers on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds.

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This activity aims at strengthening the capacities of law enforcement and national competent authorities to implement national legislation and mutual legal assistance on confiscation and recovery of criminal proceeds.

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2) OBJECTIVE OF THE ASSIGNMENT

Under the overall supervision of the Crime Prevention and Criminal Justice Officer of UNODC ROSEAP, the contractor will be responsible for developing and finalising the "Guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds".

3) SCOPE OF WORK

Under overall guidance and supervision of the Crime Prevention and Criminal Justice Officer of UNODC ROSEAP, the contractor will:

- i) Develop the guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds
- ii) Collecting feedbacks on the draft guidelines from law enforcement and national and experts.
- iii) Attend working group meetings in Ha Noi and join the discussions.
- iv) Review the comments from the working group and reflect them into the revision of the drafts accordingly.
- v) Finalise the guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds.

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

Fifty (50) workdays from 28 June 2021 to 31 December 2021. Home-based assignment.

Note: It is understood that the consultant would not hold UNODC responsible for any unforeseen or untoward incident during the duration of the consultancy. It is recommended that the consultant secure his/her own insurance coverage during the conduct of the consultancy.

5) FINAL PRODUCTS

- 1) The draft guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds
- 2) The final guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The contractor will ensure the quality and timely delivery of all required tasks as provided in the Terms of Reference. All outputs should meet the satisfaction of the Crime Prevention and Criminal Justice Officer according to the following criteria:

- Quality of the documents produced
- Technical competence
- Timeliness of the delivery

Payment shall be made upon the satisfactory submission of the relevant output and approval by UNODC.

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

Education

• An advanced university degree (Master's degree) in law, economics, public policy, or related field

Experience and Skills

- Minimum of 20 years of professional experience in law-related work in Viet Nam, particularly in criminal justice field is required.
- Knowledge of the Vietnamese legal, policy and regulatory framework on confiscation of criminal assets in Viet Nam

- Knowledge of the Vietnamese institutional framework in implementing and enforcing confiscation of criminal assets in Viet Nam
- Demonstrated experience in writing legal reviews, handbooks, guidelines and/or analysis in Vietnamese.in English.

8) REVIEW TIME REQUIRED AND PAYMENT TERM

1st payment: 50% after submission of the draft guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds

2nd payment: 50% after submission of the final guideline on implementation of national legislation & mutual legal assistance on confiscation and recovery of criminal proceeds

9) EVALUATION CRITERIA WITH ASSIGNED SCORES

	Criteria	Maximum Point
1	Advanced university degree (Master's degree) in law, economics, public policy, or related field	200
2	Minimum of 20 years of professional experience in law-related work in Viet Nam, particularly in criminal justice field is required	200
3	Knowledge of the Vietnamese legal, policy and regulatory framework on confiscation of criminal assets in Viet Nam	200
4	Knowledge of the Vietnamese institutional framework in implementing and enforcing confiscation of criminal assets in Viet Nam	200
5	Demonstrated experience in writing legal reviews, handbooks, guidelines and/or analysis in Vietnamese.in English	200
	TOTAL	1000

OFFEROR'S LETTER TO UNDP

CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT

Date _____

Ùn	ited Natio	esident Representative/Bureau Director) ons Development Programme onplete office address)				
De	ar Sir/Ma	dam:				
l h	ereby dec	clare that:				
A)		ead, understood and hereby accept the Terms of Reference describing the duties consibilities of [indicate title of assignment] under the [state project title];				
B)		lso read, understood and hereby accept UNDP's General Conditions of Contract ervices of the Individual Contractors;				
C)	 I hereby propose my services and I confirm my interest in performing the assignmen 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)		propose to complete the services based on the following payment rate: [please 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 surrency], 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)	6) 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)		r shall remain valid for a total period of days [<i>minimum of 90 days</i>] 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	call that appl	lies]:			_
		At the time of this sengagement with a				dual Contract o	or any form of
		I am currently enga	aged with UN	IDP :	and/or other entiti	es for the follo	wing work:
		Assignment	Contract Type		JNDP Business Unit / Name of titution/Compan	Contract y Duration	Contract Amount
		I am also anticipati entities for which I	•		a proposal:	from UNDP a	and/or other
		Assignment	Contract Type	t	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)	A) 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) 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 NC If the answer is "yes", give the following information:						

	Do you have any objections to our making enquiries of your present employer? YES NO						
employ'	Are you now, or have you ever been a permanent civil servant in your government's employ? YES NO If answer is "yes", WHEN?						
	ENCES: List three persons, er and qualifications.	not related to you, w	ho are familiar with your				
	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, Processional Certification, Employment Records /Experience Breakdown of Costs Supporting the Final All-Inclusive Price as per Template							

Relationship

Name

Name of International

Organization

GUIDELINES FOR CV PREPARATION

WE REQUEST THAT YOU USE THE FOLLOWING CHECKLIST WHEN PREPARING

Your CV:

Limit the CV to 3 or 4 pages

NAME (First, Middle Initial, Family Name)

Address:

City, Region/State, Province, Postal Code

Country:

Telephone, Facsimile and other numbers

Internet Address:

Sex, Date of Birth, Nationality, Other Citizenship, Marital Status

Company associated with (if applicable, include company name, contact person and phone number)

SUMMARY OF EXPERTISE

Field(s) of expertise (be as specific as possible)

Particular development competencies-thematic (e.g. Women in Development, NGOs, Privatization, Sustainable Development) or technical (e.g. project design/evaluation) Credentials/education/training, relevant to the expertise

LANGUAGES

Mother Tongue:

Indicate written and verbal proficiency of your English:

SUMMARY OF RELEVANT WORK EXPERIENCE

Provide an overview of work history in reverse chronological order. Provide dates, your function/title, the area of work and the major accomplishments include honorarium/salary. References (name and contact email address) must be provided for each assignment undertaken by the consultant that UNDP may contact.

UN SYSTEM EXPERIENCE

If applicable, provide details of work done for the UN System including WB. Provide names and email address of UN staff who were your main contacts. Include honorarium/salary.

UNIVERSITY DEGREES

List the degree(s) and major area of study. Indicate the date (in reverse chronological order) and the name of the institution where the degree was obtained.

PUBLICATIONS

Provide total number of Publications and list the titles of 5 major publications (if any)

MISCELLANEOUS

Indicate the minimum and maximum time you would be available for consultancies and any other factors, including impediments or restrictions that should be taken into account in connection with your work with this assignment.

Annex V

FINANCIAL OFFER

Having examined the Solicitation Documents, I, the undersigned, offer to provide all the services in the TOR for the sum ofUS\$

This is a lump sum offer covering all associated costs for the required service (fee, meal, accommodation, travel, taxes etc).

Cost breakdown:

No.	Description	Quantity	Unit Rate (US\$)	Total
1	Consultancy fee (daily rate)			
2	Out of pocket expenses			
2.1	Travel			
2.2	Per diem			
2.3	Full medical examination and Statement of Fitness to work for consultants from and above 65 years of age and involve travel – (required before issuing contract). *			
2.5	Others (pls. specify)			
2.6	VAT** if applicable (in case your company signs the contract)			
	TOTAL			

^{*} Individual Consultants/Contractors who are over 62 years of age with assignments that require travel and are required, <u>at their own cost</u>, 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).

^{**} 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.