

25 June 2021



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE
for individual consultants and individual consultants assigned by
consulting firms/institutions

Country:	Viet Nam
Description of the assignment:	National Training Expert for Criminal Law and Adjudication
Period of assignment/services (if applicable):	5 working days from 7/1/2021 to 12/31/2021
Duty Station:	Ha Noi, Vietnam
Tender reference:	P210611

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

23.59 hrs., 01 July 2021 (Hanoi time)

With subject line:

P210611 – National Training Expert for Criminal Law and Adjudication

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

b. Financial proposal (with your signature):

- The financial proposal shall specify a total lump sum amount in **US dollar for International Consultant** including consultancy fees and all associated costs i.e. airfares, travel cost, meal, accommodation, tax, insurance etc. – see format of financial offer in Annex V.
- Please note that the cost of preparing a proposal and of negotiating a contract, including any related travel, is not reimbursable as a direct cost of the assignment.
- If quoted in other currency, prices shall be converted to the above currency at UN Exchange Rate at the submission deadline.

4. Evaluation

The technical component will be evaluated using the following criteria:

Consultant's experiences/qualification related to the services		
1.1	Master or PhD's Degree in law, especially knowledge of the Criminal Laws and Proceeding Law and the wildlife protection laws and regulations	250
1.2	Minimum of 20 years of experience of working in Government dealing with Rule of Law or criminal justice administration, prosecution and/or adjudication.	250
1.2	Experience in making laws especially Criminal Laws and Proceeding Law	250
1.4	Research skills and experiences in training prosecutors and/or judges and/or law enforcement officers	250
	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. $S_f = 1000 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the submission under consideration.

The weight of technical points is 70% and financial points is 30%.

Submission obtaining the highest weighted points (technical points + financial points) will be selected subject to positive reference checks on the consultant's past performance.

Interview with the candidates may be held if deemed necessary.

5. Contract

“Lump-sum” Individual Contract will be applied for freelance consultant (Annex II)

“Lump-sum” RLA will be applied for consultant assigned by firm/institution/organization (Annex III)

Documents required before contract signing:

- International consultant whose work involves travel is required to complete the courses on BSAFE which the new online security awareness training is 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

100% of total consultancy fee will be made in one time after the completion of 3 days training

7. Your proposals are received on the basis that you fully understand and accept these terms and conditions.

TERMS OF REFERENCE

INDIVIDUAL CONSULTANT

Ref#: Enter Ref #

Name of service:	National Training Expert for GLOZ31(Criminal Law and Adjudication)		
Project:	Training for Prosecutors in Central of Vietnam		
Reporting to:	Hoang Kim Thanh – National Program Officer		
Duty Station:	Hanoi	Travel Required:	Click or tap to specify Yes/No.
Duration of Assignment:	05 working days		
Start Date:	7/1/2021	End Date:	12/31/2021

BACKGROUND & PROJECT DESCRIPTION

The UNODC-Global Programme for Combatting Wildlife and Forest Crime aims to address the serious and growing problems of international trade and demand for some key wildlife species in Asia, in particular African elephants, rhinos and pangolins, as well as targeting efforts to reduce the illegal killing of key Asian wildlife species impacted by international trade, such as the Asian elephants, rhinos and tigers. UNODC supports the law enforcement agencies, prosecutors and judges for strengthening capacities for investigating and prosecuting wildlife trade incidents and tackling local markets.

OBJECTIVES

Objectives

Support to strengthen the capacity of prosecutors at the central and provincial levels to deal with the challenges of the criminal wildlife cases on basis of the current Criminal laws and Proceeding Law, Prosecution and Supervision over Investigation of Criminal Wildlife Cases during investigation prosecution, sharing good practices for Investigation of Wildlife Crime etc.

Output

The training program will assist in improving the capacity and the effectiveness of prosecutors especially in provincial level to gain better understanding of the current situation of illegal wildlife trade, wildlife protection laws including Penal Code and Proceeding Code to improve prosecution of criminal wildlife crime, including better use of forensic evidences and better benefit from International Cooperation in Prosecutions and Mutual Legal Assistance.

SCOPE OF WORK

Under the overall guidance and supervision of the UNODC Programme Officer, the tasks of the national trainer will include the following:

- Deliver a maximum 03-day training course, in alternate with four (04) other National trainers and 03 International trainers, and 25 provincial prosecutors from the central of Vietnam;
- Provide PPT presentation on specific topics as follows: **1. Challenges in dealing the criminal wildlife cases 2. Challenges in Adjudication of Wildlife Criminal Cases and Proceeding Law** and provide guidance to practical team work exercises **3. Challenges in Adjudication of Wildlife Criminal Cases** and comments during the course and other required related topics;
- Develop and provide a training impact assessment framework, including the concept of pre- and post-training questionnaires;
- Provide inputs for an end-of-training evaluation report.

DELIVERABLES & IMPLEMENTATION TIMELINE

The Expert will be responsible for the quality and timely submission of his/her specific deliverables including:

No.	Deliverable	Estimated days to complete	Target due date
1	PPT of the above mentioned topics	1	TBC
2	Inputs for Pre/Post - Test	0.5	TBC
3	Inputs for Case Study Scenarios	0.5	TBC
4	Guide for group discussion	2	TBC
5	Provide comments/inputs/assessments during the training sessions.	1	TBC

DURATION OF ASSIGNMENT, DUTY STATION & EXPECTED PLACES OF TRAVEL

Estimated number of working days: 05 working days from 7/1/2021 to 12/31/2021 subject to be confirmed basing on COVID situation and agreement with the counterpart of Supreme People's Procuracy and Hanoi Procuratorate University and UNODC.

Duty station: Ha Noi

Expected places of travel: Training venue within the country and will be informed later subject to COVID 19 situation

Travel cost for field-based activities will be covered by UNODC in line with UN's respective rules and regulations.

PROVISION OF MONITORING & PROGRESS CONTROL

Quality of the training, including the contents and training skills
Technical competence

ADMINISTRATIVE SUPPORT & REFERENCE DOCUMENTS

Administrative Support

UNODC may provide administrative support during his/her performance, where applicable and necessary. UNODC will provide the individual contractor with the relevant technical documents including the UNODC publications and guidelines related to wildlife crime. UNODC will also assist the contractor in contact other trainers

Reference Documents

Insert text here.

DEGREE OF EXPERTISE & QUALIFICATIONS

Qualifications	Advanced university degree (preferably Doctor of Philosophy's degree (PhD) or equivalent) in law is required.
Relevant Professional Experience	<ul style="list-style-type: none">• A minimum of 20 (twenty) years professional technical experience in law and/or the fields of practical prosecutions and/or adjudication is required;• Professional technical experience in the field of prosecution and/or adjudication;• Experiences in law making is a plus• Experiences in training is a plus• Experiences in research is a plus
Other Competencies	<ul style="list-style-type: none">• Experience in working in a team and independent is required; Knowledge of Vietnamese Criminal Laws and Proceeding Law is required and deep knowledge of wildlife protection laws and related regulations is a plus
Language Requirements	Vietnamese

PAYMENT TERMS

100% of total consultancy fee will be made in one time after the completion of 3 days training

CONSULTANT PRESENCE REQUIRED ON DUTY STATION

☒ NONE ☐ PARTIAL ☐ INTERMITTENT ☐ FULL-TIME

Click or tap here to enter text.

EVALUATION CRITERIA

<i>Criteria</i>	<i>Weight</i>	<i>Max. Point</i>
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Master or PhD's Degree in law, especially knowledge of the Criminal Laws and Proceeding Law and the wildlife protection laws and regulations	25	
Minimum of 20 years of experience of working in Government dealing with Rule of Law or criminal justice administration, prosecution and/or adjudication.	25	
Experience in making laws especially Criminal Laws and Proceeding Law	25	
Research skills and experiences in training prosecutors and/or judges and/or law enforcement officers	25	
<u>Total Score</u>	100	

Criteria for Evaluation of Proposal

The applicant receiving the Highest Combined Score and meeting other requirements in the Procurement Notice will be awarded the contract.

Documents for Submission

Applicants will be expected to include the following along with their application:

1. Core Documents

Letter of Confirmation of Interest and Availability using the template provided by UNDP;

Current and complete CV in English;

Financial offer using the standard UNDP template.

2. Additional Documents

Enter any additional documents required for evaluation here, if not already listed above.

Delete this section if it is not applicable.

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 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, **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).