



02 July 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 training for trainers' materials on professional skills in settling state compensation
Period of assignment/services (if applicable):	July 2021 – November 2021
Duty Station:	Vietnam
Tender reference:	T210701

1. Submissions should be sent by **email** to: luu.thi.trang@undp.org no later than:
12.00 hrs., noon, 15 July 2021 (Hanoi time)

With subject line:

T210701 – 01 National Consultant to develop training for trainers' materials on professional skills in settling state compensation

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
- Signed Letter to UNDP Confirming Interest and Availability
- Two written reports (one in English and one Vietnamese 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		
1.1	- Master degree of law	200
1.2	- A minimum of 10 years of working experience relating to civil laws, including laws on state compensation	300
1.3	- Expertise in developing learner-centered training for trainers' materials on professional skills for public officials in justice sector is essential (one training material developed or co-developed by the candidate in Vietnamese to be submitted)	200
1.4	- Having at least 5 years working experience and skills in providing trainings with the learner-centered and innovative teaching methodologies	150
1.5	- Having knowledge and working experience in gender related issues and with vulnerable groups would be an asset.	50
1.6	- Excellent report writing skill in English (one report in English to be submitted)	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

Service	Develop training for trainers' materials on professional skills in settling state compensation
Consultancy	One national legal consultant
Duty station:	Ha Noi and home based
Expected Duration	From July to November 2021
Supervision:	The national consultant will work under the supervision of the Program Officer assigned by the Head of UNDP Governance and Participation Unit and the legal official assigned by the State Compensation Department of the Ministry of Justice (MOJ)

1. BACKGROUND

The 2017 Law on State Compensation Liability, effective from July 1st, 2018 has really become an important legal tool for individuals and organizations who require compensation by State agencies for any infringement of their rights and legal interests. This also has contributed to raising responsibility of public officials in performing their duties and the quality of the state apparatus operation.

Since the Law came into effect in 2018 up to now, the number of cases requested for state compensation that have been accepted for settling is 75 cases, in which 42 cases have been settled with a total amount of compensation to be paid by the State of more than 26 billion VND.

Since the Law came into effect, the State Compensation Department of the Ministry of Justice has implemented many measures to bring the Law to life. Along with the law's dissemination measures, it also needs to equip public officials who are responsible for settling state compensation with professional knowledge and skills in settling state compensation cases in accordance with the law.

It can be seen from the annually collected data by the State Compensation Department, the number of requests from other state agencies and public officials submitted to the State Compensation Department of the Ministry of Justice asking for professional guidance and support for settling state compensation is increasing. Specifically, in 2020 this number has increased in more than 30 requests compared to 2019. Many localities have requested the Ministry of Justice to provide trainings on professional skills in settling state compensation.

The EU Justice and Legal Empowerment Programme (EU JULE), implemented by UNDP and UNICEF together with relevant State agencies, is designed to strengthen the rule of law through a more reliable, trusted and better accessed justice system, and specifically to increase access to justice for women, children and those groups which face the greatest obstacles in using the justice system to invoke their rights, including ethnic minorities and poor people.

The strategic and rights-based approach of the Programme is to address the demand-side and the supply-side constraints in the justice sector by building, in a coherent and coordinated manner, the capacity of Government institutions at both the central and provincial level. Capacity building for legal officers of the Government agencies is a need and is one of

critical ways to achieve the Programme's objectives. Training for trainers (TOT) courses are one of focus areas for building key resource persons for capacity building activities in the future, including capacity building for legal officers who are responsible for handling state compensation cases.

In this context the development of training for trainers' materials on professional skills in handling state compensation will meet the demand of the state agencies as well as will contribute to one of the expected results of the Programme.

2. OBJECTIVES OF THE ASSIGNMENT

The assignment is to support the State Compensation Department to develop a set of training for trainers' materials on professional skills in settling state compensation.

The training materials will be used to conduct trainings of trainers who then will train public officials of the state compensation settling agencies to enhance their knowledge and skills in this matter. Localities and agencies are also able to use the materials to conduct their own trainings.

The materials will be also disseminated via web portals of the Ministry of Justice and other relevant networks to public officials a resource guidance for settling state compensation claims. Through this, other public officials will be also fully aware of the state compensation liability and improved their responsibilities in performing state's duties.

3. FINAL PRODUCTS

The consultant will produce:

A set of training for trainers' materials in English and Vietnamese which will be used for two days training of trainers on professional skills in settling state compensation, especially skills in settling cases from vulnerable groups. The training materials should follow the learner-centered and participatory training methodologies. They should include learning activities, such as games, role plays, demonstrations, group works, case studies, etc. to facilitate active participation of trainees during the training.

The set of training materials includes:

- (1) Trainees' handbook in Vietnamese (maximum 50 pages excluding annexes) may include several modules. Each module incorporates a detailed lesson plan, learning objectives, the content and reference materials relevant to the module, presentation slides – with blank spaces that the participants can take notes and self – study questions, case studies.

The content of the handbook must include but is not limited to following modules: (1) legal provisions relating state compensation and guidance for application; (2) professional skills in settling state compensation in three areas: administrative management, criminal proceedings, and judgement execution.

- (2) A summary of trainees' handbook in English and Vietnamese that includes detailed outline of the handbook, introduction, objectives, targeted trainees, learning methodologies, learning agenda, key contents of each module.
- (3) The trainers' guide in Vietnamese (maximum 40 pages excluding annexes) is aligned with the structure of the trainees' handbook. It has introductory information and guidance for using the training materials, detailed lesson plan, plus detailed learning activities, case studies for each of the modules in the trainees' handbook and accompanying power point presentations, and pre and post training evaluation forms, training report template.

- (4) A summary of the trainers' guide in English and Vietnamese that includes detailed outlines of the training materials, introduction of the training materials, objectives, targeted trainers, training methodologies, training programme, key contents of each modules, evaluation forms, training report.

4. APPROACHES AND METHODOLOGIES

The following approaches should be considered during performing the assignment:

- 1) Ensuring gender sensitiveness:

Due to the nature of the project and the gender and development approach, gender equality and gender sensitiveness aspects should be mainstreamed in the developed training materials and training delivering

- 2) Participatory and trainee-centered approaches:

The training materials should be developed to help trainers to perform their tasks more efficiently. A participatory and trainee-centered approaches as well as skill-based training method should be employed and expressed clearly in the training materials

5. SCOPE OF WORK

The assignment will be carried out by one national legal consultant hired by UNDP.

The scope of work for this assignment is as follows:

Study UNDP tool kit on participatory training methods and training materials on participatory training methods to identify appropriate approach, key contents and agenda for the TOT training materials on professional skills in settling state compensation	2 days
- Collect and study relevant legal documents and state compensation cases in administrative management, judicial proceedings and judgment execution activities to select case studies for the training materials	2 days
- Develop training material outlines, get inputs from UNDP and State Compensation Department of the Ministry of Justice on the outlines	2 days
- Revise the outlines after reaching an agreement with UNDP and the State Compensation Department.	1 day
- Develop drafts training for trainers' materials that includes trainees' handbook and trainers' guide in Vietnamese	14 days
- Consolidate comments/ inputs from UNDP and the State Compensation Department on the drafts training materials and revise the drafts accordingly	4 days
- Prepare and deliver presentation on the key points of the drafts at technical meetings or consultation workshop to collect comments	1.5 day
- Revise the drafts training materials according to the comments provided at the meetings/workshop	4 days
- Prepare and deliver a two days pilot training for trainers to test the training materials and get inputs and lessons learned	3 days
- Prepare and submit to UNDP and the State Compensation Department the training report to get approval on the key points that need to be considered for finalizing the training materials	½ day
- Work closely with UNDP and the State Compensation Department to finalize the training materials in Vietnamese	5 days
- Based on the approved training materials, develop and finalize 2 summaries of the trainees' handbook and trainers' guide in Vietnamese and English	4 days
Total	43 days

6. DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

The assignment is expected to last approximately 5 months (July – November 2021).

Duty station: Hanoi and home-based

7. PROVISION OF MONITORING AND PROGRESS CONTROL

The consultant shall work collaboratively on this assignment, under monitoring of the Program Officer in charge in the UNDP Governance and Participation Unit and the State Compensation Department and deliver final products as described in Section 3 above.

Monitoring and progress control will be followed up by the timeline below:

#	Activities	Deliverable	Timeline/Deadline
1	Submit to UNDP and State Compensation Department a work plan with detailed timetable for each activity	Workplan approved by UNDP and State Compensation Department	July 2021
2	Develop outlines of the training for trainers' materials	Outlines approved by UNDP and State Compensation Department	July 2021
3	Develop drafts training for trainers' materials that includes trainees' handbook and trainers' guide	Drafts approved by UNDP and State Compensation Department to be shared at technical meetings/workshop	September 2021
4	Prepare and deliver presentation on the key points of the drafts at technical meetings or consultation workshop in Ha Noi to collect comments	Presentation delivered	October 2021
5	Revise the drafts training materials according to the comments provided at the meetings/workshop	Drafts training materials approved by UNDP and State Compensation Department to be tested at a pilot training	October 2021
6	Prepare and deliver a two days pilot training for trainers in Ha Noi to test the training materials and get inputs and lessons learned	Pilot training delivered and training report approved by UNDP and State Compensation Department	November 2021
7	Finalize the training materials in Vietnamese	Training materials approved by UNDP and State Compensation Department	November 2021
8	Develop 2 summaries of the trainees' handbook and trainers' guide in Vietnamese and English	2 summaries approved by UNDP and State Compensation Department	November 2021

Cost for trainings/workshop to be covered by UNDP

8. DEGREE OF EXPERTISE AND QUALIFICATIONS

The consultant cannot have participated in the project's implementation and should not have a conflict of interest with project's related activities.

National legal consultant:

- Master's degree of law
- A minimum of 10 years of working experience relating to civil laws, including laws on state compensation
- Expertise in developing learner-centered training for trainers' materials on professional skills for public officials in justice sector is essential (one training material developed or co-developed by the candidate in Vietnamese to be submitted)
- Having at least 5 years working experience and skills in providing trainings with the learner-centered and innovation teaching methodologies
- Excellent spoken, report writing and presentation skills in Vietnamese
- Having knowledge and working experience in gender related issues and with vulnerable groups would be an asset.
- Excellent report writing skill in English (one report in English to be submitted)

9. COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS

All outputs produced in this action shall remain the property of UNDP, MOJ who shall have exclusive rights over their use.

The consultant may not use, reproduce such works without prior consent from UNDP and MOJ.

10. REFERENCE DOCUMENTS AND ADMINISTRATIVE SUPPORT

UNDP and State Compensation Department will support the consultant team to complete this assignment, by providing available data, existing reports and research.

11. CONTRACT PAYMENTS

- 1st payment: 20% of the contract amount upon receiving and acceptance by UNDP of deliverables 1 and 2 specified in Session 7
- 2nd payment: 40% of the contract amount upon receiving and acceptance by UNDP of deliverables 3,4,5 specified in Session 7
- Final payment: 40% of the contract amount upon satisfactory completion of all deliverables specified in Session 7

12. EVALUATION CRITERIA

National legal consultant

Consultant(s)' experiences/qualification related to the services		
1.1	- Master degree of law	200

1.2	- A minimum of 10 years of working experience relating to civil laws, including laws on state compensation	300
1.3	- Expertise in developing learner-centered training for trainers' materials on professional skills for public officials in justice sector is essential (one training material developed or co-developed by the candidate in Vietnamese to be submitted)	200
1.4	- Having at least 5 years working experience and skills in providing trainings with the learner-centered and innovative teaching methodologies	150
1.5	- Having knowledge and working experience in gender related issues and with vulnerable groups would be an asset.	50
1.6	- Excellent report writing skill in English (one report in English to be submitted)	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 for local firm (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).