

15 November 2021



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	National Consultant to develop a guidance document on strengthening access to justice for survivors of violence
Period of assignment/services (if applicable):	November 2021 – March 2022 (25 working days in total)
Duty Station:	Ha Noi and home-based
Tender reference:	P211103

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

23.59 hrs., 29 November 2021 (Hanoi time)

With subject line:

P211103– NC to develop a guidance document on strengthening access to justice for survivors of violence

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:

	Criteria	Maximum Point
1	Advanced university degree (Master degree) in law and/or criminology	200
2	Minimum of 15 years of professional experience working in the criminal justice sector in Viet Nam	200
3	Knowledge of the Vietnamese legal system and the gender-based violence situation in Viet Nam	200
4	Knowledge of and exposure to work in the field of adjudicating violence against women in Viet Nam	200
5	Demonstrated experience in developing legal documents or guidance documents for the judicial officers in Viet Nam	200
	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.

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.

7. Payment

1st payment: 50% after submission of the first draft of the guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls /

2nd payment: 50% after submission of the final draft of the the guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls approved by the Supreme People's Court.

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

TERMS OF REFERENCE

Title of the post: National Consultant to develop a guidance document on strengthening access to justice for survivors of violence

Organizational Section/Unit: UNODC Country Office in Viet Nam

Duty station: Ha Noi and home-based

Duration: November 2021 – March 2022 (25 working days in total)

Type of contract: Individual Contract

1) BACKGROUND INFORMATION

Violence against women and girls is one of the most universal and pervasive human rights violations in the world. Violence against women and girls takes on many forms, including intimate partner violence; gender-related killing (also referred to as femicide); non-partner sexual violence; sexual harassment in the workplace, other institutions and in public spaces; trafficking for the purposes of sexual exploitation and other forms of forced labour; female genital mutilation. Violence against women can be condoned by the State; and is widely prevalent in conflict situations. The prevalence rates for some forms of violence are better documented than others, however from the data available for certain forms of violence, it is evident that violence against women is a global problem of alarming proportions. The most recent estimates by the WHO and the London School of Hygiene and Tropical Medicine (2013) show that the global prevalence of physical and/or sexual intimate partner violence and non-partner sexual violence is 1 in 3 (35%). The majority of this violence is that by intimate partners which affects about 30% of women globally.

In Viet Nam, according to the national survey on domestic violence conducted in 2010 by the General Statistics Office, the data showed that approximately 87% of domestic violence victims did not seek help from public services or other competent authorities. They only sought help when violent act has become extremely serious. At the same time the survey results also showed that 60% of victims have heard about the Law on Domestic violence prevention and control, but they did not understand the detailed provisions of the Law.

Violence against women and girls not only affects physically, mentally its victims, but also leads to enormous economic cost to family and society. Violence is the cause of constraining economic growth and increasing poverty rate in the country. According to research results “Estimating the cost of domestic violence against women in Vietnam” published by the United Nations in 2012, a crude estimation for the economy as a whole suggests that both out of pocket expenditures and lost earnings represent nearly 1.41% of the GDP in Vietnam in 2010. More importantly, an estimate of the total loss of labor

productivity accounted for 3.19% of the GDP in Vietnam in 2010. Gender-based violence also forces to have significant impact on the mount social cohesion and resilience of communities, which continue to hamper economic growth and increasing poverty rate. The causes of gender-based violence stem from gender inequality, gender stereotypes, respecting the dominance of men as well as lowering the role and position of women and girls.

The judiciary plays a critical role in the criminal justice response to violence against women and girls. It is uniquely placed to ensure that relevant criminal laws, including those relating to gender-based violence are interpreted through the lens of international standards and norms; are effectively enforced; protect women and girls from violence, including from the recurrence of violence; hold perpetrators accountable; and provide effective reparations for victims. However, judges come to the bench with their built-in and often strongly-held set of values and therefore have a duty to ensure that possible prejudices and harmful gender stereotypes do not influence proceedings or undermine gender-based violence victims' credibility. Judges are in a position to manage their courtrooms in a way that addresses biases leading to victim-blaming, disbelief or mistrust in the victim's story and ultimately, putting the victim on trial. As final arbitrators, judges have the power to protect abused women and girls, punish offenders and send a clear message to the community that such violence is not tolerated.

As part of UNODC's efforts to develop capacity for law enforcement and justice officers to prevent and respond to gender-based violence, UNODC plans to support the Vietnamese government in developing a guidance document in strengthening access to justice for survivors of violence.

The overall goal of this activity is to increase and facilitate access to justice for gender-based violence victims and have a more accountable and effective criminal justice system, specifically targeted on gender-based violence cases.

2) OBJECTIVES OF THE ASSIGNMENT

The overall aim of this consultancy is to develop a a guidance document in strengthening access to justice for survivors of violence.in Viet Nam, with focus on domestic violence and sexual violence.

3) SCOPE OF WORK:

Under the direct supervision of the UNODC Programme Specialist who acts as the UNODC focal point in the area of Violence against Women at UNODC Viet Nam, the consultant will be responsible for:

- Drafting a guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls
- Collecting feedbacks on the draft guidance document from law enforcement, justice officers, experts and other relevant stakeholders
- Revising and finalizing the draft guidance document based on comments provided by stakeholders.

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

A maximum of **25 working days** from November 2021 – March 2022.

Duty station: Ha Noi and home-based

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

The guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls adopted by the Supreme People's Court.

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The consultant will work under the guidance of the UNODC Programme Specialist based in Viet Nam.

Indicators to evaluate the consultant's performance:

All the outputs should meet the satisfaction of UNODC (as assessed by) according to the following indicators:

- Quality of the deliverables
- Technical competence
- Timeliness of the delivery

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

Advanced university degree in law and/or criminology.

Work Experience

✓ Minimum of 15 years of professional experience working in the criminal justice sector in Viet Nam

Specific Professional Knowledge and Experience

✓ Knowledge of the Vietnamese legal system and the gender-based violence situation in Viet Nam is required;

✓ Knowledge of and exposure to work in the field of adjudicating violence against women in Viet Nam;

✓ Demonstrated experience in developing legal documents or handbooks for the judicial officers in Viet Nam;

✓ Knowledge and appreciation of UNODC goals and work processes;

✓ Excellent writing and presentation skills;

✓ Excellent interpersonal, communication, and organizational skills;

✓ Cultural and gender sensitivity are required.

Other Skills

- ✓ Demonstrated experience working within the context of technical assistance projects
- ✓ Ability to work with minimum supervision.
- ✓ Ability to communicate effectively across different constituencies.

8) REVIEW TIME REQUIRED AND PAYMENT TERMS

1st payment: 50% after submission of the first draft of the guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls /

2nd payment: 50% after submission of the final draft of the the guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls approved by the Supreme People's Court.

9) EVALUATION CRITERIA WITH ASSIGNED SCORES

	Criteria	Maximum Point
1	Advanced university degree (Master degree) in law and/or criminology	200
2	Minimum of 15 years of professional experience working in the criminal justice sector in Viet Nam	200
3	Knowledge of the Vietnamese legal system and the gender-based violence situation in Viet Nam	200
4	Knowledge of and exposure to work in the field of adjudicating violence against women in Viet Nam	200
5	Demonstrated experience in developing legal documents or guidance documents for the judicial officers in Viet Nam	200
	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 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).