INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country: Viet Nam

Description of the assignment:
01 National Individual Consultant to produce research study on jury trials, mediation and ‘plea bargaining’ in criminal justice: International experience and recommendations for Viet Nam.

Period of assignment/services (if applicable):
December 2021 – March 2022

Duty Station:
Home-based with travel to Ha Noi

Tender reference:
L211201

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

23.59 hrs., Wednesday, 15 December 2021 (Hanoi time)

With email subject line as:

L211201 – NC to produced research study on jury trials, mediation and plea bargaining in criminal justice

Followed by 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.

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:**

- Signed Curriculum vitae
- Signed Letter to UNDP Confirming Interest and Availability
- At least **01 sample published research in English, preferably in criminal law or human rights law** 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:

<table>
<thead>
<tr>
<th>No.</th>
<th>Requirement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Law degree (Master Degree and above is preferable);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master Degree: 140 points</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>PhD Degree: 200 points</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>A minimum of 10 years of working experience in criminal justice and/or international human rights law at the national level;</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td>Experience working on these topics at the international level is an asset;</td>
<td>100</td>
</tr>
<tr>
<td>3</td>
<td>Proven track record in conducting comparative legal research;</td>
<td>300</td>
</tr>
<tr>
<td>4</td>
<td>Good writing skills in English (one sample published research in English to be submitted);</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>1,000</strong></td>
</tr>
</tbody>
</table>

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](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 affect 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
NATIONAL INDIVIDUAL CONSULTANT

REF#: ENTER REF #

<table>
<thead>
<tr>
<th>Name of service:</th>
<th>Research study: Jury trials, mediation and ‘plea bargaining’ in criminal justice: International experience and recommendations for Viet Nam</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project:</td>
<td>The EU Justice and Legal Empowerment Program in Vietnam (EU JULE)</td>
</tr>
<tr>
<td>Reporting to:</td>
<td>The Governance and Participation Unit of UNDP</td>
</tr>
<tr>
<td>Duty Station:</td>
<td>Home-based with travel to Ha Noi</td>
</tr>
<tr>
<td>Travel Required:</td>
<td>Yes</td>
</tr>
<tr>
<td>Duration of Assignment:</td>
<td>From December 2021 to March 2022</td>
</tr>
<tr>
<td>Start Date:</td>
<td>12/20/2021</td>
</tr>
<tr>
<td>End Date:</td>
<td>3/31/2022</td>
</tr>
</tbody>
</table>

I. BACKGROUND & PROJECT DESCRIPTION

Improving the justice system has been one of the most important strategies of Viet Nam.\(^1\) In recent years, Viet Nam has set up an ambitious target for judicial reform, which aims at “building a clean, strong, democratic, strict judiciary, protecting justice, protecting human rights, step by step modernizing the organization of the trial, defining more clearly the positions, powers and responsibilities of the procedure-conducting persons and participants in the direction of ensuring the publicity, democracy, strictness, improving quality of litigation at trial, considers this as a breakthrough stage of judicial activities”.\(^3\) Viet Nam’s commitment to this target has once again strengthened by its acceptance to one of the recommendations that the country received during the third cycle of the Universal Periodic Review,\(^4\) which calls for efforts to “[c]ontinue to strengthen the rule of law, including further development of the criminal justice system taking into account the human rights of suspects and inmates and promotion of impartial and transparent administration of criminal justice.”\(^5\) The Supreme People’s Court (SPC) was assigned as focal-point to lead and coordinate the realisation of this recommendation.\(^6\) In order to further

---

\(^1\) Legal and judicial reform has been an important national strategy of Viet Nam, which has been highlighted in five consecutive Resolutions of National Party Congress of the Communist Party, from the 9th to the 13th (https://www.quanlynhanuoc.vn/2019/12/12/day-manh-cai-cach-tu-phap-nham-xay-dung-va-hoan-thien-nha-nuoc-phap-quyen-xa-hoi-chu-nghia-3/).


\(^3\) Ibid.

\(^4\) The third cycle UPR review took place in 2019 where Viet Nam accepted 241 recommendations out of 291 recommendations received from 121 countries. Vietnam is expected to implement all these accepted recommendations by the forth review that is tentatively scheduled to take plan in May 2024.

\(^5\) Recommendation number 115 from Japan.

\(^6\) On 31 December 2019, the Prime Minister has issued a Master Plan for the implementation of accepted UPR third cycle recommendations by the Decision No.1975/QD–Ttg.
develop the national criminal justice system, it is important to improve the existing regulations while learning international legal principles and practices. Jury trials, mediation and ‘plea bargaining’ in criminal cases are among these principles and practices that SPC plans to conduct research on, with support of UNDP under the framework of the EU Justice and Legal Empowerment Programme (EU JULE).7

The participation of the jury in criminal trials (aka. Jury trials)

Judges and people's jurors are mandated to protect justice, human rights and citizens' rights, as well as the interests of the State, and the lawful rights and interests of organizations and individuals.8 The quality of the contingent of judges and people's jurors is a basic condition to meet the set goals of judicial reform.

In Viet Nam, the participation of jurors in criminal trials is not new. In fact, the institution of people's jurors participating in trials in Viet Nam has existed for 75 years, since 1946.9 During those 75 years, the Criminal Procedure Code has gone through a number of amendments. The most recent and notable change was the realisation of adversarial principles in trials, while still keeping some characteristics of an inquisitorial proceeding system. However, the institution for jury trials hasn’t evolved to catch up with the change. Currently, the engagement of jurors in criminal adjudication is governed by two main laws: Law on People’s Court Organization 201410 and Criminal Procedure Code 2015.11 According to these laws, judges and jurors form the trial panel for a criminal hearing.12 The number of judges and jurors required varies depending on the level of adjudication (first instance or appeal) and the gravity of the case.13 Jurors are permanently selected14 and have the same power as judge in the trial.15 The procedural law provides that members of the trial panel must resolve all issues of the case by majority voting on each issue.

The existing regulations on jury trials amidst waves of changes raise a number of questions that require scholarly discussions. For example: should there be a larger number of jurors in the trial panel? Are the qualifications for selection of jurors still appropriate? Should jurors are selected at random from the electorate or should they be appointed as currently? How does the juror ensure independence, including from presiding judges when making a decision on the case?

In order to truly reflect the transition of Viet Nam’s criminal justice system from being entirely inquisitorial to partly adversarial, the existing institution of jurors participating in trials must be revisited in light of international experiences and recommendations for Viet Nam.

Mediation in criminal cases

Mediation and dialogues play particularly important role to settle disputes arising in life. They are one of the most effective measures for resolving disputes, in which parties can

---

7 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. One of key interventions of the Programme is to support Viet Nam to research and proposals for the revisions of laws and regulations that are proven to create favorable conditions for access to justices.

8 Article 2 of the Law on People's Court organization 2014

9 Ordinance No. 13/SL of January 24, 1946 on the organization of courts and ranks of judges in the Democratic Republic of Vietnam, stipulates: When adjudicating criminal cases involving the participation of people's magistrates

10 Article 8 of the Law on People’s Court organization 2014

11 Article 22 of the Criminal Procedure Code 2015

12 Except in summary trials.

13 2015 Criminal Procedure Code, Article 254.

14 Article 87 of the Law on People’s Court organization 2014

15 Article 10 of the Law on People’s Court organization 2014
avoid lengthy and costly proceedings. In Viet Nam, although mediation in civil, commercial and family matters, including at grassroots level have existed for a long time, mediation in criminal cases has neither been regulated systematically, applied widely nor studied adequately. The current Criminal Procedure Code and Criminal Code provide that there are a number of cases for which mediationconciliation can be applied, mostly as an educational measure and not as an alternative to trials. Clause 3, Article 29 of the Penal Code stipulates that “a person who commits a less serious crime or a serious crime that unintentionally causes damage to the life, health, dignity or property of another person, is or the representative voluntarily conciliates and proposes to be exempt from criminal liability, he or she may be exempt from criminal liability”.

In this context, study international experience in criminal mediation is necessary. The need for considering to institutionalize mediationconciliation (or bargaining) in criminal justice is more pressing when the last amendment of the Criminal Code and the Criminal Procedure Code has transitioned Viet Nam’s criminal justice system from inquisitorial to partially adversarial system. In many countries in the world with adversarial proceedings, mediation in criminal matters is argued to be an element of adversarial principles. The research study will give a comprehensive overview on law and practice of criminal mediation in some selected countries, especially countries with civil law tradition. The advantages and disadvantages of this alternative mechanism to formal criminal hearing will also be examined.

‘Plea-bargaining’

In criminal cases, “plea-bargaining” (also known as ‘plea agreement’, ‘plea deal’, or ‘trial waiver) is a process of reaching an agreement between the prosecutor and the defendant, in which “the defendant pleads guilty or no contest in exchange for concessions by the prosecutor.”16

This process is widely used in many countries in the world. A research study at the global scale, conducted by Fair Trials – an international human rights organisation, indicates that the application of trial waiver systems has augmented at a dramatic speed in the last 25 years. By the end of 2015, 66 countries have featured trial waiver system (from only 19 countries before 1990).17 Profiles of countries where this process exits vary from common law to civil law traditions, from low to high income nations.18 The application of plea bargaining is particularly popular in the US where nearly 98% of federal cases result in this process.19 Viet Nam is among jurisdictions where plea agreement does not apply.

Despite its popularity, the application of the plea bargaining process from the perspective of the right to a fair trial is highly controversial. Efficiency of the criminal justice system where backlog is reduced is among the most common arguments for the use of plea bargaining in criminal cases. Some countries employ this process to tackle corruption in proceeding (plea deals behind closed doors). Arguments against the application of this process are various. The most prominent concern is that by plea bargaining, the defendant compromises his/her right to a fair trial – a fundamental human rights safeguarded by the ICCPR.

Although the application of plea bargaining has been somewhat exchanged among Vietnamese legal scholars, especially on and around the topic of adversarial principles, no study on this topic has ever existed.

In responding to the gaps in literature on the mentioned issues, UNDP, in collaboration with SPC commission one international consultant (IC) and one national

16 https://www.justia.com/criminal/plea-bargains/
17 https://www.fairtrials.org/publication/disappearing-trial-report#countries-with-trial-waiver-systems
18 https://www.fairtrials.org/publication/disappearing-trial-report#selected-country-usage
consultant (NC) to conduct a research study entitled: “Jury trials, mediation and ‘plea bargaining’ in criminal justice: International experiences and recommendations for Viet Nam.” Findings from this research project will inform the SPC’s policy proposals to law-making bodies.

This activity is supported by the EU Justice and Legal Empowerment Programme (EU JULE), implemented by UNDP and UNICEF together with relevant State agencies. EU JULE 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.

This TOR is for National Consultant (NC)

II. OBJECTIVES

To produce a research study on international experience on jury trials, mediation and plea bargaining in criminal cases. Recommendations from the research study will be used to inform policy making on criminal justice.

III. SCOPE OF WORK

The successful consultant will be expected to be responsible for the following:

1. Deliverables & Implementation Timeline
   Language of deliverables to be in Vietnamese and English

<table>
<thead>
<tr>
<th>No.</th>
<th>Deliverable</th>
<th>Estimated days to complete</th>
<th>Target due date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Outline of the research study</td>
<td>1</td>
<td>12/31/2021</td>
</tr>
<tr>
<td>2</td>
<td>Desk research: Vietnamese laws and policies on jurors, mediation and ‘plea bargaining’ in criminal cases</td>
<td>8</td>
<td>1/2022</td>
</tr>
<tr>
<td>3</td>
<td>Recommendations for Viet Nam based on (2) and notes provided by IC on international human rights laws on and practices in other countries in applying mediation and ‘plea-bargaining’ in criminal proceedings and models of jury trials - advantages and challenges of each model and mechanism</td>
<td>5</td>
<td>1/2022</td>
</tr>
<tr>
<td>4</td>
<td>Editing draft research pre consultation workshop</td>
<td>1</td>
<td>1/2022</td>
</tr>
<tr>
<td>5</td>
<td>Attend and present at the consultation workshop</td>
<td>1</td>
<td>2/2022</td>
</tr>
<tr>
<td>6</td>
<td>Revise the research post consultation workshop for submission.</td>
<td>2</td>
<td>3/2022</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>18</td>
<td></td>
</tr>
</tbody>
</table>

Final product:
A research study in Vietnamese and English, of maximum 50 pages that 1) examines international practices and models of jury trials, mediation and ‘plea bargaining’ in criminal cases; and 2) provides recommendations for Viet Nam.

IV. DURATION OF ASSIGNMENT, DUTY STATION & EXPECTED PLACES OF TRAVEL

Estimated number of working days: 18 working days from 12/20/2021 to 3/31/2022.
**Duty station:** Home-based with travel to Ha Noi for the consultation workshop.

**Expected places of travel:** Hanoi (1 working day)

**V. PROVISION OF MONITORING & PROGRESS CONTROL**

NC is expected to work with IC on this assignment, under the monitoring of the Programme Officer in charge in the UNDP Governance and Participation Unit in order to deliver the final products as described in III – Scope of Work.

**VI. ADMINISTRATIVE SUPPORT & REFERENCE DOCUMENTS**

**A. Administrative Support**
The Supreme People’s Court (SPC) will organise consultation workshop in collaboration with UNDP. Cost of the workshop to be borne by SPC

**B. Reference Documents**

N/A

**VII. DEGREE OF EXPERTISE & QUALIFICATIONS**

<table>
<thead>
<tr>
<th>Qualifications</th>
<th>Law degree (Master Degree and above is preferable);</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Relevant Professional Experience</strong></td>
<td>A minimum of 10 years of working experience in criminal justice and/or international human rights law at the national level; experience working on these topics at the international level is an asset;</td>
</tr>
<tr>
<td><strong>Other Competencies</strong></td>
<td>Proven track record in conducting comparative legal research</td>
</tr>
<tr>
<td><strong>Language Requirements</strong></td>
<td>Good writing skills in English (one sample published research in English to be submitted)</td>
</tr>
</tbody>
</table>

**VIII. PAYMENT TERMS**

<table>
<thead>
<tr>
<th>No.</th>
<th>Deliverables as indicated in Section IV</th>
<th>Due Date</th>
<th>Payment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Outline of the research study</td>
<td>1/15/2022</td>
<td>30%</td>
</tr>
<tr>
<td>2</td>
<td>Pre-workshop draft of the research study</td>
<td>2/30/2022</td>
<td>40%</td>
</tr>
<tr>
<td>3</td>
<td>Final research study post workshop</td>
<td>3/31/2022</td>
<td>30%</td>
</tr>
</tbody>
</table>

**IX. CONSULTANT PRESENCE REQUIRED ON DUTY STATION**

☒ NONE  ☐ PARTIAL  ☐ INTERMITTENT  ☐ FULL-TIME

**X. EVALUATION CRITERIA**

<table>
<thead>
<tr>
<th>No.</th>
<th>Requirement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Law degree (Master Degree and above is preferable);</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>
| 1 | Master Degree: 140 points  
PhD Degree: 200 points |
| 2 | A minimum of 10 years of working experience in criminal justice and/or international human rights law at the national level;  
Experience working on these topics at the international level is an asset; | 300 | 100 |
| 3 | Proven track record in conducting comparative legal research; | 300 |
| 4 | Good writing skills in English (one sample published research in English to be submitted); | 100 |
| **Total** | **1,000** |

### Criteria for Evaluation of Proposal
Offers will be evaluated according to the Combined Scoring method – where the educational background and experience on similar assignments will be weighted at 70% and the financial proposal will weigh at 30% of the total scoring.

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:

**Core Documents**
1. **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
2. **Current and complete CV in English**;
3. 01 similar **sample published research, preferably in criminal law or human rights law**;
4. **Financial offer** using the standard UNDP template.

**Additional Documents**
N/A
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:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Contract Type</th>
<th>UNDP Business Unit / Name of Institution/Company</th>
<th>Contract Duration</th>
<th>Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

☐ I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Contract Type</th>
<th>Name of Institution/ Company</th>
<th>Contract Duration</th>
<th>Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship</th>
<th>Name of International Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Full Address &amp; Email Address</th>
<th>Business or Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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
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-themed (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).

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Consultancy fee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Out of pocket expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Travel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Per diem</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>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). *</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Others (pls. specify)……..</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>VAT** if applicable for local firm (in case your company signs the contract)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>** Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* 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).