



24 November 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 Individual Consultant (<u>Criminal law expert & key trainer</u>) for Capacity Training on the Application of Code of Ethics and Conduct for Judges in Implementing 2015 Criminal Code and Criminal Procedure Code
Period of assignment/services (if applicable):	November 2021 – March 2022
Duty Station:	Home-based with travel to Ha Noi and Ho Chi Minh City
Tender reference:	L211106

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1. Submissions should be sent by **email** to: nguyen.duc.long@undp.org no later than:
23.59 hrs., 05 December 2021 (Hanoi time)

With email subject line as:

L211106 – NC1 – Criminal law expert & key trainer for Criminal PC&CoC training

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 similar **sample training material** in 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:

No.	Requirement	Points
1	Advanced university degree in law;	200
2	10 years of presiding as a judge hearing criminal cases	400
3	Proven track record in training materials development; Experience working with SPC as a trainer is an advantage	200 100
4	Excellent drafting skills in Vietnamese by provision of 1 similar sample training material in Vietnamese ;	100
	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.

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 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 #

Name of service:	Capacity Training on the Application of Code of Ethics and Conduct for Judges in Implementing 2015 Criminal Code and Criminal Procedure Code		
Project:	The EU Justice and Legal Empowerment Program in Vietnam (EU JULE)		
Reporting to:	The Governance and Participation Unit of UNDP		
Duty Station:	Home-based with travel to Ha Noi and Ho Chi Minh City	Travel Required:	Yes
Duration of Assignment:	From November 2021 to March 2022		
Start Date:	11/30/2021	End Date:	3/31/2022

I. BACKGROUND & PROJECT DESCRIPTION

In Viet Nam, judges are appointed by the State President to exercise judicial power on behalf of the State. A judge's position is of great responsibility and noble honour. In the process of building the socialist rule-of-law State, the Party, State and People request judges to perform their duties on an impartial, objective and law-biding basis. Judges are expected to become the symbol of moral integrity and adhere to the core principles of the constitution and in line with the teaching of President Ho Chi Minh, according to which, judges must "serve the public, observe the law, be fair and impartial" and "be close to the people, understand the people, help the people, learn from the people".

Viet Nam promulgated Criminal Code and Criminal Procedure Code in 2015 (the Codes). The 2015 Criminal Procedure Code amended 25 principles to reflect more profoundly the 2013 Constitution. Most importantly, the Code added new principles to better ensure the human rights enshrined by the Constitution including, inter alia: presumption of innocence (Article 13); no one is convicted twice for a crime (Article 14); and guarantee of adversarial principles in trials (Article 26). The Codes further stipulates provisions to ensure adversarial procedures in handling criminal cases. It specifies the order and procedures in each stage of the proceeding in order to tackle practical shortcomings. The Code also strengthens the guarantee of the right to defense of the accused. All new provisions in the Codes aim at better ensuring human rights.

In July 2018, the Supreme People's Courts promulgated the Code of Ethics and Conduct for Judges (CoC). Training on important ethics and conduct that judges must strictly adhere has been a pressing need. One of the key tasks is to show judges the relationship between provisions and requirements of 2015 Codes and the CoC. More importantly, judges need to be trained on how to apply the new provisions of the Codes while complying with the ethical and behavioural standards of their profession.

In 2019 and 2020, under the EU Justice and Legal Empowerment Programme (EU JULE) funded by the European Union, UNDP supported the Supreme People's Court (SPC) to produce a set of training materials on the Application of Code of Ethics and Conduct for Judges in Implementing 2015 Criminal Procedure Code and Criminal Code. The set of training materials contain useful and practical guidance that judges could apply in hearing criminal cases. Using the materials, two training workshops were organised for more than 140 judges and court officials in various provinces in the North and South of Viet Nam. Although the workshops were successful with high turnout of participants, they were still largely delivered in the top-down traditional way where interaction between trainers and participants was minimal.

Within the framework of EU JULE programme for 2021, UNDP continues supporting SPC to revise and improve the existing set of materials (about 30 pages), with the orientation to adopt interactive and learners-centred methodologies in order to enhance its impacts. Subsequently, two two-day training workshops will be organized, tentatively in Q1/2022 with the participation of judges and court officers of the High Courts and Provincial Courts, who did not participate in the previous trainings in 2019 and 2020.

UNDP is hiring two national consultants (NC) to carry out two key tasks: 1) revise and improve the existing set of materials; and 2) conduct two two-day training workshops. One NC takes primary responsibility in revising the content of the training materials and conduct the training workshops as key trainer (NC1). The other NC is in charge of designing activities to deliver the training content and conducting the training workshop as facilitator (NC2).

This TOR is for NC1 – Criminal law expert & key trainer

II. OBJECTIVES

- (1) To revise the existing training materials on the Application of Code of Ethics and Conduct for Judges in Implementing 2015 Criminal Procedure Code and Criminal Code to adopt interactive and learners-centred methodologies (with instructions on how to adapt for online format training). In particular:
 - (i) Identify and address gaps, omissions and outdated contents, with the focus on legal provisions and international norms, in the existing set of training materials;
 - (ii) Proof-read the documents and identify vague or ambiguous expressions to rephrase and clarify;
 - (iii) Finalise a complete set of training materials based on the above-mentioned identifications, which satisfies the criteria as set out in III – Scope of work, section 2.
 - (iv) Collaborate with NC2 to adopt interactive and learners-centred methodologies.
- (2) Conduct two two-day training workshops for judges and court officials: Using the revised materials (as set out under (1)), the training workshops aim at raising awareness of judges, who did not participate in previous workshops in 2019 and 2020, on the relationship between provisions of the Codes and the CoC. Accordingly, the training courses concentrate on:
 - (i) Knowledge:
 - Awareness on codes of conduct in other countries and international standards (Bangalore Principles);

- Understand the provisions of the CoC and identifying areas where judges must pay close attention in complying while carrying out their function as a judge in a criminal case;
 - Understand other provisions of the Codes and other laws and regulations governing the conduct of judges.
- (ii) Skills:
- Be able to clarify the application of the CoC and the Codes in the adjudication of criminal cases;
 - Criminal judgement writing skills
- (iii) Value:
- Appreciate the links between the CoC and the Codes in their practice as judges of criminal cases;

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

No.	Deliverable	Estimated days to complete	Target due date
1	Revised and updated training materials (Identify and address gaps, omissions and outdated contents, with the focus on legal provisions and international norms, in the existing set of training materials; Proof-read the documents and identify vague or ambiguous expressions to rephrase and clarify);	2	12/20/2021
2	Agenda of 2 day-training workshop	1	1/5/2022
3	Review and revise outlines of the learner's handbook and trainer's manual (drafted by NC2)	2	12/31/2021
4	Edits and comments on lesson plans (drafted by NC2)	4	1/10/2022
5	Two 2-day training workshops delivered	4	2/2022
6	Revised materials based on feedback received from learners and prepare post training report	2	3/20/2022
	Total	15	

2. Expected results

Pre- training:

A set of training materials which will be used for two-day training (with instructions on how to deliver online format training), includes:

- i) **Learners' handbook in Vietnamese** on Application of Code of Ethics and Conduct for Judges in Implementing 2015 Criminal Code and Criminal Procedure Code, which includes: Introduction of Bangalore principles, good practices in other

countries; provisions of the CoC and identifying areas where judges must pay close attention in complying while carrying out their function as a judge in a criminal case; provisions of the Codes and other laws and legal regulations governing the conduct of judges; the links between the the CoC and the Codes in practice; and criminal judgement writing skills.

Each module incorporates a detailed lesson plan.

ii) A summary of learners' handbook in English and Vietnamese that includes introduction, objectives, targeted users, learning methodologies, learning agenda, detailed outline of the handbook, summary of key contents of each topic.

iii) The trainers' manual in Vietnamese are aligned with the structure of the learners' handbook, including but not limited to:

- ✓ Training agenda
- ✓ Guiding notes for trainers to conduct learner-centered participatory training methodologies. Using online platform with appropriate training methodologies will be also included.
- ✓ Lesson plans designed for each topic, including objectives, methodologies for each activity, training aid and tools.
- ✓ Presentation if any or other training visual aid tools such as videos, posters, and other illustration tools, etc.)
- ✓ Pre and post training evaluation forms.

iv) A summary of the trainers' manual in English and Vietnamese that includes

- ✓ Introduction of the manual including objectives, target audiences, methodologies and approaches.
- ✓ Detailed outline of the manual
- ✓ Summary of the modules/lessons, each topic or lesson should cover its objectives, expected results after the lesson, training methodologies for each of the activities;
- ✓ Pre and post training evaluation forms.

Post- training:

- 02 training reports corresponding with 02 training workshops. Each report must include: final training materials; trainers' reflective notes on the use of their materials and their suggestions to improve them; a report on perceptions and feedback of learners after receiving the training (with clear indications of the level of improvement in their knowledge (what), skills (how) and value (why), as well as their feedback on the training skills of the trainer.

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

Estimated number of working days: 15 working days from 11/30/2021 to 3/31/2022.

Duty station: Home-based with travel to Ha Noi and Ho Chi Minh City.

Expected places of travel: Hanoi and Ho Chi Minh city. 2 working days in each location (4 working days in total)

V. PROVISION OF MONITORING & PROGRESS CONTROL

NC1 is expected to work with NC2 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

Administrative Support

The Supreme People's Court (SPC) will organise two 2 days training workshops in collaboration with UNDP. Cost of these training workshops to be borne by SPC

Reference Documents

Existing training materials will be provided to the selected consultant upon contract signing.

VII. DEGREE OF EXPERTISE & QUALIFICATIONS

Qualifications	<ul style="list-style-type: none">Advanced university degree in law;
Relevant Professional Experience	<ul style="list-style-type: none">10 years of presiding as a judge hearing criminal cases
Other Competencies	<ul style="list-style-type: none">Proven track record in training materials development; Experience working with SPC as a trainer in criminal law practice is an advantage
Language Requirements	<ul style="list-style-type: none">Excellent drafting skills in Vietnamese;

VIII. PAYMENT TERMS

No.	Deliverables as indicated in Section IV	Due Date	Payment Amount
1	Revised and updated the existing training materials (Identify and address gaps, omissions and outdated contents, with the focus on legal provisions and international norms, in the existing set of training materials; Proof-read the documents and identify vague or ambiguous expressions to rephrase and clarify);	12/31/2021	30%
2	Two 2-day training workshops delivered	2/30/2022	30%
3	Revised materials based on feedback received from learners and prepare post workshop report	3/31/2022	40%

IX. CONSULTANT PRESENCE REQUIRED ON DUTY STATION

☒ NONE ☐ PARTIAL ☐ INTERMITTENT ☐ FULL-TIME

X. EVALUATION CRITERIA

No.	Requirement	Points
1	Advanced university degree in law;	200
2	10 years of presiding as a judge hearing criminal cases	400
3	Proven track record in training materials development; Experience working with SPC as a trainer is an advantage	200 100
4	Excellent drafting skills in Vietnamese by provision of 1 similar sample training material in Vietnamese;	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**;
3. 01 similar **sample training material** (if required);
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:

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 & Email 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).