



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

Country:	Viet Nam
Description of the assignment:	National consultant for Research report on international good practices in implementing recommendations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Period of assignment/services (if applicable):	14 working days from 12/2021 to 3/2022.
Duty Station:	Home-based with travel to Ha Noi
Tender reference:	P211202

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

23.59 hrs., 06 January 2022 (Hanoi time)

With subject line:

P211202– NC for Research report on international good practices in implementing recommendations under the CAT

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:

- Detailed CV addressing the experience and work you have done.
- Financial offer
- At least one sample writing report in English to be submitted (preferable on relevant topic)

b. Financial proposal (with your signature):

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

4. Evaluation

The technical component will be evaluated using the following criteria:

Consultant's experiences/qualification related to the services		
1.1	Advanced university degree in law, human rights, social sciences or related fields.	200
1.2	A minimum of 3 years' experience working in the field of human rights and with international human rights mechanisms and instruments. Experience working on ICCPR and CAT is an advantage	300
	Experience working as a national consultant in similar assignments with the United Nations.	100
1.2	Proven track record in conducting comparative research	300
1.4	Good writing skills in English (one sample research in English to be submitted)	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.

Interview with the candidates may be held if deemed necessary.

5. Contract

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

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

Documents required before contract signing:

- International consultant whose work involves travel is required to complete the courses on BSAFE which the new online security awareness training is and submit certificate to UNDP before contract issuance.
- Note: In order to access the courses, please go to the following link: <https://training.dss.un.org>
The training course takes around 3-4 hours to complete.
- Full medical examination and Statement of Fitness to work for consultants from and above 65 years of age and involve travel. (This is not a requirement for RLA contracts).
- Release letter in case the selected consultant is government official.

6. Payment

No.	Deliverables as indicated in Section IV	Due Date	Payment Amount
1	Outline of the research report	1/15/2022	30%
2	Pre-workshop draft of the research report	2/30/2022	40%
3	Final research report post workshop	3/31/2022	30%

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:	Research report on international good practices in implementing recommendations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		
Project:	Strengthening Inclusion through Innovation in Governance		
Reporting to:	The Governance and Participation Unit of UNDP		
Duty Station:	Home-based with travel to Ha Noi	Travel Required:	Yes
Duration of Assignment:	From December 2021 to March 2022		
Start Date:	12/30/2021	End Date:	3/31/2022

BACKGROUND & PROJECT DESCRIPTION

The ratification of CAT and its significance for Viet Nam

Ratification: Viet Nam signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), one of the nine core international human rights treaties, on November 7, 2013 and ratified it on November 28, 2014. On March 7, 2015, CAT entered into force in the country. The Department of Legal Affairs and Administrative Justice Reform under the Ministry of Public Security (DLA) of Vietnam is responsible for CAT implementation.

Obligation of Vietnam: Ratification of CAT requires Viet Nam to implement their treaty obligations, including the review and revision of relevant laws and regulations, specifically those on freedom from torture and other cruel, inhuman or degrading treatment or punishment, to be more consistent with the Convention and universal standards of international law on human rights. In recent years, Vietnam has committed to revise its legislation and policies in areas related to the Convention, including The Law on Human Trafficking, the Law on Vietnamese Nationality, the Law on Enforcement of Custody and

Temporary Detention, the Law on Legal Aid, and the Criminal Code as well as the Criminal Procedure Code.

Opportunities for Vietnam: created opportunities for self-assessment, review and evaluation to ensure compliance of their legislation, policy and practice with their human rights obligations opportunity, and also from being a one-off engagement every few years to an on-going, cyclical assessment, improving the human rights situation in Vietnam

Status of Reporting with Viet Nam

Ratifying the CAT also means Viet Nam has the obligation to comply with reporting requirements to the UN Committee Against Torture (Committee) and following up on the Committee's recommendations and decisions.

Viet Nam's first national report on the implementation of the UN Convention against Torture was submitted to the Committee on 2017, which was led by the Ministry of Public Security (MPS). Following that, the Committee examined the initial report of Viet Nam and adopted Concluding Observations with specific recommendations for Vietnam in 2018, to which Viet Nam has responded on Oct 2020 with a report on follow-up to Concluding Observations.

Viet Nam was also reviewed under the International Covenant on Civil and Political Rights by the Human Rights Committee in 2019, led by the Ministry of Justice, with certain concluding observations and recommendations accepted by Viet Nam are related to combatting torture. Viet Nam was also reviewed under the Universal Periodic Review process, or UPR, in Geneva in 2019, which resulted in Viet Nam accepting recommendations from other Member States related to combatting torture. Taken together, Viet Nam's engagement with these international human rights reporting mechanisms demonstrates the government's commitment to implement the CAT and ICCPR, which is important to coordinate efforts to implement the Concluding Observations of the Committee.

Work of UNDP

In 2018, UNDP has supported MPS in the preparation for the Committee Against Torture's review of Viet Nam's initial national report by co-hosting a mock review session, and engaging former Committee member, Mr. George Tugushi, an expert in the field of combatting torture. Building on previous and existing relationships and projects, UNDP is looking to continue supporting MPS in the following up to the review, including possible development of a Action or Master Plan to implement the recommendations made by the Committee. UNDP is also looking to support the implementation of key accepted recommendations where the MPS is the lead agency in charge of implementation under the Decision no. 1975 of the Prime Minister on approving the UPR Master Plan and the Decision no. 1252 of the Prime Minister on approving the ICCPR Master Plan.

Under the project *Strengthening Inclusion through Innovation in Governance*, UNDP, in collaboration with DLA commissions an international consultant and a national consultant to conduct a research report on good practices from other countries in their implementation of CAT especially experiences in drafting and promulgating a nationwide plan to assign

tasks, indicators and timelines for responsible agencies, to inform a draft detailed outline of the National Master/Action Plan on CAT of Vietnam.

This TOR is for National Consultant (NC)

OBJECTIVES

To introduce good practices from other countries in their implementation of CAT especially experiences in drafting and promulgating a nationwide plan to assign tasks, indicators and timelines for responsible agencies, to inform a draft detailed outline of the National Master/Action Plan on CAT of Vietnam.

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

No.	Deliverable	Estimated days to complete	Target due date
1	Outline of the research report	1	1/2022
2	Desk research: Coordinate IC to conduct research and draft a report on good practices of other countries in implementing CAT	4	1/2022
3	Desk research: Coordinate IC to conduct research on good practices of other countries drafting and promulgating a nationwide plan to assign tasks indicators and timelines for responsible agencies	3	1/2022
4	Desk research and translation: Select and translate to Vietnamese language three national master/action plans of three countries to include in the research report; provide reasons for the selection.	3	1/2022
5	Editing draft research report pre consultation workshop	1	1/2022
6	Attend and present at the one day consultation workshop in Ha noi	1	2/2022
7	Revise the research post consultation workshop for submission.	1	3/2022
	Total	14	

Final product:

A research report (in both English and Vietnamese) on good practices from other countries in their implementation of CAT, especially experiences in drafting and promulgating a nationwide plan to assign tasks, indicators and timelines for responsible agencies, to inform a draft detailed outline of the National Master/Action Plan on CAT of Vietnam.

DURATION OF ASSIGNMENT, DUTY STATION & EXPECTED PLACES OF TRAVEL

Estimated number of working days: 14 working days from 12/30/2021 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)

PROVISION OF MONITORING & PROGRESS CONTROL

NC is expected to work with International Consultant 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.

ADMINISTRATIVE SUPPORT & REFERENCE DOCUMENTS

Administrative Support

UNDP, in collaboration with DLA will organise the consultation workshop. Costs for the organisation of the workshop to be borne by UNDP

Reference Documents

N/A

DEGREE OF EXPERTISE & QUALIFICATIONS

Qualifications	Advanced university degree in law, human rights, social sciences or related fields.
Relevant Professional Experience	Over 5 years' experience working in the field of human rights and with international human rights mechanisms and instruments, especially on the ICCPR and CAT. Experience working as an international consultant in similar assignments with the United Nations.

Other Competencies	Proven track record in conducting comparative research
Language Requirements	Excellent writing skills in English (one sample published research in English to be submitted)

PAYMENT TERMS

No.	Deliverables as indicated in Section IV	Due Date	Payment Amount
1	Outline of the research report	1/15/2022	30%
2	Pre-workshop draft of the research report	2/30/2022	40%
3	Final research report post workshop	3/31/2022	30%

CONSULTANT PRESENCE REQUIRED ON DUTY STATION

☒ NONE

☐ PARTIAL

☐ INTERMITTENT

☐ FULL-TIME

EVALUATION CRITERIA

No.	Requirement	Points
1	Advanced university degree in law, human rights, social sciences or related fields.	200
2	A minimum of 3 years' experience working in the field of human rights and with international human rights mechanisms and instruments. Experience working on ICCPR and CAT is an advantage Experience working as a national consultant in similar assignments with the United Nations.	300 100
3	Proven track record in conducting comparative research	300
4	Good writing skills in English (one sample 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:

1. **Core Documents**

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

Current and complete CV in English;

01 similar **sample published research**, preferably on human rights issues;

Financial offer using the standard UNDP template.

2. **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	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).