



30 May 2022

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	01 National Consultant to conduct a study to review the gaps between important definitions on Viet Nam's Law on Persons with Disabilities, Current situation in Vietnam and Convention on the Rights of Persons with Disabilities
Period of assignment/services (if applicable):	15 June 2022 – 30 October 2022
Duty Station:	Hanoi
Tender reference:	T220509

1. Submissions should be sent by **email** to: luu.thi.trang@undp.org no later than:

12.00 hrs., noon 06 June 2022 (Hanoi time)

With subject line:

T220509 – 01 National Consultant to conduct a study to review the gaps between important definitions on Viet Nam's Law on Persons with Disabilities

Submission received after that date or submission not in conformity with the requirements specified in this document will not be considered.

Note:

- Any individual employed by a company or institution who would like to submit an offer in response to this Procurement Notice must do so in their individual capacity, even if they expect their employers to sign a contract with UNDP.
- Maximum size per email is **30 MB**.
- Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. Procurement Unit – UNDP Viet Nam will respond in writing or by standard electronic mail and will send written

copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.

- After submitting proposal, bidder should send notification by email (without attachment) to: procurement.vn@undp.org informing that the bidder has submitted proposal. UNDP will not be responsible for the missing of proposal if the bidder does not send notification email to above address.
- Female consultants are encouraged to bid for this required service. Preference will be given to equally technically qualified female consultants.

2. Please find attached the relevant documents:

- [Term of References](#).....
(Annex I)
- [Individual Contract](#) & [General Conditions](#).....
(Annex II)
- [Reimbursable Loan Agreement](#) (for a consultant assigned by a firm).....
(Annex III)
- [Letter to UNDP Confirming Interest and Availability](#)
(Annex IV)
- [Financial Proposal](#)
(Annex V)

3. Interested individual consultants must submit the following documents/information (in English, PDF Format) to demonstrate their qualifications:

a. Technical component:

- Signed Curriculum vitae
- Signed Letter to UNDP Confirming Interest and Availability
- 02 research reports in English and Vietnamese to be submitted

b. Financial proposal (with your signature):

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

4. Evaluation

The technical component will be evaluated using the following criteria:

A National Consultant

Consultant's experiences/qualification related to the services		
1.1	Master's degree in law or social sciences or related field;	200
1.2	A minimum of 10 years working experience in the area of law, human rights, persons with disabilities, international development; Having understandings of disability rights;	250
1.3	Experience in research, evaluation and development of national reports on persons with disabilities, participated in the development of Laws on persons with disabilities.	250
1.4	Good report writing skills in English and Vietnamese language by submitting 2 research reports in both English and Vietnamese	150
1.5	Having working experience as research/consultant conducting interviews	150
Total		1000

A two-stage procedure is utilized in evaluating the submissions, with evaluation of the technical components being completed prior to any price proposals being opened and compared.

The price proposal will be opened only for submissions that passed the minimum technical score of 70% of the obtainable score of 1000 points in the evaluation of the technical component. The technical component is evaluated on the basis of its responsiveness to the Term of Reference (TOR). Maximum 1000 points will be given to the lowest offer and the other financial proposals will receive the points inversely proportional to their financial offers. i.e. $S_f = 1000 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the submission under consideration.

The weight of technical points is 70% and financial points is 30%.

Submission obtaining the highest weighted points (technical points + financial points) will be selected subject to positive reference checks on the consultant's past performance.

5. Contract

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

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

Documents required before contract signing:

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

6. Payment

UNDP shall effect payments to the consultant (by bank transfer to the consultant's bank account provided in the vendor form upon acceptance by UNDP of the deliverables specified the TOR.

Payments are based upon outputs, i.e. upon delivery of the products specified in the TOR.

If two currencies exist, UNDP exchange rate will be applied at the day UNDP instructs the bank to effect to the payment.

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

TERMS OF REFERENCE

Title of Consultancy:	01 National Consultant to conduct a study to review the gaps between important definitions on Viet Nam's Law on Persons with Disabilities, Current situation in Vietnam and Convention on the Rights of Persons with Disabilities
Type of Contract:	Individual Contract
Duration of the assignment:	15 June 2022 – 30 October 2022
Duty Station:	Home base and travel to the consultation workshop, interview places in Hanoi
Maximum number of days:	30 days
Reporting to:	Disability Inclusion Officer, Governance and Participation Unit, UNDP Vietnam

1) BACKGROUND

In Viet Nam, the number of persons with disabilities (PWDs) is estimated to be around 6.2 million, accounting for more than 7% of the population aged 2 years and over. The Government of Viet Nam has made a strong commitment to support persons with disabilities (PWD). In 2010, the Law on Persons with Disabilities was promulgated. The rights of all citizens are guaranteed by the 1992 Constitution, and its 2013 revision added additional amendments, enshrining the protection of people with disabilities in Articles 59 and 61. Various laws and policies passed by the government are set out to protect additional rights of Persons with Disabilities.

The Law on Persons with Disabilities has been in effect for 11 years, revealing some inconsistencies with the current situation in Vietnam. To improve Viet Nam's Law on PWDs to protect PWDs' rights, the United Nations Partnership on Convention on the Rights of Persons with Disabilities (CRPD) and the National Committee on Persons with Disabilities will jointly conduct a study to review the gaps between important definitions on Viet Nam's Law on PWDs and the current situation of Vietnam and CRPD including: Persons with disabilities, types of disabilities; Disability Certification; Disability levels, Rights and obligations of persons with disabilities; Stigma and Discrimination against Persons with disabilities; Inclusive Education; Accessibilities; Organization of and for persons with disabilities; Good health of an individual persons with disabilities and recommend the itinerary of the law revision in light of good practices in Vietnam and other countries.

The research is composed of three parts: (i) In the first part, the discrepancies between important definitions on Viet Nam's Law on PWDs and CRPD will be analysed; (ii) In the second part, the gaps between the definition in the law and its practice will be identified; and (iii) in the third part, to assist the Law revision process, good practices of the definition disability-related legislation and law amendments in other countries will be reviewed.

Appropriate recommendations for Viet Nam's Law revision process will be made accordingly. Research findings and recommendation will be reviewed and comments by specialists from the government partners and representatives from universities, organizations of and for Persons with disabilities in Quarter 4, 2022 and use as a polity note for the Law on persons with disabilities revision process in 2023-2024.

Hence, UNDP would like to seek for 1 national consultant, to provide services to conduct a study to conduct a study to review the gaps between the above important definitions on Viet Nam's Law on PWDs, CRPD, Vietnam current situation and other international standards
Key objectives of the assignment are:

1. To identify the gaps between the important definitions and areas of good practice of the National Law on Persons with Disabilities compared with international standards and selected comparative jurisdictions;
2. The gaps between the important definitions the law on persons with disabilities and current requirements of government stakeholders and persons with disabilities after 11 years of the Law implementation.
3. To provide recommendations for improving the current Viet Nam's Law on PWDs;

2) SCOPE AND SCHEDULE OF WORK

The assignment for the national consultant includes desk review of alignment of the National Law on Persons with Disabilities and international Convention on the Rights of Persons with Disabilities, current requirements in Vietnam and other international standards. Additionally, the assignment includes stakeholder online and in persons interviews in Hanoi and other provinces.

Desk review: (10 days)

- Study the National Law on Persons with Disabilities to identify the gaps and areas of good practice in comparison with CRPD and other international standards.
- Provide context specific recommendations for the Law on persons with disabilities revision process in 2023-2024.

Interviews: (3 days)

- Liaison with the MOLISA to identify for interview from the government and the DPOs, ensuring participation of members of MOLISA, MOET, MOJ, MPI and a good representation of local DPOs.
- Interviews/group discussions with selected people.
- Analyze data from the interviews.
- Incorporate inputs from consultation workshops and interviews

Report: (16 days)

- Develop and share the outline of the report, draft report and integrate inputs/comments from UNDP, National Committee on Persons with disabilities
- Review and finalize the report which ensures that comments from the consultation workshops are fully integrated.
- Select and synthesize comments and feedback from sub-consultants in the research report.
- Translate the final Vietnamese version into English.

Presentations: (1 day)

- Present research findings/recommendations at one consultation workshop.

3. EXPECTED DELIVERABLES

Deliverables	Description	Expected Results	Timeline
Deliverable 1	Work plan and outline of report	Approved work plan and outline of report by UNDP and National Committee on persons with disabilities (both English and Vietnamese)	15 June 2022
Deliverable 2	Desk review report/Interview questions	Approved desk review report and interview questions by UNDP and National Committee on persons with disabilities (both English and Vietnamese)	30 July 2022
Deliverable 3	The draft report	Approved the Vietnamese draft report before the consultation workshop by UNDP and National Committee on persons with disabilities	Aug 2022
Deliverable 4	Final report	Approved the report based on the comments from UNDP, National Committee on persons with disabilities and consultation workshop in both English and Vietnamese	30 Sept 2022

Final products:

- A study in English and Vietnamese (approximately about 25 pages each version), including the desk review results and interview results with recommendations. The report should have following contents:
 - review the gaps between the important definitions on Viet Nam's Law on PWDs and CRPD to identify the gaps and areas of good practice compared with international standards and selected comparative jurisdictions and recommendations for strengthening protection of PWDs
 - A comparison between the law on PWDs and its implementation
 - Some good examples of the definitions related to PWDs in compliance with CRPD regionally and internationally
 - An executive summary in English and Vietnamese (5 pages)
- A presentation on the desk review, interview/group discussions findings and recommendations in Vietnamese and English to be delivered in the consultation workshop

4) MANAGEMENT

Direct report to Disability Inclusion Officer, Governance and Participation Unit, UNDP Vietnam

5/ Qualifications and experience required:

- Master's degree in law or social sciences or related field;
- A minimum of 5 years working experience in the area of law, human rights, international development; Having understandings of disability rights;

- Experience in research, evaluation and development of national reports on persons with disabilities, participated in the development of Laws on persons with disabilities.
- Excellent report writing in both Vietnamese and English languages.
- Having working experience as a research/consultant conducting interviews

6/ Contract duration:

The assignment starts from 15 June to 30 October 2022.

7/ Payment Terms:

The payments will be made upon UNDP Viet Nam's satisfaction with expected deliverables set forth in Section 3 above and following the tentative schedule below:

Expected Outputs	Payment Amount	Tentative Payment Schedule
Upon UNDP's satisfaction with detailed workplan and outline of the report	20%	15 Jun 2022
Upon UNDP's satisfaction with acceptance of desk review report and questionnaire for survey	30%	30 Jul 2022
Upon UNDP's satisfaction with satisfactory completion of all deliverables specified in the TORs.	50%	30 Oct 2022

Payment will be made upon satisfactory certification of the products by the Disability Inclusion Officer, UNDP Viet Nam following UNDP rules.

9/Travel:

Home base and travel to the consultation workshop for 1 day or interview places in Hanoi arranged by the consultant.

10/ Evaluation Criteria:

Consultant's experiences/qualification related to the services		
1.1	Master's degree in law or social sciences or related field;	200
1.2	A minimum of 10 years working experience in the area of law, human rights, persons with disabilities, international development; Having understandings of disability rights;	250
1.3	Experience in research, evaluation and development of national reports on persons with disabilities, participated in the development of Laws on persons with disabilities.	250
1.4	Good report writing skills in English and Vietnamese language by submitting 2 research reports in both English and Vietnamese	150
1.5	Having working experience as research/consultant conducting interviews	150
Total		1000

ANNEX IV

OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT

Date _____

(Name of Resident Representative/Bureau Director)
United Nations Development Programme
(Specify complete office address)

Dear Sir/Madam:

I hereby declare that:

- A) I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of [*indicate title of assignment*] under the [*state project title*];
- B) I have also read, understood and hereby accept UNDP's General Conditions of Contract for the Services of the Individual Contractors;
- C) I hereby propose my services and I confirm my interest in performing the assignment through the submission of my CV which I have duly signed and attached hereto as Annex 1;
- D) In compliance with the requirements of the Terms of Reference, I hereby confirm that I am available for the entire duration of the assignment, and I shall perform the services in the manner described in my proposed approach/methodology which I have attached hereto as Annex 3 [*delete this item if the TOR does not require submission of this document*];
- E) I hereby propose to complete the services based on the following payment rate: [*please check the box corresponding to the preferred option*]:
 - ☐ An all-inclusive daily fee of [*state amount in words and in numbers indicating currency*]
 - ☐ A total lump sum of [*state amount in words and in numbers, indicating exact currency*], payable in the manner described in the Terms of Reference.
- F) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex V;
- G) I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to UNDP's review, acceptance and payment certification procedures;
- H) This offer shall remain valid for a total period of _____ days [*minimum of 90 days*] after the submission deadline;

I) I confirm that I have no first degree relative (mother, father, son, daughter, spouse/partner, brother or sister) currently employed with any UN agency or office *[disclose the name of the relative, the UN office employing the relative, and the relationship if, any such relationship exists];*

J) If I am selected for this assignment, I shall *[please check the appropriate box]:*

- ☐ Sign an Individual Contract with UNDP;
- ☐ Request my employer *[state name of company/organization/institution]* to sign with UNDP a Reimbursable Loan Agreement (RLA), for and on my behalf. The contact person and details of my employer for this purpose are as follows:

K) I hereby confirm that *[check all that applies]:*

- ☐ At the time of this submission, I have no active Individual Contract or any form of engagement with any Business Unit of UNDP;
- ☐ I am currently engaged with UNDP and/or other entities for the following work:

Assignment	Contract Type	UNDP Business Unit / Name of Institution/Company	Contract Duration	Contract Amount

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

Assignment	Contract Type	Name of Institution/ Company	Contract Duration	Contract Amount

L) I fully understand and recognize that UNDP is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that UNDP will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

M) **If you are a former staff member of the United Nations recently separated, please add this section to your letter:** I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.

N) I also fully understand that, if I am engaged as an Individual Contractor, I have no expectations nor entitlements whatsoever to be re-instated or re-employed as a staff member.

- O) Are any of your relatives employed by UNDP, any other UN organization or any other public international organization?

YES ☐ NO ☐ If the answer is "yes", give the following information:

Name	Relationship	Name of International Organization

- P) Do you have any objections to our making enquiries of your present employer?

YES ☐ NO ☐

- Q) Are you now, or have you ever been a permanent civil servant in your government's employ?

YES ☐ NO ☐ If answer is "yes", WHEN?

- R) REFERENCES: List three persons, not related to you, who are familiar with your character and qualifications.

Full Name	Full Address	Business or Occupation

- S) Have you been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations)?

YES ☐ NO ☐ If "yes", give full particulars of each case in an attached statement.

I certify that the statements made by me in answer to the foregoing questions are true, complete and correct to the best of my knowledge and belief. I understand that any misrepresentation or material omission made on a Personal History form or other document requested by the Organization may result in the termination of the service contract or special services agreement without notice.

DATE: _____

SIGNATURE: _____

NB. You will be requested to supply documentary evidence which support the statements you have made above. Do not, however, send any documentary evidence until you have been asked to do so and, in any event, do not submit the original texts of references or testimonials unless they have been obtained for the sole use of UNDP.

Annexes *[please check all that applies]:*

- ☐ CV shall include Education/Qualification, Professional Certification, Employment Records /Experience
- ☐ Breakdown of Costs Supporting the Final All-Inclusive Price as per Template

GUIDELINES FOR CV PREPARATION

WE REQUEST THAT YOU USE THE FOLLOWING CHECKLIST WHEN PREPARING Your CV:

Limit the CV to 3 or 4 pages

NAME (First, Middle Initial, Family Name)

Address:

City, Region/State, Province, Postal Code

Country:

Telephone, Facsimile and other numbers

Internet Address:

Sex, Date of Birth, Nationality, Other Citizenship, Marital Status

Company associated with (if applicable, include company name, contact person and phone number)

SUMMARY OF EXPERTISE

Field(s) of expertise (be as specific as possible)

Particular development competencies-thematic (e.g. Women in Development, NGOs, Privatization, Sustainable Development) or technical (e.g. project design/evaluation)

Credentials/education/training, relevant to the expertise

LANGUAGES

Mother Tongue:

Indicate written and verbal proficiency of your English:

SUMMARY OF RELEVANT WORK EXPERIENCE

Provide an overview of work history in reverse chronological order. Provide dates, your function/title, the area of work and the major accomplishments include honorarium/salary.

References (name and contact email address) must be provided for each assignment undertaken by the consultant that UNDP may contact.

UN SYSTEM EXPERIENCE

If applicable, provide details of work done for the UN System including WB. Provide names and email address of UN staff who were your main contacts. Include honorarium/salary.

UNIVERSITY DEGREES

List the degree(s) and major area of study. Indicate the date (in reverse chronological order) and the name of the institution where the degree was obtained.

PUBLICATIONS

Provide total number of Publications and list the titles of 5 major publications (if any)

MISCELLANEOUS

Indicate the minimum and maximum time you would be available for consultancies and any other factors, including impediments or restrictions that should be taken into account in connection with your work with this assignment.

Annex V

FINANCIAL OFFER

Having examined the Solicitation Documents, I, the undersigned, offer to provide all the services in the TOR for the sum of (VND for National Consultant and USD for International Consultant).

This is a lump sum offer covering all associated costs for the required service (fee, meal, accommodation, travel, taxes etc).

No.	Description	Quantity	Unit Rate	Total
1	Consultancy fee			
2	Out of pocket expenses			
2.1	Travel			
2.2	Per diem			
2.3	Full medical examination and Statement of Fitness to work for consultants from and above 65 years of age and involve travel – (required before issuing contract). *			
2.4	Others (pls. specify).....			
2.5	VAT** if applicable for local firm (in case your company signs the contract)			
	Total			

* Individual Consultants/Contractors who are over 65 years of age with assignments that require travel and are required, **at their own cost**, to undergo a full medical examination including x-rays and obtaining medical clearance from **an UN-approved doctor** prior to taking up their assignment.

** Individual Consultants/Contractors who request their employer to sign a Reimbursable Loan Agreement (RLA) with UNDP for their behalves are reminded to add the Value Added Tax into the total lump sum of the Financial Offer if applicable.

I undertake, if my proposal is accepted, to commence and complete delivery of all services specified in the contract within the time frame stipulated.

I agree to abide by this proposal for a period of 120 days from the submission deadline of the proposals.

Dated this day /month of year

Signature

(The costs should only cover the requirements identified in the Terms of Reference (TOR)
Travel expenses are not required if the consultant will be working from home).