

15 August 2022



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	International consultant to Develop training material and conduct training workshops for prison officials on national law and good practices on the rights of imprisoned persons
Period of assignment/services (if applicable):	13 days from August 2022 to November 2022
Duty Station:	Home-based with travel requirement Travel required to Ha Noi, Ho Chi Minh City, and Da Nang
Tender reference:	P220807

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

23.59 hrs., 29 August 2022 (Hanoi time)

With subject line:

P220807 - IC to Develop training material and conduct training workshops for prison officials on national law and good practices on the rights of imprisoned persons

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:**

- CV including experience with a similar type of work
- Financial offer
- One example of a legal publication or research report in English to be submitted.

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:

No.	Requirement	Points
1	Postgraduate degree in law	100
2	Minimum 8 years of experience in the legal field, including at least 4 years of experience in the field of human rights law. Experience and expertise in international criminal justice is desirable. Experience working as technical expert for projects supporting government partners of Viet Nam on the promotion and protection of the right to a fair trial is highly preferable.	400
3	Experience in developing legal training materials; interactive training skills using participatory methods is an advantage. One example of a legal dissemination or training document should be submitted.	400
4	Good English writing skills. One example of a legal publication or research report should 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

- 1st installment: 35% of the contract value will be paid after MPS and UNDP receive and verify deliverable 1-3;
- 2nd (final) installment: 65% of the total contract value will be paid after MPS and UNDP receive and verify deliverables 4-7.

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

TERMS OF REFERENCE

International Individual Consultant

Name of service:	Develop training material and conduct training workshops for prison officials on international law and good practices on the rights of imprisoned persons		
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 requirement		
Travel required:	Travel required to Ha Noi, Ho Chi Minh City, and Da Nang		
Duration of Assignment:	August 2022 – November 2022		
Start date	August 2022	End date	November 2022

I. BACKGROUND & PROJECT DESCRIPTION

Legal and judicial reform is a main goal of Viet Nam's national strategy, which has been highlighted in the five most recent Resolutions of the National Party Congress of the Communist Party. The Resolution of the 13th National Party Congress specifically underscores the need to improve the legal systems, mechanisms and related policies in the country. The Government of Viet Nam has made its commitment to this goal particularly clear by accepting the Universal Periodic Review recommendations, which call for "... strengthening 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 justice."

The goal of the Government to improve the legal system, coupled with an aim to further Viet Nam's international integration, prompts the need to improve existing regulations and practice while also increasing knowledge and application of international legal principles and standards. Looking outward to learn from international experience can enable Viet Nam to fulfil their commitments in the field of criminal justice under a number of UN Human Rights Mechanisms, including the Universal Periodic Review (UPR), the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR).

The rights of prisoners

The treatment of prisoners remains a challenge across the world related to safeguarding human rights in the criminal justice field. Article 10 of the ICCPR, to which Viet Nam is a signatory party, mandates that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." It also requires that social readaptation be an "essential aim" of imprisonment. Placed in a situation of deprived liberty, prisoners are to a considerable extent left to the mercy of prison officials and thus in a particularly vulnerable situation to be exposed to treatment that violates their rights. International human rights standards and law

does, however, underscore the clear duty and responsibility for States to take the necessary legal and practical measures to ensure that the rights of prisoners are fully and effectively protected.

In this respect, the role of officials in the criminal justice system, including prison officials, is of crucial importance in contributing to the increased respect for the right to life, security and dignity of all imprisoned persons. In their daily work, these officials also have the duty to ensure the effective implementation of existing domestic and international rules for the protection of the rights of people deprived of their liberty.

It is against this background and under the framework of the EU Justice and Legal Empowerment Programme (EU JULE) that the United Nations Development Programme (UNDP) in Viet Nam collaborates with Police Department of Prison Management, Compulsory Re-Education Center and Reformatory, Ministry of Public Security (MPS) to equip officials and leaders in charge of management, education and rehabilitation of inmates with the necessary skills and knowledge about ensuring the rights of prisoners.

On the basis of consultations with the MPS, UNDP will recruit two consultants (one national and one international) to develop a set of documents on current regulations and good practices on the rights of prisoners, and to conduct three interactive training workshops for prison leaders and officials. Combining and disseminating research findings from a national and international context, the activities of the two consultants aim to contribute to assuring the rights of prisoners in Viet Nam in line with international commitments and human rights standards. This TOR is for the International Consultant (IC).

II. OBJECTIVES AND REQUIREMENTS

General objective

Strengthen awareness, engagement, and capacity of officials in charge of management, education and rehabilitation of imprisoned persons on how to strengthen the rights of persons in imprisonment. The activities of the International Consultant aim to contribute to the assurance of the rights of prisoners in Viet Nam in line with international commitments, good practices and human rights standards.

Specific objectives and output

1. To produce training materials that map the current provisions and regulations of international law and good practices related to ensuring the rights of prisoners and providing recommendations for further measures to be taken to mitigate the risks of violation of the rights of persons in prison under current regulatory frameworks and practices.
2. To conduct three (3) one-day training workshops, in close cooperation with the National Consultant, for prison officials and leaders to disseminate current domestic and international provisions, commitments and good practices regarding protection of the rights of prisoners, using interactive training exercises.

Requirements

It is required to ensure that the set of documents and other content of training workshops are scientific, objective, practical, effective, interactive, and places the participants at the center. The

contents and forms of implementation must comply with Vietnamese laws, the regulations of the Ministry of Public Security, technical advisors, as well as those of UNDP.

III. SCOPE OF WORK

The consultant will be responsible for delivering the following two main products:

1. Deliver a set of material (in English) disseminating the provisions of international law and good practices on the rights of prisoners:

- Research and outline the current legal provisions in international law and good practices related to the rights of prisoners;
- Conduct desk research to compose dissemination on international laws and good practices on the rights of prisoners;
- Based on preliminary research, produce a set of documents in English of no more than 15 pages. The documents shall include, at a minimum: a mapping of current international provisions and regulations related to the rights of persons in prison; an examination of international good practices related to ensuring the rights of persons in prison; and recommendations on measures to be taken to mitigate the risks of violation of the rights of persons in prison under existing international commitments and standards. The documents should apply interactive methods and exercises.
- Edit and finalize documents before and after training workshops, including making all finalized documents available for translation into Vietnamese by the NC.

2. In close collaboration with the National Consultant, participate as trainer in three (3) one-day training workshops for prison officials and leaders

- In close cooperation with the NC, participate as trainer in three in-person training workshops (one day/workshop). Workshops to be delivered online if necessary.
- Training content is based on the set of documents mentioned in item 1 above
- The IC will provide their training content for translation by the NC ahead of the training workshops.

The two main products to be delivered under the IC will be divided into the following deliverables:

No.	Deliverable	Estimated days to complete	Target due date (tentative)	Tasks performed in cooperation with National Consultant
1	Provide inputs on the outline for set of training material and a one-day workshop agenda, drafted by national consultant	1		X
2	Research and compose training content on international laws on the rights of prisoners	2	30 th September 2022	
3	Research and compose training content on good international practices on ensuring the rights of prisoners	3	30 th September 2022	
4	Design applied methods to deliver the content of deliverables 2-3	2	10 th October 2022	X
5	Edit and finalize the set of training materials before workshops	1	31 st October 2022	X
6	Conduct three one-day training	3	25 th	

	workshops		November 2022	X
7	Edit and finalize the set of training materials after workshops	1	30 November 2022	X
	Total	13		

The consultant will use their own equipment and software to conduct the research.

Payment terms

- 1st installment: 35% of the contract value will be paid after MPS and UNDP receive and verify deliverable 1-3;
- 2^{dn} (final) installment: 65% of the total contract value will be paid after MPS and UNDP receive and verify deliverables 4-7.

IV. INSTITUTIONAL ARRANGEMENTS

The International Consultant will work under the overall guidance and monitoring of UNDP Legal and Policy Analyst in order to deliver the final products as described under heading III – Scope of Work. The International Consultant is expected to cooperate and work closely with the National Consultant on this assignment, at a minimum on the deliverable tasks that indicate a requirement for cooperation between the National and International Consultant in the table under heading III.

V. DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

Duration

The assignment shall be completed within a maximum of 13 working days. It is estimated to commence on **25th August, 2022** and the assignment will be completed by **30 November 2022** at the latest.

Duty Station

The consultancy will be based in **Viet Nam**. Development of training materials should be home-based. The consultant is expected to travel to Ha Noi, Ho Chi Minh City, and Da Nang for participation in the three (3) one-day training workshops.

The International Consultant should include all associated cost (airfares, visa and terminal fees, taxis, per-diems, etc.) of 03 missions to Ha Noi, Da Nang and Ho Chi Minh in the financial offer.

VI. DEGREE OF EXPERTISE AND QUALIFICATIONS

Required Skills and Experience

The consultant should possess the following expertise and qualifications:

Education and Experience

- Advanced university degree (Master's or equivalent) or PhD in law;
- 8+ years of experience in the legal field;
- 4+ years of work experience in the field of human rights law;
- Demonstrated understanding of the human rights situation for persons in prison, and the impact of current international regulations and practices on this issue;
- Demonstrated capacity to conduct legal research from a human rights-based approach;
- Expertise in writing and documenting research reports.
- Experience working as technical expert for projects supporting government partners of Viet Nam on the promotion and protection of the right to a fair trial is highly preferable.

Skills

- Demonstrable research skills;

- Results-driven, initiative-taking, ability to work under pressure and meet tight deadlines;
- Ability to work independently or with very limited guidance.
- Highly motivated with a positive attitude and problem-solving approach;
- Good interpersonal and communication skills.

Language

- Proficiency in English.

VII. CRITERIA FOR SELECTION OF THE BEST OFFER

Experience and Qualifications		Score
1	Postgraduate degree in law	100
2	Minimum 8 years of experience in the legal field, including at least 4 years of experience in the field of human rights law. Experience and expertise in international criminal justice is desirable. Experience working as technical expert for projects supporting government partners of Viet Nam on the promotion and protection of the right to a fair trial is highly preferable.	400
3	Experience in developing legal training materials; interactive training skills using participatory methods is an advantage. One example of a legal dissemination or training document should be submitted.	400
4	Good English writing skills. One example of a legal publication or research report should be submitted.	100
Total		1000

The application receiving the Highest Combined Score will be awarded the contract.

VIII. CONSULTANT PRESENCE REQUIRED ON DUTY STATION

NONE

PARTIAL

INTERMITTENT

FULL-TIME

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).