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Date: 16 October 2012

## 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 provide inputs and comments to support the drafting of the revised 2005 Law on Environmental Protection (LEP)
Project name:	Building capacity to eliminate POPs pesticides stockpiles in Vietnam
Period of assignment/services (if applicable):	November 2012 – July 2013

1. Submissions should be sent by email to: [nguyen.thi.hoang.yen@undp.org](mailto:nguyen.thi.hoang.yen@undp.org) no later than: **17.00 hrs., 30 October 2012 (Hanoi time)**.

**With subject line: International Consultant – LEP revision**

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

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.

2. Please find attached the relevant documents:

- [Terms of Reference \(TOR\)](#)..... (Annex I)
- [Individual Contract & General Conditions](#)..... (Annex II)
- [Reimbursable Loan Agreement](#) (for a consultant assigned by a firm) & [General Conditions](#) (Annex III)
- [Insurance Coverage Table](#)..... (Annex IV)
- [Vendor Form](#) ..... (Annex V)
- [Guidelines for CV preparation](#)..... (Annex VI)
- [Format of financial proposal](#)..... (Annex VII)

3. Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

a. Technical component:

- Curriculum vitae
- Expression of interest, explaining why he/she is the most suitable for the work.
- Copy of 1-3 publications/writing samples.
- Contact reference of past 4 clients for whom you have rendered preferably the similar service

b. Financial proposal:

- The financial proposal shall specify a total lump sum amount in **US Dollar** including consultancy fees and all associated costs i.e. airfares, travel cost, meal, accommodation, tax, insurance etc. – see format of financial offer in Annex VII.
- 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 US Dollar at UN Exchange Rate at the submission deadline.

Please note: For the consultancy firm/institution/organization, please provide the above information **of the assigned consultant (only ONE) for this service**, not the experience and information of **YOUR firm**. The documents must be submitted by the assigned consultant.

#### 4. Evaluation:

The technical component will be evaluated using the following criteria:

<b>Consultant's experiences/qualification related to the services</b>		
	<b>Criteria</b>	<b>Maximum Points</b>
1	Postgraduate degree and knowledge in law or equivalent, preferably with an emphasis in environmental law	200
2	At least 10 years of relevant work experience in supporting policy formulation or revision, preferably in national environmental law or relevant fields.	300
3	Good understanding of the process of development and revision of national legal documents in other countries with similar conditions to Viet Nam	200
4	Past experience in working in environmental management, environment protection or related issues in Viet Nam or other countries with similar condition to Viet Nam will be an advantage	150
5	Proven excellent written English by provision of 02 samples report writings	150
	<b>TOTAL</b>	<b>1000</b>

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.

An interview with the candidate given the highest combined score may be held before contract awarding, if deemed necessary.

#### 8. 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:

- Personal History
- International consultant whose work involves travel is required to complete the course on Basic Security in the Field and submit certificate to UNDP before contract issuance.

Note: The Basic Security in the Field Certificate can be obtained from website: <http://training.dss.un.org>. The training course takes around 3-4 hours to complete. The certificate is valid for 3 years.

- Full medical examination and Statement of Fitness to work for consultants from and above 62 years of age and involve travel. (This is not a requirement for RLA contracts).
- Release letter in case the selected consultant is government official.

## 9. Payment

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

First payment of 20% of the contract value will be paid upon submission and satisfactory acceptance of UNDP/SDC and VEA/DOPLA of the detailed work-plan.

Second payment of 30% of the contract value will be paid upon submission of the paper of review of international experiences and good practices in development of national environment protection law with justified recommendations for development of the revised LEP, with satisfactory acceptance by UNDP/SDC and VEA/DOPLA.

Third payment of 30% of the contract value will be paid upon submission of the written comments with justified recommendation on the draft version of the revised LEP which is prepared for submission to the National Assembly, with satisfactory acceptance by UNDP/SDC and VEA/DOPLA.

Forth and last payment of 20% of the contract value will be paid upon submission of all final outputs in section 5 of the TOR with satisfactory acceptance by UNDP/SDC and VEA/DOPLA.

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

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



## **TERMS OF REFERENCE (TOR)**

### **SUPPORT TO THE REVISION OF THE 2005 LAW ON ENVIRONMENTAL PROTECTION IN VIET NAM**

<b>Assignment:</b>	International Consultant to provide inputs and comments to support the drafting of the revised 2005 Law on Environmental Protection (LEP)
<b>Number of assignments:</b>	1 international consultant
<b>Duty station:</b>	Home-based and Hanoi
<b>Duration &amp; timing:</b>	40 days during the period from November 2012 to July 2014

#### **1) GENERAL BACKGROUND**

Law on Environmental Protection 2005 (LEP) was passed on the 29<sup>th</sup> November 2005 by the National Assembly, Legislature XI of the Socialist Republic of Viet Nam at its 8<sup>th</sup> Session, the Law takes effect from the first of July 2006. It includes 15 chapters and 136 articles. After 5 years of its implementation, the LEP 2005 has contributed significantly to the environmental protection meeting the demands of socio-economic development of Vietnam.

However, the 2005 LEP has presented a number of provisions which are no longer consistent and appropriate with practice causing difficulties and confusion in the implementation. There are overlaps and discrepancies between LEP and other related legal documents as well as overlaps of environmental management responsibilities among governmental agencies. In addition, there have been number of new emerging issues such as a well balance among social, economic and environmental benefits, climate change, green growth, and so on which was not taken into account while developing the 2005 LEP.

The revision of the 2005 LEP revision has been included in the Law Making program of the National Assembly (tenure XIII). A revised LEP is expected to be submitted to the National Assembly in September 2013.

#### **2) OBJECTIVES OF THE ASSIGNMENT**

The objectives of this assignment are to:

- Identify international trends and best practices in development of national environmental protection law that can be adopted to the LEP revision process
- Support Ministry of Natural Resources and Environment MONRE/Viet Nam Environment Administration/Department of Policy and Legal Affairs (VEA/DOPLA) in amendment and finalization of the draft revised LEP
- Provide inputs for inclusion of new or critical identified issues in the revised LEP

#### **3) SCOPE OF WORK**

The selected consultant is expected to carry out the key tasks listed below in support of the development of the LEP.

- a) Review and analyse the international trend and experiences from at least three countries with similar condition to Viet Nam in development of national environmental protection law. The review should cover elements but not limited to framework of law, scope of law, principles of law and state management provisions;

- b) Review and provide comprehensive comments on 03 draft versions of the revised LEP with justified recommendations for revision, where appropriate, and substantiated with references to sources for the substance of the comments and recommendations. The 03 draft version includes: the 1<sup>st</sup> draft version of the revised LEP (expected to be available in December 2012), the draft version prepared for submission to the Government (expected due in June 2013) and the draft version prepared for submission to the National Assembly (expected due in September 2013)
- c) Provide comments, views and inputs on new/critical issues for inclusion in the revised LEP (specific issues will be discussed and about 15 days out of total 40 working days is estimated for this specific task);
- d) Participate as a resource person in 01 international workshop and relevant meetings during the maximum two missions to Hanoi.

#### **4) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL**

**Duration & timing:** estimated 40 working days, from November 2012 to July 2014

**Duty station:** home based and Hanoi. The international consultant will be expected to have a maximum of 7 days for up to two missions to Hanoi. Exact dates and timing will be discussed and agreed prior to each visit.

With the exception of two missions to Hanoi, the international consultant is expected to work mostly from their home based office and communicate with national consultants and editing team and with UNDP and VEA/DOPLA electronically.

#### **5) FINAL PRODUCTS**

1. A work-plan detailing the approach/methodology and timeline to implement the assignment that include work-plan with VEA/DOPLA;
2. A paper of review of international trends and good practices/lesson learnt from other countries in development of national environment protection law with justified recommendations for development of the revised LEP
3. Written comments and justified recommendations on the 03 draft versions of the revised LEP
4. Presentation(s) delivered at the international workshop and debating meeting.

#### **6) PROVISION OF MONITORING AND PROGRESS CONTROL**

The selected consultant will have regular meetings and discussions with the national consultant responsible for consolidating inputs for and support to drafting and finalisation of the revised LEP. He/ She will also have regular discussion with and reporting to the responsible staff of UNDP Viet Nam, VEA/DOPLA on the progress of the tasks. After the signing of the contract, the selected consultant, UNDP and VEA will agree on the mechanism and actual timeline of the reporting requirement. Upon that the consultant will develop a detailed work plan which must be agreed between UNDP/SDC and VEA/DOPLA.

#### **7) DEGREE OF EXPERTISE AND QUALIFICATIONS**

The ideal consultant shall have following minimum qualification and experience:

- Postgraduate degree and knowledge in law or equivalent, preferably with an emphasis in environmental law;
- At least 10 years of relevant work experience in supporting policy formulation and revision, preferably in national environmental law or relevant fields;
- Good understanding of the process of development and revision of national legal documents in other countries with similar conditions to Viet Nam;
- Past experience in working in environmental management, environment protection or related issues in Viet Nam or other Asian countries will be an advantage;
- Excellent written English

#### **8) ADMIN SUPPORT AND REFERENCE DOCUMENTS**

UNDP/DOPLA will recruit one national consultant to incorporate inputs and support the drafting process of the revised LEP and about eight national consultants to undertake analysis of identified critical issues. UNDP and VEA will provide administrative support and provide related documents such as:

- Work-plan of development of revised LEP and list of relevant documents/reviews in regard to LEP implementation over the last 5 years
- Provision of relevant documents and reports i.e. National Strategy for Environmental Protection until 2010 and vision until 2020 (NSEP), Resolution of the Politburo on environmental protection in the process of accelerating national industrialization and modernization (Resolution No.41-NQ/TW of 15 November 2004), the MEAs to which Viet Nam is a Party (if required), and any other documents and legal instruments that may be identified in the pre-drafting phase of the process of developing the revised LEP
- List of experts/relevant stakeholders that can be interviewed or consulted
- Assistance in acquiring official letters in case of visits or conducting interviews with relevant stakeholders

## **9) REVIEW TIME REQUIRED AND PAYMENT TERM**

First payment of 20% of the contract value will be paid upon submission and satisfactory acceptance of UNDP/SDC and VEA/DOPLA of the detailed work-plan.

Second payment of 30% of the contract value will be paid upon submission of the paper of review of international experiences and good practices in development of national environment protection law with justified recommendations for development of the revised LEP, with satisfactory acceptance by UNDP/SDC and VEA/DOPLA.

Third payment of 30% of the contract value will be paid upon submission of the written comments with justified recommendation on the draft version of the revised LEP which is prepared for submission to the National Assembly, with satisfactory acceptance by UNDP/SDC and VEA/DOPLA.

Forth and last payment of 20% of the contract value will be paid upon submission of all final outputs in section 5 of the TOR with satisfactory acceptance by UNDP/SDC and VEA/DOPLA.

## **10) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES**

NONE                       PARTIAL                       INTERMITTENT                       FULL-TIME

## **Annex VI**

### **GUIDELINES FOR PREPARING CV**

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.

Please ensure the following statement is included in the resume and that it is signed and dated:

I CERTIFY THAT ALL INFORMATION STATED IN THIS RESUME IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I AUTHORIZE UNDP/UNOPS OR ITS AGENT TO VERIFY THE INFORMATION PROVIDED IN THIS RESUME.

(Signature)

