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Date: **10 September 2014**

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	01 individual National Consultants on green growth and climate change to provide inputs to the revision of Viet Nam's Investment Law and Enterprise Law
Project name:	70239/84321 Strengthening Sustainable Development and Climate Planning
Period of assignment:	Total estimated 50 days for two consultants, during September 2014 – October 2014

1. Submissions should be sent by email to: huynh.huong.thanh@undp.org no later than: **16 September 2014 (Hanoi time)**.

With subject line: **Consultant No. 1 -“Revision of Viet Nam’s Investment Law and Enterprise Law”**

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

Note: Maximum size per email is **7 MB**.

Any request for clarification must be sent in writing, or by standard electronic communication to huynh.huong.thanh@undp.org. 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 interested consultants and

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 **(in PDF Format)** to demonstrate their qualifications:

- a. Technical component:
 - Letter of interest explaining why they are the most suitable for the work
 - One writing sample in English and one writing sample in Vietnamese
 - Signed Curriculum vitae with contact details of 03 clients for whom you have rendered preferably the similar service
- b. Financial proposal **(with your signature)**:
 - The financial proposal shall specify a total lump sum amount in **VND** 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 VND at UN Exchange Rate at the submission deadline.

Please note: Any individual employed by a company or institution who would like to submit an offer in response to a Procurement Notice for IC must do so in their individual capacity, even if they expect their employers to sign an RLA with UNDP

4. Evaluation:

The technical component will be evaluated using the following criteria:

Consultant's (Number 1) experiences/qualification related to the services		
No.	Criteria	Maximum Point
1	Master degree and good knowledge in Law, Business Management, investment and enterprise and/or in environmental issues	150
2	At least five-year work experience relevant to law and legislation development/review with good understanding of relevant legislation and policies of other countries with similar conditions to Viet Nam	250
3	At least five-year work experience related to green growth, environmental management, especially with policy and legislation review;	300
4	Ability and good experience of team work and cooperation with MPI and other relevant agencies, institutions and organizations	200
5	English and Vietnamese written skills	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).

Technically qualified consultants may be selected for an interview before financial evaluation.

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%.

Individual consultants will be evaluated based on Cumulative analysis, the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

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
- Release letter in case the selected consultant is government official.

TERMS OF REFERENCE

Inputs to the Revision of the Investment Law and Enterprise Law

Title:	01 National Consultants on green growth and climate change to provide inputs to the revision of Viet Nam's Investment Law and Enterprise Law
Project ID and title:	70239/84321 <i>Strengthening Sustainable Development and Climate Planning</i>
Duration:	Total estimated 30 days, during September 2014 – October 2014

1. GENERAL BACKGROUND

Viet Nam is one of the countries in the world heavily affected by the climate change, and is considered one of 30 “extreme risk countries,” according to the Climate Change Vulnerability Index (CCVI).

While Viet Nam is not a major global greenhouse gas (GHG) emitter (the emission was 1.637 Metric Tonnes of Carbon Dioxide Equivalent (MtCO₂) per capita in 2009¹), the national and per capita greenhouse gas emissions continue to grow rapidly, especially from the energy sector, where there remains significant potential for mitigation with co-benefits. Overall, Viet Nam is expected to triple its total GHG emissions by 2030, relative to 2010.²

The government of Viet Nam views climate change as a high priority in its policy agenda and has put in place a comprehensive policy response. Key policies are the Resolution 24/NQ-TW on Active Response to Climate Change, Improvement natural resource management and environmental protection, the National Climate Change Strategy (NCCS, 2011), the Viet Nam Green Growth Strategy (VGGs, 2012, and National Green Growth Action Plan (VGGAP, 2014). Implementation of government strategies and programmes will be further enhanced with legal framework on green growth and climate change.

Viet Nam is in the process of revising the 2005 Investment Law which offers a good opportunity to integrate GG and CC principles into the law to enhance investments for green economy, specifically to:

- create and promote use of and technology transfer green technologies;
- invest in renewable and clean energy, and energy efficiency;
- shift to green production;
- invest in natural capitals/resources, including forestry, fisheries, minerals, etc.

Ministry of Planning and Investment (MPI) is mandated to lead the implementation of the GGS and GGAP. MPI also leads the revision and implementation of the Investment Law and Enterprise Law.

MPI/Department of Science, Education, Natural Resources and Environment (DSENRE) is implementing a UNDP funded project “Sustainable Development and Climate Planning (SD&CP)”, 2009-2014, which provides support to formulate and implement the GGS/AP.

The SD&CP is looking for two qualified national consultants to provide inputs relating to green growth and climate change to the revision of the Investment Law. Selected consultants will also request to extend the services to provide some inputs to revision of the Enterprise Law relevant to the green growth.

¹ <http://data.un.org/Data.aspx?d=MDG&f=seriesRowID:751>

² Emissions from energy, agriculture and LULUCF sectors are projected to total 169.2 million tCO₂e in 2010, 300.4 million tCO₂e in 2020 and 515.8 million tCO₂e in 2030, (Viet Nam second National Communication).

2. OBJECTIVES OF THE ASSIGNMENT

The two main objectives are:

- To review and analyze green growth/climate change-related aspects/provision in existing national investment legal frameworks and policies, investment policies of some countries, and related international conventions;
- To provide specific technical recommendations/inputs for inclusion in the draft Investment Law.

3. SCOPE OF WORK

The team of two national consultants will work to cover the following tasks, specifically; the National Consultant No. 1 will take main responsibilities in:

1. Undertake analysis all relevant provisions and the evidences from the implementation of these provision relating to green growth, climate change, natural resources and environment in investment legal frameworks, policies, and practices in Viet Nam, in three relevant countries;
2. Select and make specific comparison of key elements/provisions from legal frameworks and policies of at least three other countries (priority is given to countries in the Asia Region);
3. Take into account relevant issues on investments in green growth/climate change, including energy efficiency, renewable energy, and natural resources;
4. Review and consider emerging issues relating to green growth and investment in Viet Nam;
5. Formulate a set of recommendations of policy options/measures to promote investments on green growth/climate change/natural resources
6. Presentation of draft report in consultative roundtable meetings and submit the draft and final mission report.

4. METHODOLOGY:

The selected consultant is responsible for proposing a viable approach to the assignment. The following methodologies can be adopted. The following suggested methodologies can be adopted:

- Desk review of the international laws and policies regarding green investment and green growth;
- Review of the Investment Law and related laws as well as other studies carried out by MPI and drafting team during the development of the Law, submitted to the National Assembly for clarification and proposal;
- Review the experiences and opportunity for the green investment focus for the private sector's investment on clean energy, environmentally friendly transportation, sustainable urbanization, ecological agriculture, eco-tourism, cultural industries, waste disposal, promote sustainable consumption and green lifestyle etc.
- Interviews with relevant experts, government officials, and other relevant stakeholders.
- Review, assessment and analysis of issues related to green investment in order to boost green growth in Vietnam to the revision of the Enterprise Law to compliment to each other and to make synergies for the two Laws revision.
- Provide inputs for Law revision.

5. DURATION OF ASSIGNMENT AND DUTY STATION

- **Duration & timing:** estimated 30 days, during September-October 2014.
- **Duty station:** Ha Noi.

6. FINAL PRODUCTS

- 6.1. A detailed **work-plan** detailing the approach and timeline to implement the assignment;
- 6.2. A report which includes findings from analysis of mentioned issues with justified recommendations for revisions;
- 6.3. The report shall include the table for **set of specific provisions for inclusion into the draft Investment Law and Enterprise Law** in following format:

Chapter-Articles of the Law	Regulations in other legal documents	Justified shortcomings	Recommendations on revision/amendment

- 6.4. All **outputs** will be in Vietnamese, with an addition of a final summary report in English and draft presentation in English prepared for consultative meetings

It is expected that products will be submitted basing on following indicative timeline

No	Outputs/Activities	Indicative timelines
1	A detailed Work-plan to implement the assignment	A maximum of one week after signing of the contract
2	A set of recommendations of policy options/measures to promote investments on green growth/climate change/natural resources. Recommendations of policy options/measures to promote investments on green growth/climate change/natural resources for the Enterprise Law A set of specific provisions for inclusion into the draft Investment Law	By 15 October , 2014
3	1 st draft report	By 30 October, 2014
4	Final report	A maximum of two weeks after receiving feedbacks from relevant stakeholders, DSENRE/MPI and UNDP/SDC on the draft report

- Findings and recommendations are conformable to the national and international laws to which Viet Nam is a party (including international treaties which Viet Nam is already a party or potentially to become party);
- Recommendations are practical and feasible with estimates of challenges in legalization and implementation.

7. PROVISION OF MONITORING AND PROGRESS CONTROLS

The selected consultants will perform tasks as required with regular consultation and discussion with the senior national consultant, the Head of Sustainable Development Cluster of the United Nation

Development Programme Viet Nam (UNDP/SDC) and the Deputy Director of DSENRE/MPI. The consultants are required to regularly report to UNDP/SDC and DSENRE on the progress of the work. After the signing of the contract, the selected consultants, the national technical specialist, UNDP and DSENRE will agree on the methodology and approach and timeline of the reporting requirement. Upon that the consultant will develop a detailed work plan which must be agreed with UNDP/SDC and DSENRE.

8. DEGREE OF EXPERTISE AND QUALIFICATIONS

The ideal consultant shall have following minimum qualification and experience:

Consultant No. 1 with background and experience on Law, business, investment and enterprise, to provide the inputs for the scopes of work (30 days):

- Master degree and good knowledge in Law, Business Management, investment and enterprise or environmental related field;
- At least five (5) years of relevant work experience in law and legislation development/review;
- At least 5 year work experience related to green growth, environmental management and investment;
- Ability and good experience of team work and cooperation with MPI and other relevant agencies, institutions and organizations.

9. ADMIN SUPPORT AND REFERENCE DOCUMENTS

UNDP/DSENRE will assist the selected consultants with administrative support related to, but not necessarily limited to:

- To provide a list of relevant documents/reviews in regard to Laws implementation over the last 5 years
- To provide a list of experts that should be interviewed or consulted
- To assist with acquiring official letters in case of visits or conducting interviews with official partners
- To organize necessary consultative roundtable meeting(s).

10. REVIEW TIME REQUIRED AND PAYMENT TERM

- 20% of contract value will be paid upon submission and UNDP/SDC and MPI/DSENRE's acceptance of the final Work-plan.
- 40% of the contract value will be paid upon submission and UNDP/SDC and MPI/DSENRE acceptance of the draft report.
- 40% of the contract value will be paid upon submission and satisfactory acceptance of all outputs by UNDP/SDC and MPI/DSENRE.

11. 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)

