



Date: 3 September 2013

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	An international consultant to develop a report on reviewing the Criminal Procedure Law of Viet Nam in compliance with international laws and human rights treaties which Viet Nam has ratified
Project name:	Strengthening Access to Justice and Protection of Rights in Viet Nam (Project 00058492)
Period of assignment/services (if applicable):	September – November 2013

1. Submissions should be sent by email to: nguyen.thi.hoang.yen@undp.org no later than: **15 September (Hanoi time)**.

With subject line: International consultant - Criminal Procedure Law of Viet Nam

Submission received after that date or submission not in conformity with the requirements specified 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 **7 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.

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:
 - Signed Curriculum vitae
 - Copy of 1-3 publications/writing samples.
 - Reference contacts of past 4 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 **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.

4. Evaluation:

The technical component will be evaluated using the following criteria:

Consultant's experiences/qualification related to the services		
	Criteria	Maximum Points
1	Post graduate degree. At least 10 years working experiences on international laws and criminal procedure law research.	300
2	Working experiences in criminal practices, criminal procedures can be an advantage.	200
3	Having previous consultancy experiences on subjects in relation to criminal procedure law and human rights standards can be an asset.	300
4	Good research, presentation and writing skills. Experiences in team group; independent working capacity. Fluent English	200
	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.

Interview with the candidates may be held 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: <https://training.dss.un.org/consultants>. 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.

1st payment: 20% of total contract value will be paid upon submission of a consultancy report outline within 15 working days from the date of signing contract.

2nd payment: 50% of total contract value will be paid upon submission of the draft consultancy report.

3rd and final payment: 30% of total contract value will be paid upon submission and satisfactory acceptance by CCIA and UNDP of the final consultancy report.

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.

Annex I



TERMS OF REFERENCE (TOR)

TITLE	An international consultant to develop a report on reviewing the Criminal Procedure Law of Viet Nam in compliance with international laws and human rights treaties which Viet Nam has ratified
PROJECT	Strengthening Access to Justice and Protection of Rights in Viet Nam (Project 00058492)
COUNTRY	Viet Nam

1- BACKGROUND

Vietnam has actively implemented the Judicial Reform Strategy (Resolution 49-NQ/TW). One of the priorities of the judicial reform in Vietnam emphasizes “the importance to modification of the criminal policies and the judicial proceeding procedures” in order to have a synchronous, democratic, open, clear, human rights respect and protection policies, procedures.

Implementation of the Criminal Procedure Code in practice has shown many shortcoming, limitations, such as: there is no clear assignment of the basic functions (accusation, defense, or trial functions) in the criminal procedure; there is no clear regulation on the role, jurisdiction, cooperation, cross-check mechanism between organizations and levels to implement the criminal procedure; there is no mechanism to ensure that the judicial process is fair, open, democratic. In addition, some vital directions of the judicial reform, such as adversarial system at the trial, strengthening the prosecutor’s power in investigation has not been researched thoroughly and has not been stipulated fully in the current Criminal Procedure Code. Amending this law has been anticipated in the lawmaking agenda of the National Assembly during 2014-2015. In this context, comparative experiences have been studied to inform the Drafting Committee of the Criminal Procedure Code, a body set up in responsible for submitting the draft amendments.

The Central Commission of Internal Affairs (CCIA) of the Party has the mandate to review the draft submissions. Thus, it is important for the CCIA to be fully informed of the requirements of the international laws and standards as well as to have substantive inputs to the drafting process.

An international expert will be engaged in order to provide the CCIA with the required information and service as set forth in this Terms of Reference (TOR). The service is commissioned within the framework of the project “Strengthening Access to Justice and Protection of Rights” executed by the Ministry of Justice and supported by UNDP. Apart from this consultancy service, four national consultants are engaged separately to cooperate with the international consultant to develop a joint report with recommendations to the modification and amendment of the Criminal Procedure Code in line with objectives of the Judicial Reform Strategy of Viet Nam and with international laws and standards.

2- OBJECTIVES OF THE CONSULTANCY

The objective of the assignment is to support to develop a comprehensive report on possible amendments of the Criminal Procedure Code of Viet Nam to meet with the objectives of the Judicial Reform Strategy of Viet Nam and requirements of the international laws and standards.

3 – SPECIFIC TASKS

Specifically, main tasks of the international consultant are:

- To review and Criminal Procedure Law of Viet Nam in the lenses of key international laws and treaties which Viet Nam is a Party State, including but not limited to the ICCPR, CEDAW and the Convention on the Rights of the Child. - To provide comments and recommendation on a national report on possible amendments of the Criminal Procedure Code to be developed by national consultants.
- During the consultancy service, the international expert is requested to participate in an one-day consultation workshop held by the CCIA in Viet Nam to present his/her report and recommendations. The draft report and recommendation will be completed into a joint report on modification, amendment of the Criminal Procedure Code to be sent to the CCIA for consideration in their submission to the Drafting Committee of the Criminal Procedure Code.
- During the undertaking of assignment, the international consultants will work closely with the team leader of the national consultancy team (via telephone, email) on the subject matters and exchange necessary and available materials in order to ensure the collaboration in the research process.

4- EXPECTED OUTPUTS

A full consultancy report of about 50 pages excluding appendix of relevant documents and data (if any) in English.

The report have to cover all the substantive requirements specified in this TOR, Analysis of the requirements of the international laws and recognized human rights and make recommendations to ensure a greater coherence of the Vietnamese law(s) with international laws and standards. In addition, recommendations should not be limited to legislative changes but also, to possible extend, address obstacles in enforcement of the criminal procedure law in practice. In this sprit, good experiences and practices from other countries or jurisdictions should be referred to guide further studies and policy actions in Viet Nam. .

5- TIMETABLE FOR CONSULTANT

ACTIVITIES	TIME	RESPONSIBILITY
Recruit and sign contract with selected consultant	–September 2013	UNDP
Submit a draft report to UNDP	October 2013	International consultant
Participate in workshop to present the draft report and give comments to a national report on modification, amendment of the Criminal Procedure Code developed by the national consultants	October 2013	International consultant
Complete and send final consultancy report to PMU, UNDP	November 2013	National consultants coordinated with international consultant

6- QUALIFICATION REQUIREMENTS OF THE INTERNATIONAL CONSULTANT

- Post graduate degree.
- At least 10 years working experiences on international laws and criminal procedure law research; working experiences in criminal practices, criminal procedures can be an advantage.
- Having previous consultancy experiences on subjects in relation to criminal procedure law and human rights standards can be an asset. - Good research, presentation and writing skills.
- Experiences in team group; independent working capacity.
- Fluent English.

7- COORDINATION AND MANAGEMENT

- International consultant will work in close cooperation with the team leader of the national consultant team and be responsible for the quality and timely submission of the consultancy report under the supervision of the CCIA, Project Manager Unit (PMU) and UNDP.
- The CCIA shall be responsible for monitoring and evaluation of the assignment.

8- LOCATION, DURATION OF THE ASSIGNMENT, DUTY STATION

In line with the above-mentioned tasks and expected outputs, it is estimated that the assignment requires **15 working days** spreading over the period from September to November of 2013. The consultancy is home-based with a two-day mission, tentatively scheduled in October 2013 in Hanoi.

9- PAYMENT MILESTONES

Payment will be made in line with a contract signed between the consultant and UNDP.

Upon the report accepted by the CCIA and UNDP, three payments will be made as follows:

1st payment: 20% of total contract value will be paid upon submission of a consultancy report outline within 15 working days from the date of signing contract.

2nd payment: 50% of total contract value will be paid upon submission of the draft consultancy report.

3rd and final payment: 30% of total contract value will be paid upon submission and satisfactory acceptance by CCIA and UNDP of the final consultancy report.

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)

Annex VII

FINANCIAL OFFER

Having examined the Solicitation Documents, I, the undersigned, offer to provide all the services in the TOR for the sum of USD

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

Note: The number of work-days in the TOR is estimated only. The bidder should make his/her own estimate of the time taken to complete the assignment in line with this TOR and his/her proposal, and use this estimate as the basis for financial proposal.

Cost breakdown:

No.	Description	Number of days	Rate (USD)	Total
1	Remuneration			
1.1	Services in Home office			
1.2	Services in field			
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 62 years of age and involve travel – (required before issuing contract). *			
2.5	Others (pls. specify).....			
	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.*

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