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Date: 23 June 2014

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	National Specialist for framing UNDP support to court reform in Viet Nam
Project name:	“Support to court reform in Viet Nam”
Period of assignment/services (if applicable):	August – September 2014

1. Submissions should be sent by email to: nguyen.thi.hoang.yen@undp.org no later than: **4 July 2014 (Hanoi time)**.

With subject line: National Specialist for framing UNDP support to court reform in Viet Nam

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 **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 English, 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 **Vietnam Dong** 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 Viet Nam Dong 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	Advance university degree or equivalent in law with at least 12 years of experience as a legal professional	150
2	Demonstrated track record working in the areas of law and judicial reform	250
3	Preferably having a strong record of doing research on court-related issues and/or judicial reform in Viet Nam	250
4	Proven ability to work with diverse stakeholders in politically sensitive areas	200
5	Strong analytical, conceptual and facilitation skills; Very good communication and writing competence in English	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.

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:

- Personal History

- 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.

6. 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 total contract value will be paid upon UNDP acceptance of the expert' detailed work-plan.
- Second payment of 40% of the contract value will be made upon submission of draft consultancy report to UNDP.
- Last payment of 40% total contract value will be made upon UNDP satisfactory acceptance 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.

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



TERMS OF REFERENCE (TOR)

TITLE: National Specialist for framing UNDP support to court reform in Viet Nam
COUNTRY OF ASSIGNMENT: Hanoi, Viet Nam

1) GENERAL BACKGROUND

With the eight years of experience implementing Resolution 49, a comprehensive assessment was conducted in 2013. While taking stock of the overall judicial reform process, its conclusion reaffirms the importance of continuing with court reform. In the same year, the Constitution was amended to include a stronger affirmation of the role of the courts. In the years to come, laws on the organization of the courts, court procedures and related subject matters will be revised in line with the new principles enshrined in the Constitution.

The courts recognise the role of development partners' support to their work. In fact, support of the development community to court-oriented legal reform in Viet Nam started in early 1990s and UNDP was among the key actors. Support to court reform has been channelled through ODA projects, including the introduction of comparative court system knowledge and experience, and enhancing the capacity of judges and court staff. UNDP's technical assistance to the Supreme People's Court (SPC) since 2006 has been provided through the projects executed by the Ministry of Justice, aiming to promote rule of law and increase access to justice to Vietnamese people through legal and judicial development processes.

In this context, it is timely to review the UNDP ongoing assistance to the courts and consider new approaches and areas of priority. In order to assist UNDP in mapping, analysis and developing a strategic outline to the future work in the area of court reform, a national specialist will be recruited to team up with a Team Leader to carry out the assignment according to these Terms of Reference ("**TOR**").

2) OBJECTIVES OF THE ASSIGNMENT

The national specialist to assist the Team Lead (see the TOR for Team Lead in the Annex) to accomplish the main objectives of the assignment below.

- Review court-related project activities that UNDP supports in the ongoing MOJ-UNDP project "Strengthening Access to Justice and Protection of Rights" started in 2009.
- Identify strategic priorities in areas of court reform in Viet Nam that UNDP may consider supporting through the MOJ or directly with the SPC, taking into account UNDP comparative advantages and programming focus.
- Develop a strategic framework for UNDP for possible support to court reform in Viet Nam in a five year term (2015-2020) and a detailed plan of interventions for possible direct technical assistance to the SPC in the year 2015.

3) EXPECTED OUTPUTS

A mission report to be submitted to UNDP in line with the TOR suggested timeline and the format suggested by UNDP (see the Annex of this TOR).

4) SPECIFIC TASKS FOR NATIONAL SPECIALIST

4.1 Review court-related project activities and develop a program for technical assistance, including:

- The experience of MOJ-UNDP project “Strengthening Access to Justice and Protection of Rights” started in 2009.
- Experiences of other donors support to SPC from the perspective of donor, local counterpart and court users if technically feasible.
- Built on the guidance and consultations with UNDP, SPC, donors actively support court-related activities and other relevant stakeholders, the national specialist will provide technical inputs and assistance to the Team Leader in developing:
 - a strategic framework for UNDP possible direct support to court reform in Viet Nam in a five year term (2015-2020); and
 - a detailed work plan for possible technical assistance to the SPC beginning in 2015, including key activities, timeframe and inputs necessary to deliver the project activities.

4.2 The mission arrangement and time-bound deliverables:

- Duration: August-September 2014.
- Number of working days: Estimated **15 working days in total** to work with the Team Leader, including the **four-day mission** of the Team Leader in Hanoi.
- The national specialist and Team Leader to be recruited on individual basis and have distinct roles for specific duties, deliverables and required qualifications.
- Supervision: National Specialist will report to the Team Leader and work in close consultation with UNDP Governance and Participation Team through UNDP Programme Officer for Rule of Law & Access to Justice and other key stakeholders.

The consultancy team will produce time-bound deliverables as proposed below:

- a. Early August (home-based): Desk review of available documents and preliminary consultations with UNDP on an indicative work plan for a four-working day mission in Hanoi;
- b. During 3rd – 4th week of August (field work): one mission of four working days in Hanoi, Viet Nam to work with UNDP, SPC and other stakeholders in line with the objective and task specified in this TOR. At the end of the mission, a debriefing will be held to present primary findings and suggestions to UNDP and SPC;
- c. September (home-based): a draft consultancy report to be sent to UNDP no later than two weeks after the mission in Viet Nam. Consequently, a final report will be sent to UNDP no later than ten days after receiving UNDP’s feedback on the draft consultancy report.

5) SPECIFIC RESPONSIBILITIES OF THE NATIONAL SPECIALIST

The National Specialist will be jointly responsible for the completion and delivery of all outputs under this TOR, reporting to UNDP. S/he will be in particular responsible for:

- Mapping the current donor’s support to court-related reform in Viet Nam; Desk review of the legal documents, project documents upon the Team Leader’s request;
- Provide technical assistance to the Team Leader and support the Team Leader when necessary in presenting the primary findings and suggestions to UNDP and SPC at the end of the Team Leader’s mission in Hanoi;
- Participate in drafting the consultancy report and finalizing the report at the Team Leader’s request.

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

In line with 4.2, the National Specialist will report to the Team Leader and work closely with UNDP Programme Officer, Rule of Law & Access to Justice.

Below is an indicative timeline for this assignment which can be subject to change upon agreement between UNDP and the expert.

Event	Date	Responsibility
Desk review and preparation for the mission in Viet Nam	July – mid August	Team leader, national expert, SPC and UNDP
Mission in Hanoi, Viet Nam	3 rd week of August	Team leader, national expert, SPC and UNDP
Submission of the mission draft report (two weeks after the mission in Viet Nam)	September	Team leader
Submission of the final report incorporating SPC and UNDP comments	Sep – no later than 15 th Oct 2014	Team leader

According to the indicative timelines above, the selected expert will update UNDP on the working progress on a monthly basis and will submit drafts of TOR-required deliverables to UNDP for discussion and comment.

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

- Advance university degree or equivalent in law with at least 12 years of experience as a legal professional;
- Demonstrated track record working in the areas of law and judicial reform;
- Preferably having a strong record of doing research on court-related issues and/or judicial reform in Viet Nam;
- Proven ability to work with diverse stakeholders in politically sensitive areas;
- Strong analytical, conceptual and facilitation skills; Very good communication and writing competence in English.

8) REVIEW TIME REQUIRED AND PAYMENT TERM

- First payment of 20% of the total contract value will be paid upon UNDP acceptance of the expert' detailed work-plan.
- Second payment of 40% of the contract value will be made upon submission of draft consultancy report to UNDP.
- Last payment of 40% total contract value will be made upon UNDP satisfactory acceptance of the final consultancy report.

ANNEX I-b: TOR for International Team Leader for framing UNDP support to court reform in Viet Nam

ANNEX I-b:

TOR for International Team Leader for framing UNDP support to court reform in Viet Nam

TITLE: International Team Leader for framing UNDP support to court reform in Viet Nam
COUNTRY OF ASSIGNMENT: Home-based and one (1) mission in Hanoi, Viet Nam

1) GENERAL BACKGROUND

With the eight years of experience implementing Resolution 49, a comprehensive assessment was conducted in 2013. While taking stock of the overall judicial reform process, its conclusion reaffirms the importance of continuing with court reform. In the same year, the Constitution was amended to include a stronger affirmation of the role of the courts. In the years to come, laws on the organization of the courts, court procedures and related subject matters will be revised in line with the new principles enshrined in the Constitution.

The courts recognise the role of development partners' support to their work. In fact, support of the development community to court-oriented legal reform in Viet Nam started in early 1990s and UNDP was among the key actors. Support to court reform has been channelled through ODA projects, including the introduction of comparative court system knowledge and experience, and enhancing the capacity of judges and court staff. UNDP's technical assistance to the Supreme People's Court (SPC) since 2006 has been provided through the projects executed by the Ministry of Justice, aiming to promote rule of law and increase access to justice to Vietnamese people through legal and judicial development processes.

In this context, it is timely to review the UNDP ongoing assistance to the courts and consider new approaches and areas of priority. In order to assist UNDP in mapping, analysis and developing a strategic outline to the future work in the area of court reform, an international expert—with assistance of a national expert—will be recruited as Team Leader according to these Terms of Reference (“TOR”).

2) OBJECTIVES OF THE ASSIGNMENT

The Team Leader, in collaboration with one national expert, shall work with UNDP administrative support when necessary to:

- Review court-related project activities that UNDP supports in the ongoing MOJ-UNDP project “Strengthening Access to Justice and Protection of Rights” started in 2009.
- Identify strategic priorities in areas of court reform in Viet Nam that UNDP may consider supporting through the MOJ or directly with the SPC, taking into account UNDP comparative advantages and programming focus.
- Develop a strategic framework for UNDP for possible support to court reform in Viet Nam in a five year term (2015-2020) and a detailed plan of interventions for possible direct technical assistance to the SPC in the year 2015.

3) EXPECTED OUTPUTS

A mission report to be submitted to UNDP in line with the TOR suggested timeline and the format suggested by UNDP (see the Annex of this TOR).

4) SPECIFIC TASKS FOR TEAM LEADER

4.1 Review court-related project activities and develop a program for technical assistance, including:

- The experience of MOJ-UNDP project “Strengthening Access to Justice and Protection of Rights” started in 2009.

- Experiences of other donors support to SPC from the perspective of donor, local counterpart and court users if technically feasible.
- Built on the guidance and consultations with UNDP, SPC, donors actively support court-related activities and other relevant stakeholders, the Team Leader together with the national expert will develop:
 - a strategic framework for UNDP possible direct support to court reform in Viet Nam in a five year term (2015-2020); and
 - a detailed work plan for possible technical assistance to the SPC beginning in 2015, including key activities, timeframe and inputs necessary to deliver the project activities.

4.2 The mission arrangement and time-bound deliverables:

- Duration: August-September 2014.
- Number of working days: Estimated **15 working days in total** including a **four-day mission** in Hanoi for each members of the team including the International Expert (Team Leader) and one national expert.
- The team composes of one international (Team Leader), one national specialist to be recruited on individual basis and have distinct roles for specific duties, deliverables and required qualifications
- Supervision: Team Leader will report to UNDP Senior Management and work in close consultation with UNDP Governance and Participation Team through UNDP Programme Officer for Rule of Law & Access to Justice and other key stakeholders.

The consultancy team will produce time-bound deliverables as proposed below:

- d. Early August (home-based): Desk review of available documents and preliminary consultations with UNDP on an indicative work plan for a four-working day mission in Hanoi;
- e. During 3rd – 4th week of August (field work): one mission of four working days in Hanoi, Viet Nam to work with UNDP, SPC and other stakeholders in line with the objective and task specified in this TOR. At the end of the mission, a debriefing will be held to present primary findings and suggestions to UNDP and SPC;
- f. September (home-based): a draft consultancy report to be sent to UNDP no later than two weeks after the mission in Viet Nam. Consequently, a final report will be sent to UNDP no later than ten days after receiving UNDP's feedback on the draft consultancy report.

5) SPECIFIC RESPONSIBILITIES OF THE TEAM LEADER

The international expert – Team Leader will have the overall responsibility for the completion and delivery of all outputs under this TOR, reporting to UNDP. S/he will supervise and lead the team in all aspects of the work, and in particular will have overall responsibility for:

- Design the methodology to be used for the assignment;
- Present the primary findings and suggestions to UNDP and SPC at the end of the mission in Hanoi;
- Draft the consultancy report and responsible for the timely and quality submission of the report;
- Certify the work of the team members and submit to UNDP for making payment.

(See the TOR of the national expert attached in the Annex for reference.)

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

In line with 4.2, the Team Leader will report to UNDP Deputy Country Director and work closely with UNDP Programme Officer, Rule of Law & Access to Justice.

Below is an indicative timeline for this assignment which can be subject to change upon agreement between UNDP and the expert.

Event	Date	Responsibility
Desk review and preparation for the mission in Viet Nam	July – mid August	Team leader, national expert, SPC and UNDP
Mission in Hanoi, Viet Nam	3 rd week of August	Team leader, national expert, SPC and UNDP
Submission of the mission draft report (two weeks	September	Team leader

after the mission in Viet Nam)		
Submission of the final report incorporating SPC and UNDP comments	Sep – no later than 15 th Oct 2014	Team leader

According to the indicative timelines above, the selected expert will update UNDP on the working progress on a monthly basis and will submit drafts of TOR-required deliverables to UNDP for discussion and comment.

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

- Advance university degree or equivalent in law with at least 12 years of professional experience in legal reforms and practice;
- Extensive international experience in the area of court-reform related projects, preferably with previous working experience in Viet Nam;
- In-depth understanding of rule-of-law development program in Asia and/or countries in transition;
- Preferably with in-depth knowledge of legal/judicial reforms and legal aid at national and/or sub-national levels in Vietnam;
- Excellent team leadership and proven ability to work with diverse stakeholders in politically sensitive areas;
- Strong analytical, conceptual and facilitation skills; Excellent communication and writing competence in English.

8) REVIEW TIME REQUIRED AND PAYMENT TERM

First payment of 20% of the total contract value will be paid upon UNDP acceptance of the expert' detailed work-plan.

Second payment of 40% of the contract value will be made upon submission of draft consultancy report to UNDP.

Last payment of 40% total contract value will be made upon UNDP satisfactory acceptance 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)

