



DỰ ÁN PHÁT TRIỂN LẬP PHÁP QUỐC GIA TẠI VIỆT NAM
NATIONAL LEGISLATIVE DEVELOPMENT PROJECT IN VIETNAM



Hanoi, 07 January 2014

REQUEST FOR PROPOSALS

Survey on the Implementation of Law on the Promulgation of Legal Normative Documents of People's Councils and People's Committees in 2004 and Law on Promulgation of Legal Normative Documents in 2008

Background

National Legislative Development Project (NLD) is a 7-year project funded by Canadian Government via Department of Foreign Affairs, Trade and Development (DFATD), with the goal to support an integrated program of reform of the Vietnamese law-making process and improve the quality of economic legislation. By doing this, NLD will assist the GOV in developing a strengthened, effective and transparent legal framework that will reflect the needs of Vietnamese citizens and support economic growth.

The NLD was designed to support capacity building with respect to four core components of the law-making process:

Strategic Planning and Management: Support the development of practical and sustained processes to identify, collect and organize data that are needed to establish, substantiate and elaborate legal reform needs and subsequent legislation, establish baseline conditions, serve as the foundation for long-term institutional capacity development, to monitor legal reform progress, to assess effectively implementation of legislation.

Research and Consultation: Strengthen policy research skills needed to identify and link problems to specific legislative requirements, as well as build organizational capacity to assess the potential impact of proposed legal or regulatory changes prior

to drafting. Develop methods and efficient strategies for securing citizen and private sector participation in the process of problem identification, policy development and legislative drafting. Reinforce consistency and effectiveness of laws through enhanced consultations mechanisms.

Legislative Drafting: Support standardization of drafting techniques, language, and rules for interpretation. Build drafting capacity across ministries, train professional corps of drafters. Reinforce and consolidate coordination activity between actors in the drafting process as to their role and responsibilities.

Consistency: Consolidate coherence of legal normative documents, build capacities for assessing the overall consistency of existing and proposed legislation.

Under the framework of the Project, amongst planned activities, NLD will provide support to MoJ in consolidating the two Law on the Promulgation of Legal Normative Documents (LND) of People's Councils and People's Committee in 2004 and Law on Promulgation of LNDs in 2008 into a common Law on Promulgation of NLDs in Vietnam.

To this end, NLD and MOJ decided to carry out a survey on the implementation of the above two Laws in order to have a comprehensive and objective understanding about the practical situation, including obstacles, inadequacies and weaknesses, and to come up with recommendations to develop a new NLD Law. The findings shall also serve as one of factors for planning further technical assistance from the NLD to MOJ and the GOV in the legislative reform process of the country.

Scope of the Survey

The survey should cover representatives and stakeholders from public sector agencies and private sector (Businesses, professional and social organizations, and citizens) in central level and at least 05 provinces with representation of regional and socio-economic development factors. It is expected that the survey should commence by early 2014.

The scope of the survey should include but not be limited to the following issues, at both central and local levels:

- (1) To assess the impact of the two Laws and subordinate legal documents that provide details and guidance on the development, completion and implementation of the laws in Vietnam;
- (2) To assess the impact of the two Laws on socio-economic development of the country and the implementation of international treaties.
- (3) To assess the processes of drafting and promulgation of LNDs (including powers of promulgation and types of LNDs), focusing on the following areas:
 - i. The process of planning, consideration and approval of a LND development program with the following criteria: relevance, scientific and practical suitability (the law and ordinance making program (of National Assembly), the Law-making program of the government, the program on LND development of People's Councils and People's Committees).
 - ii. Roles of agencies that lead the drafting process and performance of drafting committees and editorial boards.
 - iii. Impact assessment reports on draft LNDs (e.g. RIA).
 - iv. Assessment on preparation of dossiers for submission of LNDs.
Methodology and efficiency of opinion collection by State agencies, feedback from private sector, civil social organizations and professional organizations, enterprises and individuals, especially people/agencies that are affected by the documents; receipt of comments, explanation; mobilization of experts, scientists in law-making activities; quality of experts' comments, receipt of comments and explanation.
 - v. The role of agencies, organizations, individuals in drafting LNDs.
 - vi. The examination and review processes; quality of reviewed and examined documents; cooperation among examination and review agencies and drafting ones in transferring, receiving and improvement of draft LNDs.
 - vii. Assessment on some typical processes (i.e. fast track process, Omnibus NLDs...) by criteria: scientific features, suitability with reality, difficulties, problems in application, cooperation mechanism among agencies.
 - viii. The process of examination, review and systematization of LNDs.
 - ix. Assessment on legislative techniques, regulatory techniques and drafting techniques.

- x. The scope of legal validity of LNDs.
 - xi. Assessment on conditions necessary for LND development process.
- (4) Analyses on weaknesses, obstacles (including practical obstacles) in the current legal framework, reasons (both objective and subjective) for the identified weaknesses and obstacles.
- (5) Recommendations.

Cost of Proposal

The interested consulting firms shall bear all the costs associated with the preparation and submission of the proposal. NLD shall, in no case, be responsible or liable for any costs for this proposal preparation and submission.

Proposal Price

The financial proposal must be quoted in Vietnamese dong (VND). In case the price is quoted in US dollars, the price shall be converted into Vietnamese dong at the exchange rate announced by VIETCOMBANK on deadline day.

The above survey package price shall not exceed a maximal amount equivalent to US\$78,000.

Proposal Dossier

A proposal dossier should comprise at least the following papers:

- A Letter of Interest
- A Technical Proposal
- A Financial Proposal

The technical proposal should include firm's profile, methodology to conduct the survey, work plan, signed CVS of the professional staff who will be conducting the survey, understanding of and comments on the TOR.

Submission of Proposals

Interested Consulting Firms should send their proposals in English language, in 02 hard copies, to:

Ms. Nguyen Vu Thao Nguyen
The National Legislative Development Project
Room 1704, Prime Center,
53 Quang Trung, Hai Ba Trung District,
Hanoi, Vietnam
Telephone: 04-39433064
Fax: 04-39434021

The proposals must be submitted on or before **17h00 24 January 2014** at the above address. NLD reserves the right to extend this deadline.

Opening and Evaluation of Proposals

The submitted proposals shall be open in the presence of all members of evaluation committee, as designated by NLD Project.

Technical proposals shall be evaluated using the following criteria:

- (i) Expertise and Capacity of the consulting firm (20 points)
- (ii) Proposed approach, methodology and work plan (30 points)
- (iii) Qualification/competency of survey team (50 points)

Technical proposal could be evaluated using the scoring board below:

No.	Criteria	Maximum
I	EXPERIENCE AND CAPACITY OF THE FIRM	20
1.1	<i>Experience on socio-economic surveys funded by donors</i>	10
1.2.	<i>Experience on legislative development, law making, legal sector or policy research</i>	5

No.	Criteria	Maximum
1.3	<i>Experience in working with State agencies like National Assembly, Ministries, local governments, NGOs</i>	5
II	APPROACH, METHODOLOGY & WORK PLAN	30
2.1	<i>Full understanding on objectives and requirements, specific tasks as provided in the TOR</i>	5
2.2.	<i>Approach and Methodology</i>	5
2.3	<i>New initiatives from the Consulting Firm for carrying out the tasks provided in the TOR</i>	5
2.4	<i>Implementation Plan</i>	10
2.5	<i>Personnel organizational structure</i>	5
III	SURVEY TEAM QUALIFICATIONS	50
3.1.	<i>Team Leader</i>	20
3.2	<i>Survey Team (At least 03 Key Experts – 01 Legal, 01 Qualitative and 01 Quantitative research expert)</i>	30
	TOTAL (100%)	100

Maximum 100 points will be given to the lowest offer and the other financial proposals will receive the points adversely proportional to their financial offers (i.e. $S_f = 1,000 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F is the price of the proposal under rating).

The weight of technical points is 70% and financial points is 30%. Proposal rated with highest points shall be selected.

Contract Award and Payment Terms

NLD reserves the right to accept or reject any proposal at any time prior to the award of the contract. The contract shall be signed with the selected consulting firm based upon the result of the evaluation process above.

Payment of professional fee should be made into 03 installments.

- The first amount of 30% fee should be paid upon the signing of the consultancy service contract;
- The second amount of 40% fee should be paid upon the submission of first draft Report;
- The last instalment should be paid after NLD/MOJ receive and approve the results of the Final Report.

Terms of Reference

To be enclosed as integral part to, and should be read in conjunction with this RFP

ANNEX 1: BRIEF DESCRIPTION OF NLD