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Date: 16 July 2014

## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

for individual consultant and consultant assigned by consulting firm/institution

Country:	Viet Nam
Description of the assignment:	International expert to work in team with national experts on an assessment of ensuring gender equality and woman's rights in access to judicial services in Viet Nam
Project name:	Strengthening Access to Justice and Protection of Rights in Viet Nam
Period of assignment/services (if applicable):	August – December 2014

1. Submissions comprising of technical and financial components should be sent in separate email to: [nguyen.thi.hoang.yen@undp.org](mailto:nguyen.thi.hoang.yen@undp.org) no later than: **10 August 2014 (Hanoi time)**.

**With subject line: International consultant 2.2 - Assessment on women's access to judicial services**

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. Documents to be included in the submission:

Interested individual consultants must submit the following documents/information **(in English, PDF Format)** to demonstrate their qualifications:

a. **Technical proposal:** The technical proposal shall include:

- Signed Curriculum vitae
- Copy/link of minimum 1 relevant publication/writing sample.
- An abstract of 350 words summarising a proposal for assessment framework and applicable methodology in line with the assessment specified in this TOR
- A tentative work-plan for the expert's engagement
- Reference contacts of past 4 clients for whom you have rendered preferably the similar service

a. **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:

Your technical proposals will be evaluated using the following criteria:

1	Consultant(s)' experiences/qualification related to the services	Max points
1.1	Advanced degree in comparative legal studies, interdisciplinary legal studies, and/or political science studies	150
1.2	At least 10 years experience conducting gender research in developing countries, preferably in the analysis of Asian and emerging middle income economies	150
1.3	Demonstrated expertise on gender or human rights studies	200
1.4	A strong international publications record; Proven ability to write clear, jargon-free English	300
<b>2</b>	<b>Technical proposal</b>	
2.1	Clear abstract and work-plan	200
	<b>TOTAL</b>	<b>1000</b>

A two-stage procedure is utilized in evaluating the proposals, with evaluation of the technical proposal being completed prior to any price proposal being opened and compared. The price proposal of the Proposals 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 proposals.

The technical proposal 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 proposal under consideration.

The weight of technical points is 70% and financial points is 30%.

Proposal 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.

#### 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
- 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.

## 6. Payment

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

- 1st payment: 20% of the contract value upon completion of Phase 1
- 2nd payment: 60% of total contract value upon completion of Phase 2
- 3rd payment: 20% of total contract value upon UNDP satisfactory acceptance of the final report (completion of Phase 3)

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.

You are requested to acknowledge receipt of this Procurement Notice and to indicate whether or not you intend to submit proposals.



**TERMS OF REFERENCE (TOR)**

<b>SERVICE:</b>	<b>International expert to work in team with national experts on an assessment of ensuring gender equality and woman’s rights in access to judicial services in Viet Nam</b>
<b>EXPECTED DURATION</b>	<b>The service to be provided from August to December 2014</b>
<b>PROJECT NAME:</b>	<b>Strengthening Access to Justice and Protection of Rights in Viet Nam</b>
<b>COUNTRY OF ASSIGNMENT:</b>	<b>Home-base with two missions to Hanoi, Viet Nam</b>

**1) GENERAL BACKGROUND**

1. Law on Gender Equality and the National Strategy on gender equality in the period of 2011 to 2020 are the important premises, creating legal basis for ensuring equality between women and men. The objective of strategy aims to ensure substantive equality between men and women about opportunities, participation and enjoyment in the fields of politics, economy, culture and society, contributing to the rapid and sustainable development of the country. The opportunity to access resources, ownership of production means and the ability of access to social services are often more limited for women. The lack of understanding of law, gender prejudices, availability and cost of the services are barriers limiting woman’s access to judicial services (*‘dịch vụ tư pháp’*) and more broadly access to justice. These obstacles impede women in claiming and protecting their rights and interests in practice.
2. Ministry of Justice (MOJ) has mandate to provide and monitor the delivery of a number of basic judicial services, such as civil status registration, notary, legal aid, legal consultation, mediation, civil judgment execution<sup>1</sup>. These basic judicial services can be classified into two types of public services, the judicial administrative services (*‘dịch vụ hành chính tư pháp’*) and the judicial supportive services (*‘dịch vụ hỗ trợ tư pháp’*). The former often includes civil status registration, notary and civil judgment execution; whilst the latter can include grass-root conciliation, legal assistance and legal aid. To perform its mandate and more broadly to ensure gender equality in access to judicial services, MOJ has issued an Action Plan on gender equality in the Justice Sector in the period of 2011-2015, which sets forth targets and measures to ensure gender equality in line with the Law on Gender Equality, National Strategy on Gender Equality, and more broadly with Vietnam commitments as member state of CEDAW and other international conventions on human rights which Vietnam has entered.
3. Recognizing the importance to meet the demand side of public service delivery as well as to increase public confidence, it is important to evaluate the current situation of women’s access to justice— inclusively in terms of gender equality and women’s right protection, in particular on access to and the delivery of judicial services which fall within the MOJ’s mandate. These areas of judicial activities and practices are very important to ensure fundamental rights of citizen --in areas of civil, economic, political and social rights—realized and protected<sup>2</sup>. The results of assessment will be very used to inform policy makers of the current situation and recommend possible changes in and the legal and regulatory framework and in enhancing the performance of PDOJs and MOJ overall. Lastly, MOJ can use results of the assessment to develop a post 2015 action plan on gender equality in the Justice Sector--for the period of 2016-2020.
4. One international expert will be recruited to work in team with three national consultants (be engaged according to a separate TOR) to conduct the assessment with scope, objective and expected outputs specified below.

<sup>1</sup> Decree 22/2013/ND-CP on functions, tasks, authorities and organizational structure of the Ministry of Justice, issued March 13, 2013.

<sup>2</sup> See ‘Justice Index: Assessment of Distributive Justice and Equality from a Citizen-based Survey in 2012’. One of the key findings of the report is that unequal access to legal services can prevent equal and full protection of citizens’ rights in practice; and it is recommended that judicial services should be further improved toward more friendly and accessible to people, the poor and other disadvantage groups in particular.

## 2) OBJECTIVES

- To conduct an assessment on current situation of gender equality and women's rights in access to judicial services provided within the MOJ's mandate, including but not limited to: judicial administrative services such as civil status registration (e.g. adoption, child support, separation and divorce), civil judgment execution (e.g. women's property rights and support obligations), and legal assistance services (e.g. legal aid, grass-root conciliation) to protect women's rights.
- Based on the results of the assessment, to make policy recommendations to improve gender equality and protect woman's right in access to judicial services, and to improve the delivery of and quality of judicial services to women.
- To improve the services' availability, accessibility and delivery, policy recommendations will be made on necessary changes and measures to be introduced by MOJ and Provincial Department of Justice (PDOJ) as well as other justice institutions in order to ensure timely and quality judicial services to all citizens, including special measures to improve access to justice for women.

## 3) SCOPE OF WORK AND DELIVERABLE

In order to conduct the assessment, one international expert and three national experts—as specified in a separate TOR--shall be recruited.

- Scope of the assessment shall cover the judicial services (*'dịch vụ tư pháp'*) listed below:
  - Civil status registration (including those activities listed in the draft law on civil status, reviewed by the National Assembly in June 2014)
  - Civil judgment execution (including but not limited to property rights upon divorce, inheritance, or marital and family related issues)
  - Legal assistance to help women claim and protect their rights (including but not limited to legal aid, access to lawyer, and other means and alternative mechanisms of dispute resolution--grass-root conciliation for example)
- An assessment report is expectedly less than 50 paged paper--excluding Executive Summary and annexes--which presents key findings, in-depth analysis, case studies, and policy recommendations.
- The report shall be made available in both English and Vietnamese.

## 4) METHODOLOGY

To the possible extent, the assessment will have to be based on statistical data and documented material, including the compilation of recently published studies and reports. The assessment methodology will include the revision, analysis and synthesis of data, statistics, documents and publications on the theme.

The experts will have to identify the sources of all kind of available information, and cite them properly in the final paper. Depending on the assessment methodology to be used, the experts can be expected to generate primary information gathering from survey and fieldwork to be carried out during the assessment, and to develop and present in-depth analysis based on compilation and processing of both the primary and secondary sources.

The final paper is neither an essay of qualified opinions nor a newspaper type article. It needs to be grounded on evidence and documented data/information. MOJ and UNDP will support the research process when deems necessary, however, the ultimate responsibility on access and accuracy of data relies on the experts.

The assessment process is participatory and consultative, including interviews with service users and rights holders as well as duty bearers, meetings with MOJ officials, researchers, academia and NGO representatives.

The international expert will be expected to come to Hanoi, Vietnam two times during the assignment, the 1<sup>st</sup> mission to discuss with national experts on the assessment framework and applicable methodology, and the 2<sup>nd</sup> mission after submission of the first draft of the report to attend and present at a consultation meeting with Vietnamese researchers, MOJ, National Assembly's deputies, and other key stakeholders (i) gather additional inputs for the assessment; and (ii) to validate the assessment's primary findings and recommendations. Each mission is expected no longer than 2 working days.

The assessment can be carried out following the three-phased process below:

**Phase 1:**

- Desk review: the international expert in collaboration with national experts to identify the assessment framework, key issues to be examined, applicable methodology, target informants and experts to be consulted, etc.
- Methodology of the assessment: the team of experts (both national and international experts) will decide on methodology to be used throughout the assessment.

**Phase 2:**

- National experts to carry out field-work and fact-finding mission at selected provinces in Viet Nam;
- International expert to review secondary data available in English; while entry of primary data and review of secondary data (in Vietnamese) to be carried out by national experts;
- The team of expert to analyze all collected data and available information, discuss key findings, come up with conclusions and policy recommendations.
- International expert and national Team Leader (selected among three national experts) are key authors of the assessment report, other team member shall be responsible to provide inputs and contribute as appropriate. Draft assessment report will be shared with MOJ and UNDP in advance of a consultation meeting to be organized to gather additional inputs, and validate the assessments' findings and recommendations.

**Phase 3:**

- MOJ to organize the consultation meeting; all experts to attend and give a joint presentation.
- The team of experts—incorporating comments and inputs at the meeting, MOJ, UNDP and other stakeholders to finalize the assessment report and submit to MOJ and UNDP.

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

It is indicatively anticipated that international expert will work for 25 consultancy days—including the working days during two mission in Viet Nam-- spreading over a period of five months (see timetable in Section 6 below).

The international expert is expected to come to Hanoi, Vietnam two times during the assignment. Each mission is expected no longer than 2 working days.

**Note:** This is the estimated number of days only and it is up to the interested contractor to allocate the number of days required to deliver the deliverable in this TOR as per the timeframes and reflect that in the financial offer.

**6) INDICATIVE TIMELINES FOR MONITORING AND PROGRESS CONTROLS**

According to the indicative timelines below, the international experts will report to UNDP and MOJ (the Project Management Unit and the MOJ's Committee for the Advancement of Women in Justice Sector ('CFAW')) on the working progress on a regular basis and will submit drafts of TOR-required deliverables to UNDP and MOJ for comment and final approval.

Event	Date	Responsibility
Selection of expert	July-Aug 2014	MOJ (CFAW, PMU)
Phase 1: Desk review, design methodology (including the expert's 1 <sup>st</sup> mission to Viet Nam)	Aug-Sep 2014	Team of experts in consultation with MOJ, UNDP
Phase 2: Conduct the assessment, draft the report and submit to MOJ, UNDP	Sep-Nov 2014	Team of experts (monitored by MOJ, UNDP)
Phase 3: Consultation and finalization of the assessment report (including the expert's 2 <sup>nd</sup> mission to Viet Nam)	Nov-Dec 2014	Team of experts, MOJ, UNDP

**7) QUALIFICATION OF INTERNATIONAL EXPERT**

The international expert shall meet the following minimum requirements:

- Advanced degree in comparative legal studies, interdisciplinary legal studies, and/or political science studies;

- At least 10 years experience conducting gender research in developing countries, preferably in the analysis of Asian and emerging middle income economies;
- Demonstrated expertise on gender or human rights studies;
- A strong international publications record;
- Proven ability to write clear, jargon-free English.

It is required that interested international senior experts include in their application dossiers:

1. a most updated CV with information about three referees for reference check;
2. an abstract of 350 words summarising a proposal for assessment framework and applicable methodology in line with the assessment specified in this TOR;
3. a tentative work-plan for the expert's engagement; and,
4. at least one relevant publication in English.

## 8) PAYMENT MILESTONES

Sequence	Percentage of installment	Indicative date
1 <sup>st</sup> payment	20% of the contract value upon completion of Phase 1	September 2014
2 <sup>nd</sup> payment	60% of the contract value upon completion of Phase 2	November 2014
Final payment	20% of the contract value upon acceptance of the final report (completion of Phase 3)	December 2014

## 9) MONITORING AND EVALUATION

The experts will report to UNDP Viet Nam. S/he will work closely with the national experts and under the monitoring and supervision of UNDP (e.g. Programme Officer on Rule of Law and Access to Justice), and MOJ's Committee for the Advancement of Women in Justice Sector ('CFAW').

Together with CFAW and the Project Management Unit, UNDP shall monitor the assessment and performance of the international expert to ensure timely progress and quality of the TOR-required deliverables, specifically:

- Upon contract signing, the expert shall work closely with national experts, UNDP and MOJ to agree on the task requirements, working methodology;
- UNDP and MOJ will review and comment on the experts' required outputs/reports as specified in this TOR;
- The expert—together with other team members-- review all received comments and submit the revised outputs/ reports for further review and finalization;
- UNDP and MOJ shall monitor every stage of deployment of the assignment. The final deliverable of this assessment is subject to review and endorsement of both MOJ and UNDP.

## **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 lumpsum offer covering all associated costs for the required service (fee, meal, accommodation, travel, visa, 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:**

<b>No.</b>	<b>Description</b>	<b>Number of days</b>	<b>Rate (USD)</b>	<b>Total</b>
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).....			
	<b>TOTAL</b>			

*\* 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