

## INDEPENDENT CONSULTANT SCOPE OF WORK

**Consultant to conduct assessment of the policy impacts and administrative procedures in the draft revised Decree 156/2018/ND-CP (Consultant 5)**

<b>Consultant Name:</b> (Last, First)	<b>Position Title:</b>	Consultant to conduct assessment of the policy impacts and administrative procedures in the draft revised Decree 156/2018/ND-CP (Consultant 5)	
<b>Project Name:</b>	USAID Sustainable Forest Management		
<b>Billing Code:</b>	New activity. 3.2.1.3	<b>Contract No:</b>	72044020F00002
<b>Period of Performance:</b>	From June 2022 to before 15 September 2022		
Travel Days:	0		
Workdays (in field):	0		
Remaining Workdays: (Research, Report Writing)	49		
<b>Total Level of Effort:</b>	49		
<b>Evaluator:</b>	DLAI, DAI, CPMU of VFBC Project		

### **A. DAI ORGANIZATION AND VALUES**

DAI is a global development company with corporate offices in the United States, the United Kingdom, EU, Nigeria, Pakistan, and Palestine and project operations worldwide. We tackle fundamental social and economic development problems caused by inefficient markets, ineffective governance, and instability. DAI works on the frontlines of global development. Transforming ideas into action—action into impact. We are committed to shaping a more livable world.

DAI and its employees are committed to confronting racism and holding ourselves accountable for positive change within the company and in the communities, cultures, and countries in which we live and work. DAI is committed to attracting and retaining the best employees from all races and backgrounds in our continued effort to become a better development partner.

DAI upholds the highest ethical standards. We are committed to the prevention of sexual exploitation, abuse, and harassment as well as other ethical breaches. All of our positions are therefore subject to stringent vetting and reference checks.

### **B. PROJECT BACKGROUND**

The USAID Sustainable Forest Management Project (the Project) will work with the Government of Vietnam (GVN) to reduce carbon emissions associated with deforestation, the degradation of natural forests, and poor plantation management. The Project will implement a “Green Prosperity” approach that strengthens local communities’ ability to protect their natural resource base and reduce emissions while building a strong foundation for sustainable livelihoods and equitable economic growth.

The Project will work in seven provinces (Lao Cai, Son La, Hoa Binh, Thanh Hoa, Nghe An, Quang Tri, Quang Nam) and focus on five objectives:

1. Improve and expand community forest management
2. Increase conservation-friendly enterprises in forest-dependent communities
3. Increase functionality of law enforcement system for forest crimes
4. Improve production forest management practices
5. Mobilize domestic resources for forest management and protection

The Project will be implemented during the period 2020-2025 by DAI in collaboration with RECOFTC and Preferred by Nature as partners, with the Ministry of Agriculture and Rural Development (MARD) as the counterpart and the Management Board of Forestry Projects (MBFP) as project owner.

### **C. DESCRIPTION OF CONSULTANCY SERVICE:**

#### **I. BACKGROUND AND RATIONALE**

##### **1.1. Background**

The Forestry Law (No. 16/2017/QH14) was approved by the 14th National Assembly on November 15, 2017 and came into force on January 1, 2019. Decree No. 156/2918/ND-CP, approved and promulgated by the Government on November 16, 2018, is one of the key legal documents that guides the implementation of the Forestry Law.

Decree 156/2018/ND-CP covers 6 major thematic topics, of which the topic of *“investment policies for forest protection and development”* has recently been covered by a separate Decree<sup>1</sup>, the development of which was also supported by USAID- SFM Project in 2021 – early 2022. The remaining policy issues to be reviewed and amended/supplemented include: 1) Criteria for forest identification, forest classification and forest management regulations; 2) Allocating forests, leasing production forests, changing forest types, changing forest use; purposes to other purposes, recalling forests; 3) Forest fire prevention and control; 4) Objects, forms of payment, level of payment for forest environmental services; adjustment, exemption or reduction of payment for forest environmental services; management and use of financial resource from payment for forest environmental services; and 5) Tasks, organizational structure, mechanism of management and financial use of the Forest Protection and Development Fund.

After over three years of implementation, upon reflection of concerned actors, who face difficulties in implementing the provisions of Decree 156/2918/ND-CP, MARD, by issuing the Decision No. 5254/QĐ-BNN-PC dated 31 December 2021 on the Plan of developing legal documents of the Ministry of Agriculture and Rural Development in 2022, assigned the Vietnam Administration of Forestry (VNForest) to lead the revision of the Decree. Following MARD’s Decision, VNForest assigned the Department of Legal Affairs and Inspection (DLAI) to act as the focal point for the review and revision of provisions related to issues 1 to 3; and the Forest Protection and Development Fund (VNFF) to issues 4, 5 listed above.

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<sup>1</sup> The final draft of the “Decree on a number of policies on forestry investment” has been submitted to the Prime Minister for review and approval.

## 1.2. Support of the Project to the revision of Decree 156/2018/ND-CP

In response to the request of VNForest, the USAID-funded Sustainable Forest Management Project (SFM Project) will provide VNForest (through its focal points of DLAI and VNFF) with technical support to revise the Decree:

- **Consultation events:** consultation with key stakeholders, technical meetings and workshops, field surveys to provinces, provincial and regional workshops and national workshops.
- **A team of 04 consultants (PFES Team):** to support the revisions of regulations related to issues 4, 5 (payment for forest environmental services) in the current Decree 156/2018/ND-CP.
- **A team of 05 consultants (Overall Revision Team):** to support: i) the overall revision of Decree 156/2018/ND-CP, focusing on the policy issues from 1 -3 mentioned above (Consultant 1 – 4); and ii) assessment of the policy impacts and administrative procedures in the draft revised Decree 156/2018/ND-CP (Consultant 5).

**This SOW describes in detail the tasks of Consultant 5.**

## II. OBJECTIVE OF THE ASSIGNMENT AND SCOPE OF WORK

### 2.1. Overall Objective

Support VNForest (with DLAI as the focal point) to conduct assessment of and develop reports on the policy impacts and administrative procedures in the draft revised Decree 156/2018/ND-CP (Draft 2, version to be published on website for public comments).

### 2.2. Scope of work

Consultant 5 is a member of the consultant team. He/she will:

1. Work under the direction of DLAI and the Team Leader (Consultant 1) to Review and conduct required assessment and develop:
  - Report on the policy impacts of regulations in the draft revised Decree 156 as required by Decree No 34/2016/NĐ-CP dated 14 May 2016 and Decree 154/2020/NĐ-CP dated 31 December 2020, which regulate in detail a number of Articles and measures of implementing the Law on Legal Document Inauguration (2015).  
The Report applies Template 01 of Annex V in Decree 154/2020/NĐ-CP.
  - Report on assessment of administrative procedures in the draft revised Decree 156 as required by the Law on Legal Document Inauguration; Decree 63/2010/NĐ-CP dated 8 June 2010, Decree 48/2013/NĐ-CP dated 14 May 2013 and Decree 92/2017/NĐ-CP dated 7 August 2017 of the Government regulating the monitoring of administrative procedure monitoring; and Circular 07/2014/TT-BTP dated 24 February 2017 of the Ministry of Justice that provides guidance for reviewing and evaluating the impacts of administrative procedures.

The Report will include:

- Review the necessity of the administrative procedures listed in the draft revised Decree 156/2018/NĐ-CP;

- Make assessment of the relevance and legality of the administrative procedures (names of the administrative procedures, processes, documents and dossiers required, processing time, results of the procedures, fees and charges, templates of requests and declaration etc.);
  - Calculate the costs of the listed administrative procedures.
  - Other contents required by Decree 63/2010/NĐ-CP, Decree 48/2013/NĐ-CP, Decree 92/2017/NĐ-CP and Circular 07/2014/TT-BTP mentioned above.
2. Under the coordination of DLAI, work with the Team Leader of the Overall Revision Team to get inputs for the assessment of policy impacts and administrative procedures related to policy issues 1 – 3; and with the Team Leader of the PFES Team to policy issues 4 – 5.
  3. Prepare for and participate in the consultation events according to the Plan approved by DLAI and the Project to present the assessment results and to collect, clarify additional information and opinions of concerned stakeholders on the assessment. These consultation events may include **a national workshop and some consultation technical workshops and meetings** required by DLAI.
  4. Carry out other related tasks as assigned by DLAI and the Project.

### 2.3. Key deliverables/outputs of Consultant 5

- A report on the policy impacts of regulations in the draft revised Decree 156.
- A report on assessment of administrative procedures in the draft revised Decree 156.

### 2.4. Locations

Hanoi.

## III. CONSULTATION TIME (LOE) AND DELIVERABLES

#	Activities	LOE	Deliverable	Completion date
1	Attend a meeting with DLAI and DAI to clarify the scope of work and agree upon the implementation plan	1	-	30/6/2022
2	Review the draft Decree; Collect data, information from: existing reports; consultation events organized by DLAI (including the National Workshops and technical meetings); Collect inputs from the Team leaders of the 2 consultant teams	17	<b>Deliverable 1 (D1):</b> A Report Outline, which highlight key contents of the assessment report.	31/7/2022
3	Develop the draft report on policy impact assessment and share with	12	<b>D2:</b> Draft Policy Impact Assessment Report	16/8/2022

#	Activities	LOE	Deliverable	Completion date
	concerned stakeholders for comments			
4	Develop the draft administrative procedure assessment report and share with concerned stakeholders for comments	12	<b>D3:</b> Draft Administrative Procedure Assessment Report	1/9/2022
5	Finalize the reports on the bases of stakeholders' comments	7	<b>D4 and D5:</b> Final reports	12/9/2022
	<b>Total</b>	<b>49</b>		

**Remarks:**

- *Deadlines of deliverables can be adjusted according to the progress of developing the Decree by concerned Government agencies.*
- *All deliverables are submitted in Vietnamese.*
- *Deliverables 1 – 3 are approved by DLAI and DAI; Deliverables 4 - 5 approved by DLAI, DAI and CPMU of VFBC Project.*

**D. QUALIFICATIONS**

Criteria	Detailed requirements
Nationality	Vietnamese
Degree	Master's degree or higher in law, public administration, economics or relevant areas.
Professional experience	<ul style="list-style-type: none"> <li>- Have at least 15 years of working experience in the fields of legal document review, development, assessment.</li> <li>- Have experience in making assessment of policy impacts and administrative procedures. Priority is given to candidates with profound experience in assessment of policy impacts and administrative procedures of forestry legal documents.</li> <li>- Have profound knowledge and understanding of the legal system of Vietnam, especially the legal regulations on administrative procedure monitoring and public administration reform.</li> </ul>

Criteria	Detailed requirements
Skill	<ul style="list-style-type: none"> <li>- Good skills of consolidating and analyzing information and data; report writing; presentation and facilitation;</li> <li>- Able to work individually and in team</li> <li>- Able to use Microsoft office applications (such as Word, Excel, PPT, internet).</li> <li>- English speaking skill is not compulsory, but an advantage</li> </ul>

#### **E. HOW TO APPLY AND REQUESTED DOCUMENTS**

Individual interested candidates are requested to submit:

- Updated CV in English and Vietnamese.
- Cover letter in English or Vietnamese indicating why the applicant is suitable for this position along with current contact details of at least three referees in English or Vietnamese.
- Scanned copy of related degrees.
- Similar consultancy projects/reports completed before either in English or Vietnamese.
- Technical proposal in English or Vietnamese to carry out this consultancy assignment (approach and implementation plan) .

via email to our recruitment email at **VietnamSFM@dai.com**. Please quote the position title in the subject line: **"Candidate's full name \_ Consultant 5 \_Decree 156"**

**Deadline for application:** 5.00 p.m. (Hanoi time), 07 June 2022

***Remark:*** *If being recruited, the candidate will have to provide DAI with a release letter with authorized signature and stamp from current employer to certify that candidate will not receive salary from current employer during the implementation of this consultancy assignment or candidate commits to carry out the assignment outside normal working hours. **This release letter is required for candidate who are currently working for government agencies only.***

To learn more about DAI, please visit our website: <https://www.dai.com/>

*DAI is an equal opportunity/affirmative action employer with a commitment to diversity. DAI does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, parental status, veteran status, or other non-merit factor*