



## Terms of Reference (ToR)

### Legal Advice on Labour Law & Taxation Law – Viet Nam

November 2024

**ORGANISATION:** Humanity & Inclusion (HI) (Legal Name Handicap International)

**TERM OF REFERENCE:** Legal Advice – on Labor Law & Taxation Law Human Resources – Viet Nam

**CONTRACT TYPE:** Service

#### 1. BACKGROUND - ABOUT HUMANITY & INCLUSION

**Handicap International**, is a non-profit association organized in compliance with French law of July 1, 1901, domiciled at 138 Avenue des Frères Lumière 69008 Lyon, France ", registered in Viet Nam in the following address: 207-208 E3, Trung Tu Diplomatic Compound, 06 Dang Van Ngu, Dong Da Dist., Hanoi, Viet Nam. Operating under the name of "Humanity & Inclusion- HI" and represented by **Mr. Mazedul Haque- Country Manager**.

HI was opened in 1989 in Vietnam. Over the following years, at the request of its Vietnamese partners – in particular different government ministries and provincial institutions - HI provided technical advice on disability prevention and physical rehabilitation projects. Currently, there are 3 projects being implemented in the Hanoi capital, and central-southern provinces with 6 sub-award partners. Our main donor is USAID and EC.

For further information about the association: [www.hi.org](http://www.hi.org)

#### 2. OBJECTIVE OF THE CONSULTANCY

The objective of this request for legal services is to provide HI (Viet Nam) with expert advisory service, knowledge, strategy and improvement on the respective legal framework for HI (Viet Nam).

Hence, HI (**Viet Nam**) is seeking for proposals from Legal Service who are interested to provide legal advisory services regularly required by HI (**Viet Nam**) as set in the scope of work below. The legal service will be consumed with hourly rate case by case.

This calls for proposals for consultancy service **aims to engage with the successful consultant(s) under Framework Agreement (Fixed Price) for the duration of 12 months with possibility to renew twice (total 36 months) if the consultant provide satisfactory services.**

#### 3. SCOPE OF WORK

The Attorney Firm shall instruct and confirm to the Client the Services which it requires Human Resources in relation to Viet Nam labour laws and taxation law, the following:

- Review employees' service rule and service conditions to confirm with Labour Codes of Viet Nam.
- The attorney shall advice HI on legal issues including taxation, repatriation, employment of international employees based in Viet Nam, Safe Working Cycle and other related government requirements.
- Shall remain in regular communication and shall response at the earliest on the HI's queries, mails and shall maintain regular correspondences.

- The attorney shall perform legal advice on analysing the applicability of the legal framework of the country and the labour code and global frameworks into HI Viet Nam policies and assist the HR department to update its policies in line with legal requirements.
- The attorney should provide legal advice on the impact of implementing on terms & conditions for employee's contracts and potentially impact on update in line with legal requirements.
- The attorney shall provide regular information regarding to the change of laws, rules and regulations, directives related to HI's activities and the potential impacts and opportunities of such changes within HR frameworks of HI.
- The attorney shall provide legal advice on the matters relating to labour law, reviewing employment agreement, contractual changes, roles and impact on salary positioning changes and other labour law related documents pursuant to Viet Nam Laws and taxation law upon the request of HI.
- The attorney shall work as a mediator in the labour issues, represent HI in collective bargaining negotiation. Shall advice on employment issues like redundancy, termination of employees if required.

#### **4. Fees and Charges**

- (a) Legal services shall provide the quotation rate as per hour including all applicable taxes.
- (b) The contract period should start from January 2025 to Dec 2025. BUT the fee will be charged whenever HI has the case.
- (c) HI will not cover any additional payment that are not included in the proposal.

#### **5. DELIVERABLES**

HI would seek:

- draft response to questions from the legal advisor maximum within 1 week upon legal service is requested
- HI would provide request for clarifications (if any needed) within 1 week of receiving the draft response
- Legal advisor submits final answers maximum within 1 week of receiving the HI request for clarification

#### **6. PROFILE OF THE LEGAL ADVISOR**

Minimum profile

- At least 10 years' experience in the field of contractual law and labour law in Viet Nam.
- At least 10 years' experience in the field of taxation law in Viet Nam.
- Minimum 3 years of working experience in providing support to similar type of organization
- Good knowledge of legal procedures as governed by Viet Nam
- Fluency (spoken and written) in English and Vietnamese.

Preferred:

- Applicants with knowledge / expertise on law affecting International NGOs
- Applicants with experience providing legal advice or representation to International NGOs on labour / employment matters

#### **7. APPLICATION & FORMALITIES**

**7.1. PROPOSALS FROM INTERESTED LEGAL ADVISORS SHOULD INCLUDE:**

- Curriculum vitae of legal advisor (or team of legal advisors) proposed
- Presentation of the Legal advisor’s firm
- Barrister certification (authorization to practice the law in the country)
- Legal Registration (as per consultant’s country of registration/incorporation)
- A financial proposal, inclusive of all costs and applicable taxes
- A proposed schedule
- 3 client references

Humanity & Inclusion encourages qualified people with disabilities or chronic illness and women to apply.

**7.2. EVALUATION OF THE APPLICATIONS WILL BE MADE THROUGH A SELECTION COMMITTEE IN 2 PHASES:**

- Administrative compliance:
  - o Completeness of application.
  - o Minimum profile criteria are met
- Bid Evaluation, as per weighted criteria below:
  - o Prior relevant experience Labor / employment & Tax legal advice or representation (30%)
  - o Prior relevance experience of legal advice to International NGO (30%)
  - o Relevance of means and schedule to ToR (10%)
  - o Financial offer (30%)

Only candidates who passed the administrative selection will be taken into consideration for the bid evaluation. Bidders may be invited for a (MS Teams/skype) interview. HI reserves the right to contact the applicants for further information before the final selection of the selection committee.

“**Humanity & Inclusion** is committed to protect the rights of the children and opposes to all forms of child exploitation and child abuse. HI contractors must commit to protect children against exploitation and abuse”.

**THE DEADLINE FOR SUBMISSION OF PROPOSAL** is 22<sup>th</sup> Nov 2024, 5:00 PM local time

**PROPOSALS SHOULD BE SUBMITTED TO:**

For Legal Advice on Viet Nam law & taxation law: [procurement@vietnam.hi.org](mailto:procurement@vietnam.hi.org)

The subject of the email must be “**Legal advice – on labour law & taxation law**”