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Date: 12 October 2012

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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

Country:	Viet Nam
Description of the assignment:	National Consultant to implement Review, assessment and analysis of public participation and engagement of civil social organizations in environmental protection to support the revision of the LEP
Project name:	Building capacity to eliminate <i>POPs</i> pesticides stockpiles in Vietnam
Period of assignment/services (if applicable):	November 2012 – March 2013

1. Submissions should be sent by email to: nguyen.thi.hoang.yen@undp.org no later than: **17.00 hrs., 26 October 2012 (Hanoi time)**.

With subject line: National Consultant – Community Engagement

Submission received after that date or submission not in conformity with the requirements specified this document will not be considered.

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 to demonstrate their qualifications:

a. Technical component:

- Curriculum vitae
- Expression of interest, explaining why he/she is the most suitable for the work.
- Copy of 1-3 publications/writing samples.
- Contact reference of past 4 clients for whom you have rendered preferably the similar service

b. Financial proposal:

- The financial proposal shall specify a total lump sum amount in **Viet Nam 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.

Please note: For the consultancy firm/institution/organization, please provide the above information **of the assigned consultant (only ONE) for this service**, not the experience and information of **YOUR firm**. The documents must be submitted by the assigned consultant.

4. Evaluation:

The technical component will be evaluated using the following criteria:

Consultant's experiences/qualification related to the services		
	Criteria	Maximum Points
1	Master degree in environmental studies, law, policy, preferably with an emphasis in environmental policy, public participation	200
2	At least five years of relevant work experience, especially in environmental management with public participation, with NGOs or social organizations in general	300
3	Good understanding of Vietnam's political/legal system, engagement of social organizations in environmental protection and legal system in countries with similar conditions to Viet Nam	250
4	Ability and experience to work and interview with government officials, NGOs and the community (people/citizens)	200
5	Good in English reading and writing (supported by publication or writing samples)	50
	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.

An interview with the candidate given the highest combined score may be held before contract awarding, if deemed necessary.

8. 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.

9. 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.

1st payment: 40% of total contract value will be paid upon submission and UNDP/SDC and VEA/DOPLA's acceptance of the draft report.

2nd payment: 60% of total contract value will be paid upon submission and satisfactory acceptance of all outputs by UNDP/SDC and VEA/DOPLA.

If two currencies exist, UNDP exchange rate will be applied at the day UNDP instructs the bank to effect the payment.

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



TERMS OF REFERENCE (TOR)

Assignment: National Consultant to implement Review, assessment and analysis of public participation and engagement of civil social organizations in environmental protection to support the revision of the LEP

1) GENERAL BACKGROUND

The 2005 Law on Environmental Protection (LEP) was passed on the 29th November 2005 by the National Assembly, Legislature XI of the Socialist Republic of Viet Nam at its 8th Session, the Law takes effect from the first of July 2006. It includes 15 chapters and 136 articles. After 5 years of its implementation, the LEP has contributed significantly to the environmental protection meeting the demands of socio-economic development of Vietnam.

However, the LEP has presented a number of provisions, which are no longer consistent and appropriate with practice causing difficulties and confusion in the implementation. There are overlaps and discrepancies between LEP and other related legal documents as well as overlaps of environmental management responsibilities among governmental agencies. In addition, there have been number of new emerging issues such as a well balance among social, economic and environmental benefits, climate change, green growth, and so on which was not taken into account while developing the LEP.

The revision of the LEP revision has been included in the Law Making program of the National Assembly (tenure XIII). A revised LEP is expected to be submitted to the National Assembly in September 2013.

With the development of social organizations including socio-political organizations, socio-professional organizations, civil society organizations, community-based organizations and non-governmental organisations (NGOs) over the recent years, their roles and engagement in sustainable development particularly environmental protection have been gradually recognized and significant.

The LEP however only mentions the role of the Vietnam Fatherland Front (VFF) and its member mass organizations, excluding other types of mentioned social organizations. Though activities undertaken by social organizations in environmental protection have broadened, there is lack of mechanism for these social organizations to engage in law making process as well as implementation of environmental protection.

The engagement of communities and people in environmental management specified in the LEP is still very minimal. For example, the participation of the communities in the process of environmental impact assessment is not feasible as people's roles and responsibilities are not defined and applied.

The rights to access information and the role of social supervision of environmental protection and management of the civil society organizations, community-based organizations and NGOs are not defined by the LEP. It is therefore necessary to strengthen provisions of public participation, environmental dialogues, and socialization of environmental protection.

This Terms of Reference (TOR) presents the scope and tasks for an assignment of **"Review, assessment and analysis of public participation and engagement of civil social organizations in environmental protection to support the revision of the LEP"**.

2) OBJECTIVES OF THE ASSIGNMENT

The objectives of this assignment are:

- To analyze the public participation and engagement of civil social organizations in environmental protection;
- To provide recommendations for more effective engagement of communities for the revision of the LEP

3) SCOPE OF WORK

1. Analysis of provisions and the implementation of provisions of public participation and the engagement of social organizations in environmental protection basing on specific cases. The engagement may include but not limit to environmental monitoring and inspection of violation, providing legal assistance to victims of pollution through filing compensation claims in court etc, as well as bringing public interest litigation on behalf of the public against polluters;
2. Recommendations for more effective engagement of communities and social organizations for the revised LEP;
3. Specific comparative focus to illustrate the engagement of social organizations in environmental protection in at least three Asian countries including China to provide good practices for Viet Nam to consider when redrafting the LEP;
4. Findings and analysis of emerging issues in recent years and forecasts for new issues leading to the revision of the LEP;
5. Recommendations on revised provisions of public participation in environmental protection in the revised LEP
6. Presentation of draft report in consultative roundtable meetings.

GENERAL REQUIREMENTS:

The selected consultant will work closely with the senior national consultant to ensure findings and recommendations as results of this task will be jointly integrated with those of others to support the drafting of the revised LEP. In addition, the consultant shall ensure:

- Findings and recommendations are conformable with the national laws and treaties to which Vietnam is a party (including international treaties which Vietnam is already a party or potentially to become party)
- Recommendations are practical and feasible.

The selected consultant is responsible for proposing a viable approach to the assignment. The following methodologies can be adopted:

- Desk review of the LEP and related laws and decrees, policies, regulations, standards and supporting circulars and directives governing environmental protection in Vietnam. This will include any LEP reviews that have been implemented by different agencies (if any);
- Intensive and regular consultation with Department of Policy and Legal Affairs (DOPLA) of VEA and Sustainable Development Cluster of UNDP;
- Interviews with relevant experts, government officials, and other stakeholders;
- Social survey on the engagement of social organizations in environmental protection
- Comparative study of engagement of social organizations in environmental protection in at least three Asian countries including China
- Consultative roundtable meetings.

4) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

- **Duration & timing:** 45 days, during November 2012 to March 2013
- **Duty station:** Hanoi, besides the selected consultant needs to decide whether it is necessary to carry out the assignment in other provinces. If this is the case, travel and associated expenses must be included in the total financial offer.

5) FINAL PRODUCTS

1. A **work-plan** detailing the approach and timeline to implement the assignment.
2. An **analysis report** of the public participation and engagement of civil social organizations in environmental protection with justified recommendations on LEP revision, covering:
 - Review of the existing legal provisions on the public participation and engagement of civil social organisations in environmental protection to identify discrepancies and limitations of such legislations;
 - Identifying and analysis of arising issues during implementation of regulations on the public participation and the engagement of civil social organisations in environmental protection (to be proven by practical cases);
 - Comparative study of the public participation and engagement of civil social organisations in environmental protection in several countries (preferably China and other Asian countries, ASEAN) and drawing of lessons on mobilization of engagement of social organisations in environmental protection for Viet Nam;
 - Prediction of the needs for revision of regulations on the public participation and engagement of civil social organisations in environmental protection;

- Recommendations for the revision of provisions of LEP on the public participation and engagement of civil social organisations in environmental protections (must be specific, covering contents of relevant articles).

3. All products will be in Vietnamese with an addition of a final summary report in English and draft presentation in English prepared for consultative meetings.

It is expected that products will be submitted basing on following indicative timeline

No	Outputs/Activities	Indicative timelines
1	A Work-plan to implement the assignment	A maximum of two weeks after signing of the contract
2	1 st draft report	A maximum of eight weeks after signing of the contract
3	Final report	A maximum of four weeks after receiving feedbacks from VEA/DOPLA and UNDP/SDC on the draft report

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The selected consultant will perform tasks as required under the direct supervision of the Head of Sustainable Development Cluster of the United Nation Development Programme Viet Nam (UNDP/SDC) and the Director of Department of Policy and Legal Affairs (DOPLA), Vietnam Environment Administrative (VEA/DOPLA). The consultant is required to regularly report to UNDP/SDC and VEA/DOPLA on the progress of the work. After the signing of the contract, the selected consultant, UNDP and VEA will agree on the mechanism and actual timeline of the reporting requirement. Upon that the consultant will develop a detailed work plan which must be agreed between UNDP/SDC and VEA/DOPLA.

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

The ideal consultant shall have following minimum qualification and experience:

- Master degree in environmental studies, law, policy, preferably with an emphasis in environmental policy, public participation;
- At least five years of relevant work experience with good understanding of Viet Nam's political/legal system; especially in environmental management with public participation, with NGOs or social organizations in general;
- Good understanding of engagement of social organizations in environmental protection and legal system in countries with similar conditions to Viet Nam;
- Ability and experience to work in environmental-social issues and to work and interview with government officials, NGOs and the community (people/citizens);
- Good in English reading and writing.

8) ADMIN SUPPORT AND REFERENCE DOCUMENTS

UNDP/DOPLA will assist the selected consultants with administrative support related to, but not necessarily limited to:

- To provide a list of relevant documents/reviews in regard to LEP implementation over the last 5 years
- To provide a list of experts that should be interviewed or consulted
- To assist with acquiring official letters in case of visits or conducting interviews with official partners
- To organize necessary consultative roundtable meeting(s)

9) REVIEW TIME REQUIRED AND PAYMENT TERM

First payment of 40% of the contract value will be paid upon submission and UNDP/SDC and VEA/DOPLA's acceptance of the draft report.

Second and last payment of 60% of the contract value will be paid upon submission and satisfactory acceptance of all outputs by UNDP/SDC and VEA/DOPLA.

10) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

- NONE
 PARTIAL
 INTERMITTENT
 FULL-TIME

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 VND

This is a lump sum offer covering all associated costs for the required service (fee, meal, accommodation, travel, 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:

No.	Description	Number of days	Rate (VND)	Total
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).....			
	TOTAL			

* 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