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Date: 11 December 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 for analysis, assessment and proposal of possibility of integration of climate change and green growth issues into the LEP (revised)
Project name:	00060972- Building capacity to eliminate POP pesticides stockpiles in Viet Nam
Period of assignment/services (if applicable):	Jan – Nov 2013

1. Submissions should be sent by email to: [nguyen.thi.hoang.yen@undp.org](mailto:nguyen.thi.hoang.yen@undp.org) no later than: **17.00 hrs., 19 December 2012 (Hanoi time)**.

**With subject line: National consultant – LEP Revision**

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

**Note:** Maximum size per email is 8 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. Interested individual consultants must submit the following documents/information **(in PDF Format)** to demonstrate their qualifications:

- a. Technical component:
  - Signed 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 **(with your signature)**:

- 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:

<b>Consultant's experiences/qualification related to the services</b>		
	<b>Criteria</b>	<b>Maximum Points</b>
1	Master degree of law, environmental sciences, climate change or relevant fields with knowledge and understanding of environmental protection law and climate change, green growth issues	250
2	At least ten (10) years of relevant work experience in relevant fields; with ability and experience to work on climate change and relevant environmental issues	250
3	Intensive knowledge of Viet Nam's political and legal system	200
4	Good understanding of environmental legal system and climate change policies in countries with similar conditions to Viet Nam	150
5	Ability and experience to work with relevant governmental agencies, institutions and organisations on environmental protection and climate change	150
	<b>TOTAL</b>	<b>1000</b>

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
- 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: 20% of contract value will be paid upon submission and UNDP/SDC and VEA/DOPLA's acceptance of the final Work-plan.

2nd payment: 40% of the contract value will be paid upon submission and UNDP/SDC and VEA/DOPLA's acceptance of the draft report.

3rd payment: 40% of the 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) – English version**

### **INPUTS INTO THE REVISION OF THE LAW ON ENVIRONMENTAL PROTECTION IN VIET NAM (LEP)**

**Assignment: National Consultant for analysis, assessment and proposal of possibility of integration of climate change and green growth issues into the LEP (revised)**

#### **1) GENERAL BACKGROUND**

The 2005 Law on Environmental Protection (LEP) was passed on the 29<sup>th</sup> November 2005 by the National Assembly, Legislature XI of the Socialist Republic of Viet Nam at its 8<sup>th</sup> 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 has been included in the Law Making program of the NA (tenure XIII). A revised LEP is expected to be submitted to the NA in September 2013.

Of the new emerging issues, climate change (CC) is a critical one that requires detailed analysis to evaluate the possibility of integration of climate change and green growth issues into the revised LEP. Climate change adaptation and integration of adaptive measures into the environmental protection management need to be considered and analyzed to identify issues to be regulated by the revised LEP.

#### **2) OBJECTIVES OF THE ASSIGNMENT**

The objectives of this assignment are to:

- 2.1 Review and analyse existing policies, international experience and the possibility of integrating climate change and green growth issues in the revised LEP;
- 2.2 Make detailed proposal on integration of climate change and green growth issues into the LEP (revised).

#### **3) SCOPE OF WORK**

##### **3.1 Review, analysis and assessment of:**

- The concept and policy framework, international experience, international agreements on climate change issues related to the environment that Viet Nam is a party to;
- Options for integrating climate change into the socio-economic development activities in general and environmental protection activities in particular;
- The environmental protection activities that adapt to climate change;
- The mandatory standards and monitoring and enforcement activities;
- Mechanisms to pilot, test, amend and adapt the integration of CC adaptation activities into environmental protection;
- Policies and trends of green growth;

**3.2 Identification of newly arising issues in recent years or potential emerging issues on climate change and green growth in near future which need to be adjusted by provisions in the revised LEP;**

**3.3 Make recommendation on provisions to be added/ amended in the revised LEP in relation to climate change issues**

**3.4 Presentation of findings at consultative workshops**

**General requirements:**

- Consultative results are conformable with the national law and treaties which Viet Nam is a party (consideration within the relation of international treaties Viet Nam is already a contracting party or potentially to become party);
- Consultative results are satisfied with requirements of feasibility and applicability of the legal provisions.

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

- Desk review of the 2005 LEP and related laws and decrees, policies, regulations, standards and supporting circulars and directives governing environmental protection in Viet Nam. This will include any 2005 LEP reviews done by different agencies (if any);
- Intensive and regular consultation with the Department of Policy and Legal Affairs (DOPLA) and the Sustainable Development Cluster (UNDP);
- Interviews with relevant experts, government officials, and other stakeholders;

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

- **Duration & timing:** Estimated 45 days, during January 2013 - November 2013
- **Duty station:** in Hanoi

**5) FINAL PRODUCTS**

5.1 A **work-plan** detailing the approach and timeline to implement the assignment;

5.2 A **report** that covers following key contents

- Review of the existing legal documents on environmental protection, promotion of green growth and response to climate change to provide justified identification of the overlaps and discrepancies in such regulations;
- Identification of arising issues during implementation of regulations on environmental protection, green growth promotion and response to climate change (proven by practical evidence);
- Assess the compatibility between the provisions on environmental protection to prevent and respond to climate change and those of international treaties to which Viet Nam is a party;
- Analyze the provisions/regulations on environmental protection, green growth promotion and climate change adaptation in at least three countries (preferably Asian and ASEAN countries) to identify lessons learnt/ best practices for Viet Nam;
- Predict new emerging issues or potential issues in relation to climate change adaptation that need to be addressed by the revised LEP;
- Make recommendations on the addition/amendment of regulations on environmental protection, green growth promotion and climate change adaptation (suggestion of chapters/articles to be revised/added)

5.3. The report shall include the table on recommendations to revision of the LEP with key contents suggested in following the table:

Chapter-Articles of the LEP 2005	Provisions in other existing legal documents	Justified shortcomings	Recommendations on revision/amendment

5.4. All outputs will be in both English and Vietnamese;

It is expected that final 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 <sup>st</sup> draft report	A maximum of eight weeks after signing of the contract
3	Final report	A maximum of four weeks after receiving feedbacks from international consultant, senior national consultant, VEA/DOPLA and UNDP/SDC on the draft report

## 6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The selected consultant will perform tasks as required with regular consultation and discussion with the senior national consultant, international consultant, the Head of Sustainable Development Cluster of the United Nation Development Programme (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, the senior national consultant, UNDP and VEA will agree on the methodology and approach and timeline of the reporting requirement. Upon that the consultant will develop a detailed work plan which must be agreed with UNDP/SDC and VEA/DOPLA.

## 7) DEGREE OF EXPERTISE AND QUALIFICATIONS

The ideal consultant shall have following minimum qualification and experience:

- Master degree of law, environmental sciences, climate change or relevant fields with knowledge and understanding of environmental protection law and climate change, green growth issues;
- At least ten (10) years of relevant work experience in relevant fields; with ability and experience to work on climate change and relevant environmental issues;
- Intensive knowledge of Viet Nam's political and legal system;
- Good understanding of environmental legal system and climate change policies in countries with similar conditions to Viet Nam
- Ability and experience to work with relevant governmental agencies, institutions and organisations on environmental protection and climate change

## 8) ADMIN SUPPORT AND REFERENCE DOCUMENTS

UNDP/DOPLA will assist the selected consultant 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 can 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

Payments shall be made following the below milestones:

- 20% of contract value will be paid upon submission and UNDP/SDC and VEA/DOPLA's acceptance of the final Work-plan.
- 40% of the contract value will be paid upon submission and UNDP/SDC and VEA/DOPLA's acceptance of the draft report.
- 40% 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

TOR in Vietnamese is attached.

## **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)

