



**An Roinn Gnóthaí Eachtracha agus Trádála
Department of Foreign Affairs and Trade**

TERMS OF REFERENCE

PROCUREMENT TRAINING FOR EMBASSY OF IRELAND FUNDING

TO PROGRAMME 135: HA GIANG, HOA BINH, QUANG TRI, TRA VINH AND KONTUM

1. Background

On 15 November 2017, the Committee for Ethnic Minority Affairs (CEMA), representing the Government of Vietnam and the Embassy of Ireland in Vietnam, representing the Government of Ireland, signed a Financing Arrangement, agreeing a contribution of €12 million (€3M per annum) in 2017-2020 to support the construction of small-scale infrastructure under the Government of Vietnam's Programme 135 to contribute to ethnic minority poverty reduction in 5 provinces, Ha Giang, Hoa Binh, Quang Tri, Tra Vinh and Kon Tum.

As part of the support to the programme, the Embassy intends to organize a package of training and coaching of the procurement processes for the Irish Aid funding in the five provinces, to be delivered to local officials.

In order to facilitate this, the Embassy seeks to recruit professional trainers from an auditing firm and /or a procurement expert to deliver a package of training and coaching of the procurement processes of the Irish Aid funding in the five provinces. The trainers will be locally contracted.

This training will be provided for 1 year initially, following which a review of lessons learned will determine whether further training is required.

2. Purpose

- To assist provincial, district and commune staff involved in the management of procurement for Irish Aid-funded P135 projects to strengthen their existing procurement knowledge and practical skills, to ensure that they have sufficient capacity to perform of the full range of procurement duties.
- To provide follow-up on-site coaching to participants after the training, during the implementation of the procurement process, in order to ensure the procurement process is appropriately carried out.

3. Target group

About 30 to 50 participants from each province (150-250 overall) who are responsible for carrying out the procurement process, including planning, finance and procurement staff, will attend the training courses and receive follow-up coaching. Participants will be provincial DEMA staff and project investment owners from districts and communes responsible for implementing Irish Aid-funded P135 projects. This target group has been selected in order to improve the management of procurement, as well as to facilitate an open discussion on procurement experiences, providing mutual benefit for all participants.

4. Activities

All activities will be conducted in Vietnamese. Materials for the training will be developed by the selected consultant with guidance from the Embassy of Ireland. There will be five individual trainings, one in each province. For the training, each of the six main training components (described below) will be carried out by combining formal training and workshop techniques (including group discussion and exercises). Throughout each component, there should be a focus on how to avoid common mistakes. The training will be facilitated by a professional trainer from an auditing firm and/or by an internal audit/procurement expert.

1. General introduction about bidding: understanding the bidding law; using the online bidding system; posting bidding information on the bidding network; understanding the requirements for the bank guarantee in a competitive process; understanding the required conditions and qualifications of contractors in bidding; understanding the requirements for issuing tenderers' dossiers; list of acts which are prohibited in bidding.
2. Templates for contractor selection and bidding: Good contractor selection templates; frequent issues to look out for.
3. Bidding plan: Some important principles in the process of preparing a bidding plan; how to review, evaluate and approve plans based on the provisions of the bidding plan.
4. Select & recruit contractors: Terms & scope of contractor selection; contractor assessment and selection of contractor.
5. Types of procurement and how to implement them correctly: Direct appointed; Competitive bidding;

Direct appointment is applied for packages such as: construction investment preparation; design and cost estimates; construction supervision; construction insurance, etc. Implementation steps to be covered include:

- Selection of short list
- Selection of contractor
- Evaluation of technical proposals
- Evaluation of financial proposals
- Negotiating contracts
- Submit, appraise, approve and publicize contractor selection results
- Solutions to overcome some common problems when conducting contractor appointment

National Competitive Bidding: Applicable to construction packages. Implementation steps to be covered include:

- Preparation of contractor selection
 - Organization of contractor selection
 - Evaluation of bids
 - Negotiating contracts
 - Submit, appraise, approve and publicize contractor selection results
 - Solutions to overcome some common problems when conducting contractor appointment
6. Conflict of interest: understanding what constitutes conflict of interest, how to identify it, contextual issues / perspectives, how to mitigate it, and the importance of transparency, declaring a potential conflict, documenting that declaration and recusal from the relevant decision-making process.
 7. Responding to issues arising

After the training course, the trainer will visit the investment owners during the procurement process to coach procurement staff in applying the principles of the training in practice, identifying gaps or issues and providing advice and support etc.

5. Outputs

The consultant firm must submit the following reports:

1. A short assessment report after the initial training, with a focus on key capacity needs and gaps, issues arising
2. 1-page back to office reports on each coaching visits, noting observations and identifying any recommendations, with a focus on capacity and gaps

6. Duration

The training will be 2-3 days in duration. In 2019, the training will be conducted during October 2019 in

each province. The venue and other facilities will be managed by provincial Departments of Ethnic Minority Affairs (DEMA). The consultant firm should only submit a proposal for fees of the trainers.

The follow-up coaching will be performed in November-December 2019. The approach to be followed in arranging the coaching visits should be discussed and agreed with the Embassy and with each province.

It is estimated that 30-50 days will be required to complete the consultancy.

7. Quality assurance and monitoring

Applicants' proposals will be thoroughly reviewed to ensure a proper approach/methodology is used to ensure the expected outputs are delivered. The successful applicant will be briefed by the Embassy prior to commencing the assignment. The successful applicant's work plan, training agenda and training materials will be required to be submitted prior to the training course and will be thoroughly reviewed. The Embassy reserves the right to review all training material and make changes as necessary.

8. Degree of expertise and qualification of the trainer(s):

- Internationally recognized Audit or Accountancy Qualification (CPA, ACCA etc.), Additional qualifications such as CIAs, Bidding certificate are beneficial;
- Trainers should have working experience in an auditor role and/or as a procurement specialist. Management experience is preferable;
- Trainers should have practical experience in successfully providing finance and audit training, including procurement, and coaching/mentoring both individually and in a team environment or workshop setting;
- Excellent understanding of local government procurement procedures and experience in procurement auditing;
- Experience with donor-funded projects and/or Embassies would be an advantage.

9. Process for applying & assessment

Applicants should submit a proposal to the Embassy of Ireland by **18:00 (Hanoi time) on Friday 20 September, 2019**. The proposal must include:

1. An outline of the proposed approach to address the ToR (max 5 pages);
2. A brief statement on how the applicant's skills match the services required to the Embassy;
3. Full current CVs of all proposed consultants;
4. Copy of the organisation's registration certificate;
5. Cost estimate using Embassy of Ireland template (Appendix 1). This should include only fees of

- the trainers excluding VAT;
6. Declaration of Personal Situation (Appendix 2).

Eligibility Criteria

Applicants will be considered only if they meet the following eligibility criteria:

1. Accountancy qualification, Membership of the Vietnam Association of Certified Public Accountants;
2. Established local presence in Vietnam;
3. A minimum of 5 years' experience with local government procurement procedures;
4. Confirmation of availability for whole contract duration.

All eligible applicants will be assessed according to the following award criteria for selection purposes:

(a) Technical Criteria

- | | |
|--|-----------|
| 1. Technical capability including Team Composition | 20 points |
| 2. Relevant Experience, including of Vietnam context | 15 points |
| 3. Understanding of Requirements | 10 points |
| 4. Proposed Approach and methodology | 20 points |

Maximum Technical Score **65 points**

A total of 65 marks is the maximum mark awarded in this phase. Please note respondents may only proceed to the cost evaluation if they:

- Obtain 50% (32.5 marks) or more of the total available marks in this section.
- Obtain a minimum of 50% or more of the marks available for each individual criterion listed above.

(b) Financial Criteria

- | | |
|--|-----------|
| 1. Transparent Cost and fee rate structure | 35 points |
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Maximum financial Score **35 points**

10. Tender Submissions

Submissions should be emailed to minh.truong@dfanet.ie and be received no later than **18:00 (Hanoi time) on Friday 20 September, 2019**.

The closing date for receipt of clarification questions will be Friday, 13 September, 2019.

Late tenders will not be accepted.

11. Appendices

Tenderers are required to include the following documents with their submission;

Appendix 1 – Financial Proposal

Appendix 2 – Declaration of Personal Circumstances

12. FOI

It should be noted that any correspondence with Embassy Hanoi in relation to this service is subject to the application of Ireland’s Freedom of Information legislation. This applies to the services under the contract and not the tendering and contracting process.

13. Project Officer

Minh Truong, Senior Finance and Audit Advisor, Embassy of Ireland, Hanoi will project manage the services provided by the external consultants.

14. Governing Laws

The work carried out by the Consultant, irrespective of where their offices are located, shall be deemed to be carried out in Vietnam and shall be governed by the laws of Vietnam.

APPENDIX 1

FINANCIAL SUBMISSION TEMPLATE

CONTRACT INPUTS AND FEE RATES

Tenderers are requested to complete the pricing template below with the fixed daily professional fee rate in respect of the services specified in the Terms of Reference. This fee quoted must be inclusive of all costs (facilities, equipment, supplies, telephone, email, IT, institutional levy and any other third party costs) all exclusive of VAT.

This fee shall be fixed for the duration of this engagement, including any permitted extensions. The fee rates quoted must relate to productive (working) time.

TRAVEL AND SUBSISTENCE COSTS ARE NOT REQUIRED IN THIS SUBMISSION.

All travel costs/subsistence/travel expenses required to be undertaken for the purposes of the external professional services will be payable at normal EU-UN cost norm rates.

TOTAL CONSULTANT COSTS

(Please complete the relevant sections of the staff costs schedule below)

Name of Contractor	No. of Days	Daily Professional Fee Rate	Total Cost (Excluding VAT)
Total Professional Fee Costs (Excluding VAT)			

APPENDIX 2

PERSONAL SITUATION DECLARATION FORM

This Declaration of compliance with Vietnamese law **must** be signed by all **Contractors/Suppliers**.

Name of Contractor/Supplier:	
Address:	
Country:	

Any Contractor/Supplier who is unable to answer NO to all of the questions relating to the Mandatory Eligibility Criteria will be assessed as a "Fail".

Any Contractor/Supplier who is unable to answer NO to all of the questions relating to the Discretionary Eligibility Criteria may be assessed as a "Fail" and the Contractor/Supplier may, at the discretion of the Contracting Authority not be admitted to the tender.

Please enter <u>Yes</u> or <u>No</u> as appropriate to the following statements relating to the current status of your organisation <u>and/or any director or person(s) who has power of representation, decision or control over the organisation.</u>		Yes/No
Mandatory Eligibility Criteria		
1.	The Contractor/Supplier has been the subject of conviction by final judgment of participation in a prescribed criminal organisation, as defined under Vietnamese law within the last five years.	
2.	The Contractor/Supplier has been the subject of conviction by final judgment of corruption, as defined in the law of Vietnam within the last five years.	
3.	The Contractor/Supplier has been the subject of conviction by final judgment of fraud within the meaning of Vietnamese law within the last five years.	
4.	The Contractor/Supplier has been the subject of conviction by final judgment of terrorist offences or offences linked to terrorist activities, as defined in Vietnamese law, or of inciting or aiding or abetting or attempting to commit an offence, within the last five years.	
5.	The Contractor/Supplier has been the subject of conviction by final judgment of money laundering or terrorist financing, as defined in Vietnamese law within the last five years.	
6.	The Contractor/Supplier has been the subject of conviction by final judgment of child labour or other forms of trafficking in human beings, as defined in Vietnamese law within the last five years.	
7.	The Contractor/Supplier has breached their obligations relating to payment of taxes or social security contributions in Vietnam and this breach has been established by	

	a judicial or administrative decision having final and binding effect in in Vietnam within the last five years.	
<p><u>If you have answered Yes to Question 7</u>, please provide details of the relevant amount including:</p> <p>a. confirmation of whether you have paid, or have entered into a binding arrangement with a view to paying the outstanding tax or social security contributions including any accrued interest and/or fines; or</p> <p>b. details of whether you were informed of the exact amount due following the breach and at such time that it did not have the possibility of taking measures as outlined above before the expiration of the deadline for submitting this tender.</p>		

THIS FORM MUST BE COMPLETED AND SIGNED BY A DULY AUTHORISED OFFICER OF THE CONTRACTOR/SUPPLIER’S ORGANISATION.

I certify that the information provided above is accurate and complete to the best of my knowledge and belief.

I understand that the provision of inaccurate or misleading information in this Declaration may lead to my organisation being excluded from participation in this and future competitions.

Signed on Behalf of the Contractor/Supplier identified above, by -:

Signed: [ORIGINAL Signature]	
Print Name:	
Position:	
E-mail Address:	
Date:	