
EUROPEAN FOREST INSTITUTE

TENDER SPECIFICATIONS

PROCUREMENT REFERENCE NUMBER 1-15.2-2019-F

VPA Facilitator for Vietnam

1. TERMS OF REFERENCE

1. Background

The European Union (EU) adopted its Forest Law Enforcement Governance and Trade (FLEGT) Action Plan in 2003, in recognition of the increasing public concern with the social, economic and environmental consequences of illegal logging and associated trade worldwide. A key element of the Action Plan is a proposal to establish Voluntary Partnership Agreements (VPA). FLEGT VPAs are bilateral agreements between the EU and timber exporting countries, which aim to improve forest sector governance and ensure that the timber and timber products imported into the EU are produced in compliance with the laws and regulations of the partner country.

Although there is no obligation for any country to enter into a VPA with the EU, once agreed they are legally binding on both parties, committing them to trading only in wood products that can be verified as legal. Under these agreements, exporting countries develop systems to verify the legality of their timber exports to the EU. The EU supports partner countries to establish or improve systems that verify legal compliance.

The Vietnam-EU VPA was signed in October 2018 and is progressing to ratification in Vietnam and the EU in order to enter into force and formally mark the start of the implementation stage.

Implementation of the agreement will be overseen by a Joint Implementation Committee (JIC) co-chaired by senior officials designated by each Party. Prior to ratification, the agreement is overseen by a Joint Preparation Committee (JPC).

During implementation, the Vietnam Administration of Forestry (VNFOREST) under the Ministry of Agriculture and Rural Development (MARD) takes the lead role for Vietnam. For the EU, the lead role transfers from the European Commission (DG Environment) to the EU Delegation in Hanoi. The European Forest Institute provides technical support to the process by deploying EU based experts.

At the technical level, the implementation of the agreement will include the development of the timber legality assurance and licensing systems and building capacity to achieve the commitments outlined in the VPA hence operationalise its FLEGT licensing mechanism.

FLEGT facilitation was introduced in 2011 through the mobilization of an international expert by EFI to support participation and engagement of Vietnam stakeholders in the VPA process and the bilateral negotiation with the EU. For the implementation stage there remains a need for a VPA Facilitator, based in Hanoi, to continue to support both EU and Vietnam during the next three years towards operationalisation of the agreement.

2. Objective and Responsibilities

EFI is looking for a service provider to field a VPA Facilitator to support the ongoing VPA process in Vietnam.

The objective of this service is to provide facilitation and guidance to the VPA process thereby assisting the parties to maintain progress through the implementation stage. The focus will lie on providing support to VNFOREST and the EU Delegation and stakeholders of Vietnam.

In the context of the FLEGT VPA implementation process, the VPA Facilitator will ensure the effective collaboration between the EU Delegation and VNFOREST, support and coordinate where relevant FLEGT-related activities. In particular, the VPA Facilitator will provide support to the functioning of the VPA governance arrangements for implementation of the agreement including the Joint Implementation Committee and support to national mechanisms including the Multi-stakeholder Core Group and the FLEGT Task Group and other FLEGT related working groups within VNFOREST.

At the operational level, the VPA Facilitator will work under the joint supervision of the EU Delegation in Hanoi and VNFOREST. At the contractual level, the Facilitator will report to the EU FLEGT Facility of the European Forest Institute on the implementation of the activities listed below. The Facilitator will be based in Hanoi, Vietnam with occasional travel in the Mekong region and Europe.

3. Strategic Tasks and Activities

The VPA Facilitator will support activities (numbered points below) related to MARD's Strategic Tasks in their action plan to implement the VPA¹ - as such the VPA Facilitator will deliver on activities that contribute to MARD's delivery of their Strategic Tasks.

Strategic Task 2: Development of legislative documents and guidelines

1. Support the FLEGT Task Group and stakeholders to understand the commitments outlined in the VPA and alignment with these during the development of VNTLAS legislative documents and guidelines.
2. Support consultation processes with relevant stakeholders and with the EU during the development of legislative documents and guidelines.
3. Assess progress made and provide updates on the introduction of VNTLAS elements in the context of overall development of Vietnam's forest/timber industry and bearing in mind the criteria for the independent assessment of VNTLAS readiness.

Strategic Task 3 & 4: Capacity building for relevant stakeholders for the VPA; and Establishment of technical infrastructure for operation of the VNTLAS

4. Support the FLEGT Task Group and stakeholders to understand the commitments outlined in the VPA and alignment with these during the conceptualisation and development of VNTLAS mechanisms and information management systems.
5. Assist the design of capacity/training needs assessment and field-testing for VNTLAS implementation as part of the process leading up to the independent assessment of VNTLAS readiness.

¹ MARD Decision No. 4852/QĐ-BNN-VNFOREST issued on 10/12/2018 Promulgating the Implementation Plan for the Voluntary Partnership Agreement on Forest Law Enforcement, Governance and Trade between Viet Nam and the European Union

Strategic Task 5: Communications

6. Support the JPC/JIC to implement a joint communication plan.
7. Support VNFOREST to develop and introduce a communication and outreach plan.
8. Support the development of provisions for Public Disclosure of Information.

Strategic Task 6: Organising the implementation, monitoring and evaluation of the Agreement

9. Support the establishment of the JIC including its institutional mechanisms (i.e. rules and procedures for JIC, working procedures for arbitration, procurement of independent evaluator, independent assessment of VNTLAS etc.); and its functioning including preparation and facilitation of meetings, coordination, communication etc.
10. Support the JPC/JIC in the review, revision and follow up of the Joint Implementation Framework (JIF) for the VPA including the JIF Monitoring Update, JIF Matrix or Actions and Annual Implementation Work plan.
11. Support the functioning and activities of the Multi-stakeholder Core Group, and engage with stakeholders in Vietnam, including timber industry and trade associations as well as civil society, to help promote their active involvement in VPA implementation.
12. Support discussions amongst VNFOREST and stakeholders, including with the Multi-stakeholder Core Group, on VPA monitoring in general and in particular the conceptualization and roll out of a framework for VPA monitoring and evaluation.

Strategic Task 7: Implement connecting activities and facilitate the implementation of VPA-FLEGT in the region and internationally

13. Support the exchange of information and experience on the Vietnam VPA with other VPA countries and with stakeholders in international forums.

The VPA Facilitator will also support activities under complementary task areas including the following:

Task area: Coordination and out-reach

14. Support coordination amongst FLEGT/VPA development partners and projects.

Task area: Documentation of the VPA process

15. Provide ad hoc analysis of socio-economic, political and legislative developments in Vietnam and the region related to FLEGT-VPA implementation.
16. Respond to requests for information from VNFOREST, EC and EU Delegation and provide periodic briefs and updates on the VPA process together with the key issues to be followed up.
17. Support the systematic documentation of VPA-related activities, progress and achievements to ensure the institutional memory of the VPA process and lessons learnt are available to both parties and other VPA countries; and provide regular updates as requested by EFI.

The VPA Facilitator will also liaise with and help facilitate the activities of the EU-FLEGT Facility in Vietnam; and support occasional activities of the EU-FLEGT Facility outside of Vietnam.

4. Start Date, Duration and Resources

The indicative start of the contract is in April 2019 and with a duration of up to three years. The VPA Facilitator is expected to be available to work for up to ten months per year, as indicated below.

The VPA Facilitator will have available a work plan budget to cover costs related for example to interpretation, translation, short term consultancies, domestic travel and costs of meetings. In addition, it is anticipated that the VPA Facilitator would have one mission to Europe and one mission within Asia each year, which needs to be factored in the financial proposal. The estimated duration of those missions is 4 days.

For budgeting purposes, the tenderer must respect the table below concerning the time availability, and work plan budget.

Year	Availability	Work Plan budget
2019	7 months	Up to EUR 25,000
2020	10 months	Up to EUR 30,000
2021	10 months	Up to EUR 30,000
2022	3 months	Up to EUR 7,000

Implementation of the contract beyond 2019 is contingent on annual approval of the EU FLEGT Facility Work Plan and Budget and conditional on external funding to be granted.

5. Reporting and Deliverables

At the operational level, the Facilitator will report in addition to EFI, to the parties of JPC/JIC – the EU Delegation in Vietnam and VNFOREST. A close collaboration and very regular interactions with both parties is anticipated from the Facilitator.

Reporting shall include quarterly reports (format to be agreed) and regular communication via emails and phone calls on an ad hoc basis. Deliverables:

1. Facilitator Annual Work plan and budget (Year 1 - 2019)
2. Facilitator Annual Work plan and budget (Year 2 - 2020) – submitted to EFI by 20/12/2019
3. Facilitator Annual Work plan and budget (Year 3 - 2021 + Q1 of 2022) – submitted to EFI by 18/12/2020
4. Quarterly plans and reports on progress of the Annual Work plan and expenditure against budget from end of Q2 Year 1 to end of Q2 Year 3
5. Final report (end of Q1 2022)

The first Facilitator Annual Work plan and budget shall be submitted within 4 weeks of the contract entering into force. The work plan budget consist of reimbursable costs related to implementation of the work plan.

6. TENDER DOCUMENTATION

6.1. Administrative Documentation

The tender shall include the following documentation, properly filled out and signed:

- Cover letter (Annex 1)
- Identification form (Annex 2) including supporting documentation
- Bank identification form (Annex 2a)
- Declaration on Exclusion Criteria and Absence of Conflict of Interest (Annex 3)
- Nomination of Expert form (Annex 4)
- Minimum criteria declaration (Annex 5)

The consortium agreement (Annex 6) shall be included, properly filled out and signed, if the tender is submitted jointly by a consortium of economic operators. The consortium agreement (Annex 6) shall not be included if the tender is submitted by a single Tenderer proposing subcontracting of tasks.

6.2. Technical Proposal

In order to evaluate the tender against the minimum criteria and the award criteria A.I. – A.II in section 7.1. and 7.2., the Tenderer shall submit a technical proposal consisting only of the following elements:

1) A nomination of one Expert to carry out the tasks in the Terms of Reference:

The Technical Proposal shall include CV of the nominated Expert.

The Tenderer shall be able to certify the information contained in the CV for the nominated Expert at EFI's request.

The CV shall have all the information as in the EuroPass CV

<https://europass.cedefop.europa.eu/documents/curriculum-vitae>

2) A description of no more than three pages, **making reference to the Terms of Reference and the previous experience of the Expert** showcasing understanding of:

- the VPA process in Vietnam
- the aims and context of the Facilitator's activities and responsibilities

3) A presentation of no more than four pages on the Tenderer's methodology for the assignment – building upon the Terms of Reference and the experience of the Expert– addressing the following elements under separate headings:

- Approach to support the VPA governance arrangements for implementation of the agreement
- Approach to ensuring that commitments outlined in the VPA are understood and taken into account during the preparation of VNTLAS legislative documents and guidelines

- Approach to support implementation of other VPA commitments related to improving forest sector governance such as public disclosure of information and monitoring and evaluation requirements
- Approach to supporting the Multi-stakeholder Core Group, and engaging with stakeholders to help promote their active involvement in VPA implementation
- Approach to supporting coordination amongst FLEGT/VPA development partners and projects

6.3. Financial Proposal

The Tenderer shall submit a financial proposal, which shall be completed by using the form in annex 7 and by following the instructions therein.

The full general conditions applicable to the payment of fees and per diem as well as the reimbursement of costs can be found in annex 8 (model contract).

7. EVALUATION OF TENDERS AND AWARD OF THE CONTRACT

7.1. Minimum Criteria

The Expert nominated must meet the following criteria:

N°	Criteria description
M.I.	At least ten (10) years work experience in international development cooperation, in the forest sector, and/or in timber trade-related activities with at least 5 of these being in Vietnam
M.II.	Work experience related to FLEGT, forest and environmental legislation, forest governance, law enforcement, and/or forest products trade
M.III.	University degree at masters' level in public administration, environmental law, forestry, natural resources management or business administration
M.IV.	Proficiency in English, meaning that the Facilitator can understand, speak and write English as demanded with respect to all tasks covered by the Terms of Reference in this Tender.

Tenders not fulfilling the minimum criteria will be rejected.

7.2. Award Criteria

Tenders which fulfil the minimum criteria will be evaluated using the following award criteria:

A. Technical component (maximum 75 points)		
N°	Award criteria	Max points
A.I.	Understanding of:	20
i.	the VPA process in Vietnam	10
ii.	the aims and context of the Facilitator's activities and responsibilities	10
A.II.	Proposed methodology for the implementation of key tasks	55
i.	Approach to support the VPA governance arrangements for implementation of the agreement	10
ii.	Approach to ensuring that commitments outlined in the VPA are understood and taken into account during the preparation of VNTLAS legislative documents and guidelines	15
iii.	Approach to support implementation of other VPA commitments related to improving forest sector governance such as public disclosure of information and monitoring and evaluation requirements	10
iv.	Approach to supporting the Multi-stakeholder Core Group, and engaging with stakeholders to help promote their active involvement in VPA implementation	15

v.	Approach to supporting coordination amongst FLEGT/VPA development partners and projects	5
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The Technical component (TC) is calculated according to the following formula:

$$TC = A.I. + A.II.$$

Tenders must receive a score of more than half of the maximum Technical component to be considered qualitatively acceptable.

Tenders not considered qualitatively acceptable will not be considered further.

B. Financial component (maximum 25 points)

Tenders presenting a total financial proposal (Fo) superior to the maximum contract value of EUR 450,000 will not be considered further.

For tenders being considered, the Financial component (F) is calculated according to the following formula:

$$F = (Fmin / Fo) \times 25$$

where

Fmin is total sum in the tender in the evaluation with the lowest total financial proposal; and

Fo is the total sum in the financial proposal being considered.

C. Most economically advantageous tender

A combined score (CS) will be calculated according to the following formula:

$$CS = TC + F$$

The Tenderer with the highest combined score (CS) for Technical component (TC) and Financial component (F) will be awarded the Contract.

Where two or more tenders have an equal combined score the contract will be awarded according to the highest score for the financial component (F).

ANNEXES

Annex 1	Cover letter
Annex 2	Identification form
Annex 2a	Bank identification form
Annex 3	Declaration on exclusion criteria and Absence of Conflict of interest
Annex 4	Nomination of Expert form
Annex 5	Minimum criteria declaration
Annex 6	Consortium agreement
Annex 7	Financial Proposal form
Annex 8	Model contract
Annex 9	EC per diem rates