



Term of Reference

Reference number	TOR-VNM-2020-034 <i>(Please refer to this number in the application)</i>
Assignment title	National Consultant – Gender Expert to team up with the team leader who is SMEs Legal Expert
Purpose	To provide support to the Agency for Enterprise Development (AED), Ministry of Planning and Investment (MPI) to mainstream gender in the revision of the Decree No. 39/2018/ND-CP dated March 11, 2018 to guide the implementation of the Law on support for small and medium-sized enterprises No. 04/2017/QH14.
Location	Home-based with field missions tentatively to HCMC and Da Nang
Contract duration	10 Jun 2020 – 31 Dec 2020
Contract supervision	The Programme Manager of WeEmpower Asia Programme of UN Women Viet Nam Country Office

1. BACKGROUND

UN Women

Grounded in the vision of equality enshrined in the Charter of the United Nations, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of substantive equality between women and men. The fundamental objective of UN Women is to enhance national capacity and ownership to enable national partners to formulate gender responsive laws, policies and upscale successful strategies to deliver on national and international commitments to gender equality.

UN Women Viet Nam Country Office has been one of the 7 countries (China, India, Indonesia, Malaysia, Philippines, Thailand, and Vietnam) for the implementation of the UN Women Regional Programme “Promoting Economic Empowerment of Women at Work in Asia 4/2019-3/2022” (WeEmpower Asia). Its Overall Objective is that more women lead, participate and have access to enhanced business opportunities and leadership within the private sector to advance sustainable and inclusive growth. The programme is a part of UN Women’s Strategy Note for Viet Nam 2017-2021. The activity under this TOR is within the framework of Outcome 2.3, Output 2.3.1:

- Outcome 2.3: More women lead, participate and have access to business opportunities to advance sustainable and inclusive growth.
- Output 2.3.1: Women’s networks, public institutions and the private sector share expertise and knowledge to advance an enabling business environment for women’s economic empowerment.

Viet Nam context

Small and medium enterprises (SMEs) are vital to Vietnam's economic growth, accounting for more than 98% of all business, 40% of GDP, and 50% of total employment¹. The SMEs not only contribute to economic growth, but also reduce poverty and inequality, helping the country achieve its Sustainable Development Goals.

94% of women-owned enterprises are small and medium-sized enterprises (SMEs)². Women-owned enterprises accounted for 26.5 percent of the total active enterprises³. Women-owned SMEs (women SMEs) have been facing many difficulties in development, such as lack of access to resources, information, knowledge, skills, business network development, cultural barriers, and challenges in balancing work and family. Elimination of those obstacles and supporting women SMEs would maximize their potentials for economic growth and contribute to women's economic empowerment⁴.

The Law on providing assistance for small and medium-sized enterprises No. 04/2017/QH14 (SMEs Law) dated June 12, 2017, establishing support measures for SMEs in terms of incentives, credit access, land rental preferences, and human resource development, has come into effect since January 2018. It is gender neutral for almost provisions, except that it provides the definition "women-owned SME means an SME having one or more women owns at least 51% of its charter capital and at least a woman is the executive director of this enterprise" and has a provision mentioning "If more than one SMEs satisfy the conditions for the assistance in accordance with regulations of this Law, the women-owned SMEs and the SMEs using more women employees will be given priority". These are basis for the implementation of support to women SMEs.

The Decree No. 39/2018/ND-CP dated March 11, 2018 guides the implementation of the SMEs Law No. 04/2017/QH14, such as defining the concept of microenterprises, SMEs in different sectors; guidelines how to support SMEs on information, consultancy and human resource management; how to support for SMEs converted from household businesses, creative startups and SMEs participating in industrial clusters or value chains. Issues related to women-owned SMEs in this Decree are: "Women-owned SMEs and SMEs employing more female workers and submitting qualified applications shall be provided support first"⁵; "Trainees of SMEs in severely disadvantaged areas or women-owned SMEs shall be eligible for being offered free tuition fees"⁶.

The MPI is the State management agency for the formulation and management of SMEs Law. After 2 years' enforcement, the Decree No. 39/2018/ND-CP shows some limitations such as: some activities could not yet implement in practice (consultation support, information providing through the portal national SMEs...); several supports are not practical for enterprises (support human resource development, coaching from consultant network); some guidance is not details (support compensated interest rate for enterprises, e-learning for SMEs). The needs to add some policies to support women-owned enterprises

¹ Swiss Program for Research on Global Issues for Development, Employment and Quality of Employment in Vietnam: The Roles of Small Firms, Formalization and Education, R4D Working Paper 2015/8

² Enterprise Survey, GSO of Vietnam, 2017.

³ Enterprise survey, GSO Vietnam, 2016

⁴ MBI and HAWASME (2016) and VCCI et al. (2019)

⁵ Article 4, Section 3, Clause a) of the Decree No. 39/2018/ND-CP

⁶ Article 14. Clause b) of the Decree No. 39/2018/ND-CP

and enterprises that employ many women and more detailed regulation on the State budget for supporting SMEs. Therefore, the MPI will revise the Decree No. 39/2018/ND-CP.

In this context, UN Women in Viet Nam is looking for a highly qualified gender expert as a team member to work together with a SMEs legal expert as team leader to support the AED, MPI to mainstream gender in the revision of the Decree No. 39/2018/ND-CP dated March 11, 2018 to guide the implementation of the Law on support for small and medium-sized enterprises No. 04/2017/QH14.

II. Objectives of the consultancy

- review the regulations and its implementation of the current Decree No. 39/2018/ND-CP including gender issues in order to revise and supplement some contents of the Decree;
- mainstream gender in the revision of the Decree No. 39/2018/ND-CP to make the Decree to be gender responsive.

III. Scope of Work and Expected Tasks

Scope of Work

The consultant team will work closely with the officials from the Agency for Enterprise Development (AED), Ministry of Planning and Investment (MPI), UN Women Programme Manager of WeEmpower Asia and in close collaboration with other stakeholders working on the revised Decree.

1. The legal and gender reviewing in the Decree is expected to be addressed in the following areas but not limit to these areas only:

- Review and evaluate the Decree 39/2018/ND-CP in terms of both the text and actual implementation activities by responsible organizations and individuals at central and provincial level so as to identify:
 - o effective provisions and ineffective ones.
 - o contents that not be specified by the Decree leading to lack of detailed guidances for implementation in the reality.
 - o causes of ineffectiveness in the content of the Decree 39/2018/ND-CP and in implementation activities conducted by responsible organizations and individuals.
- Review regulations and principles on supporting for women-led SME (WSME) in the SME Supporting Law and relevant provisions in the Decree.
- Evaluate the implementation of policies on supporting WSME defined in the Decree.
- Study provisions for SME support in the Decree that can be integrated gender issues.
- Make recommendations to amend some contents or articles in Decree 39/2018/ND-CP.
- Disseminate findings and recommendations via consultation workshop and other dissemination work.

2. The gender mainstreaming in the Decree is expected to be addressed in the above areas where relevant, but not limit to these areas only.

Expected Tasks

The working schedule of the consultant team will follow the roadmap to revise the Decree in order to meet critical deadlines for submission of Decree on time. The division of work between two consultants and specific tasks as following:

#	Tasks	Team leader SMEs legal expert	Team member Gender expert	Location and Timeline
1	Collect of background information on SME support policies and gender issues for the SME Supporting Law and current Decree No. 39	Collect background information on legal issues/limitation for the current Decree 39	Collect background information on gender issues for the current Decree 39	Home-based Jun - July, 2020
2	Work with AED to understand their need and collect suitable materials	Discuss with AED officials for legal issues on SME and collect available resource of documents. - Consolidate the inputs from the gender consultant.	Discuss with AED of policies for WSME and gender mainstreaming in the Decree and collect relevant information from AED - Discuss with SME legal expert to make plan fitted with general plan	Home-based and MPI, June, 2020
3	Map the scope of work	Make detailed plan of conducting the work specified in TOR and the deliverables within the timeframe	Make detailed plan of conducting the work specified in TOR and the deliverables within the timeframe	Home-based and MPI, June, 2020
4	Work with AED on approach and plan to review the Decree	Prepare materials to present for AED about the relevant legal issues and tentative plan to collect feedback and comments. Consolidate the inputs from the gender consultant.	Prepare materials to present for AED about the relevant gender issues and tentative plan to collect feedback and comments. Work with legal expert to combine to general plan	Home-based, MPI, June, 2020
5	Develop the outline of the report related to revisions of the Decree	Design outline of the report based on current materials and findings, comments from AED and consolidate the	Design outline of the report based on current materials and findings, comments related to gender issues from AED and	Home-based, July, 2020

		inputs from the gender consultant.	discussion with legal consultants	
6	Consult AED to finalize the report outline and working schedule	Prepare presentation of the report outline incorporated inputs from the gender expert and collect comments from AED	Cooperate with legal consultant to make report outline including gender issues in order to match to general orientation and presentation of the outline and collect comments from AED	Home-based, MPI, July, 2020
7	Work with other relevant agencies to evaluate the implementation of the Decree and the orientation to revise or amend some determined issues	Discuss with relevant stakeholders at central level to collect information on Decree (implementation, limitation, recommendations, etc.)	Discuss with relevant stakeholders at central level to study issues related to WSME support and gender mainstreaming specified in the Decree and recommendations on gender mainstreaming and economic empowerment for women	Home-based, Ha Noi, July-August, 2020
8	Study reports from ministries, provinces, business associations on implementing the SME Supporting Law and the Decree that provided by AED	Collect key legal elements from the reports incorporating inputs from gender expert	Collect key gender elements from the reports and provide these inputs to the legal expert	Home-based, Ha Noi, August, 2020
9	Participate in field trips organized by UN Women and AED to collect comments from enterprises, business associations and other stakeholders at local level	-Prepare questionnaire (if need) to discuss with enterprise community - Prepare materials for presentation with relevant stakeholders at provincial level	-Prepare contents on gender issues to integrated to the questionnaire and other materials for field trips - Prepare gender-related materials for presentation with relevant stakeholders at provincial level	Home-based, outside Hanoi, August, 2020

		- Consolidate all related inputs from the gender expert	- Provide all these inputs to the legal expert	
10	Develop a draft report	Collect all findings and inputs from desk study, field trips, discussion included all inputs related to gender issues from the gender expert to develop the report	Collect all findings and inputs from desk study, field trip, discussion related to gender issues to develop the gender-related inputs for the report	Home-based, September, 2020
11	Participate in consultation workshops to share information and collect comments	Prepare the presentation and facilitation; inputs to concept note and agenda of the workshop included all inputs related to gender issues from the gender expert	Prepare the gender related presentation and facilitation; inputs to concept note and agenda of the workshop and discuss with the legal expert	Home-based, outside Ha Noi (depend on venue of the workshop)
12	Work with AED to reconcile findings with views of government agency in charge.	Discuss with AED about the contents which can be feasible in the new Decree included all inputs related to gender issues from the gender expert	Discuss with legal expert and AED about the gender-related contents which can be feasible in the new Decree	Home-based, September, 2020
13	Finalize the report and the draft revised Decree	Lead the consolidation of comments and inputs for supporting contents in the draft revised Decree	Cooperate with legal expert to finalize the gender content in the draft revised Decree	Home-based, September-December, 2020

In addition to above, the national consultant will attend skype calls and meetings at the request of UN Women and AED, MPI.

IV. Institutional Arrangement

The consultant will work under the supervision of the Programme Manager of WeEmpower Asia programme. In the event that the consultant needs to travel during the consultancy for assignment-related purposes, UN Women will bear the costs of requested travel expenses.

V. Deliverables and Schedule of Payment

The payment will be provided in two instalments as bellow:

Time	Expected deliverables	Amount
Target by 10 Sep 2020	<ul style="list-style-type: none"> The report outlines related to review the gender issues in the SME Law and the Decree 39/2018/ND-CP and other relevant legal documents and its implementation and gender content can be developed in the draft revised Decree; The first draft of the revised Decree having inputs on gender related issues 	50%
Target by 31 Dec 2020	<ul style="list-style-type: none"> The final report related to to review gender issues and WSME The final draft of the revised Decree having gender related policy 	50%

VI. Duration of Assignment and Duty Station

The consultancy will be conducted from 10 June 2020 to 31 December 2020, home-based in Viet Nam.

VII. Application Evaluation Criteria

The applicant will be evaluated based on technical capacities (70%) and financial proposal (30%).

Technical evaluation will be based on the following criteria stated as below.

1	Master's Degree in Law, Gender, Human Rights, Political Science, Economics, Development or other relevant disciplines.	20 Points
2	At least 10 years of relevant experience in the field of gender analysis, gender mainstreaming, gender equality and women's economic empowerment	30
3	Good understanding on women owned small and medium enterprises (WSME) in Viet Nam and international experience on WSME support Knowledge on international standards on gender equality and human rights will be an asset.	30
4	Knowledge on international standards on gender equality and human rights will be an asset	10
5	Prior experience supporting UN agencies will be an asset.	10
	Total	100

Core Values and Competencies

In addition to aforementioned requirements and qualifications, it is important that the intern shares the core values and core competencies of the organization.

Core Values

- Respect for Diversity
- Integrity
- Professionalism

Core Competencies

- Awareness and Sensitivity Regarding Gender Issues

- Accountability
- Creative Problem Solving
- Effective Communication
- Inclusive Collaboration
- Stakeholder Engagement
- Leading by Example

Please visit this link for more information on UN Women's Core Values and Competencies:

<http://www.unwomen.org/-/media/headquarters/attachments/sections/about%20us/employment/un-women-employment-values-and-competencies-definitions-en.pdf>

The weight of technical points is 70% and financial points is 30%.

Individual consultants will be evaluated based on Cumulative analysis, the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable; and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

VIII. Application Procedure and Deadline

Candidates are requested to send the following documents in separated attachment in one application email to procurement.vietnam@unwomen.org

1. Application letter explaining your interest in the consultancy and why you are the most suited candidate for this position
2. Updated CV
3. Personal History Form (P11). The P11 Form can be downloaded from the following website: <http://asiapacific.unwomen.org/en/about-us/jobs>
4. Financial proposal specifying a daily consultancy rate and a breakdown per deliverable. UN Women will bear the costs of requested travel expenses following the UN-EU cost norm.

Deadline for Application: 2 Jun 2020

IX. Evaluation

The evaluation will be based on the combination of the weighted technical and financial scores (70 per cent technical and 30 per cent financial).

NOTE: Documents required before contract signing:

- UN Personal History Form
- Full medical examination and Statement of Fitness to work and travel for consultants with travel involved. (This is not a requirement for RLA contracts).
- Completed UNDSS BSAFE online training course.
EN: <https://agora.unicef.org/course/info.php?id=17891>

- Individual subscribers over 65 years of age are required to undergo a full medical examination including x-rays at their own cost and obtaining medical clearance from the UN Medical Doctor prior to taking up their assignment.
Release letter in case the selected consultant is government official.