



# Ambasáid na hÉireann Embassy of Ireland

## TERMS OF REFERENCE

### 1. Introduction

Ireland through its Embassy in Hanoi has been supporting landmine and unexploded ordnance (UXO) clearance in South East Asia since 1998, with an ongoing programme in Cambodia, Lao PDR, Myanmar and Vietnam. The most recent independent evaluation of the Embassy's engagement in the sector was conducted in 2015. The review noted that all programmes reviewed were proceeding according to approved workplans and achieving jointly agreed outputs. Evidence of broader development impact on the lives and livelihoods of beneficiaries was significant. The review recommended that Ireland should continue to support mine and UXO clearance in Southeast Asia, with greater engagement in technical and capacity support to grantees and regulatory agencies.

In line with the recommendations of the evaluation, Ireland has continued to support work in this sector during the period 2017–2020 with over €5 million allocated to support humanitarian mine action (HMA) in Cambodia, Lao PDR, Myanmar and Vietnam and more recently to mine risk education. The programmes have been implemented by the HALO Trust, UXO Lao, Mines Advisory Group (MAG), and Project RENEW respectively.

In consultation with the Department of Foreign Affairs in Ireland and other stakeholders, the Embassy will develop a new Strategy to guide its actions in the Mekong Sub Region for the period 2022-2026. The Strategy inter alia, will consider whether and to what extent Ireland should maintain a development cooperation programme and if so, consider which areas of activity should be prioritised.

To coincide with the development of the new 2022-2026 Mission Strategy, the Embassy intends to carry out an independent review of its support to Humanitarian Mine Action in the period 2017 – 2020. The purpose of the review is to assess the efficiency and effectiveness of programmes over the period, to draw conclusions on whether continued support over the period of the next Strategy would be warranted and if so, to make recommendations on the potential shape and mechanisms for delivery of such support.

### 2. Background –Support to Humanitarian Mine Action in South East Asia

#### **Cambodia:**

Cambodia remains one of the most landmine and Explosive Remnants of War (ERW) affected countries in the world, largely as a result of extensive mine-laying during nearly two decades of fighting that concluded in 1998. Cambodia hopes to reach its target of achieving mine free status by 2025. However, access challenges remain in the mine belt along the Cambodia-Thai border. Post-clearance land in Cambodia is being used mostly for agriculture & infrastructure. Ireland has been supporting landmine and unexploded ordnance (UXO) clearance in Cambodia through support to Halo Trust over the periods 1994-2002 and from 2006 – present, through the Irish Aid programme managed by the Embassy of Ireland in Hanoi. Over

the period 2017-2020, Ireland has provided €2 million in support of mine action activities in Cambodia, focused on manual minefield clearance in the north-west of the country (along the border with Thailand) and on mine risk education (MRE).

**Funding commitment:**

| Year   | 2017     | 2018     | 2019     | 2020     |
|--------|----------|----------|----------|----------|
| Amount | €500,000 | €500,000 | €500,000 | €500,000 |

**Lao PDR:**

Lao PDR is, per capita, the most heavily bombed country in the world. During the Second Indochina War between 1964 and 1973, more than 2 million tonnes of ordnance was dropped on the country, including about 270 million cluster munitions (or bombies). Some 75 million unexploded bombs were left after the war ended. Several decades later an estimated 87,000 square kilometres of land remains potentially contaminated with UXO.

The Embassy’s support for UXO clearance in Laos began in 2006. For the period 2017 - 2020, the Embassy contributed a total of €2,000,000 to the Multi Donor Trust Fund administered by UNDP Lao to finance the project “Moving toward achieving SDG 18 – Removing the UXO obstacle to Development in Lao PDR (2017-2021)” which aimed to improve physical security leading to progress to the achieving of Lao PDR’s national Sustainable Development Goal No 18. The project was aimed at achieving enhanced support to livelihood activities for affected populations, improved efficiency of clearance operations, progress in the effort to establish a national baseline of UXO contamination, improved transparency in financial and results reports and improved coordination of sector activities through enhanced management of information.

While the most effective way to prevent casualties is to clear unexploded ordnance for good, the reality in Lao PDR is that people desperately need to use lands for farming and have no choice but to enter dangerous and contaminated areas whether it be to gather firewood, cultivate crops or to care for their livestock. Ireland’s funding has therefore supported community efforts which teach villagers how to live in the midst of the unexploded ordnance in areas yet unreached by clearance activities.

At a policy and strategic level, the contribution from Ireland has supported the capacity building of the Lao National Regulatory Authority for the UXO and Mine Action Sector. This organisation is mandated to coordinate the UXO sector, to ensure that international treaty obligations are being met and to develop policies and national standards to ensure the high quality of survey and clearance activities. The National Regulatory Authority played a crucial role in introducing a new evidence-based survey methodology, and is constantly providing oversight and guidance to all survey operators including UXO Lao.

**Funding commitment:**

| Year   | 2017     | 2018     | 2019     | 2020     |
|--------|----------|----------|----------|----------|
| Amount | €500,000 | €500,000 | €500,000 | €500,000 |

**Myanmar:**

Vast areas of land in Myanmar are currently contaminated by landmines and other unexploded remnants of war as a legacy of decades of armed conflict between the national government and a wide range of ethnic armed groups. Communities are still reluctant to leave Internally Displaced Peoples’ Camps due to fear of unexploded ordnance and mine contamination. Mine action is a vital component of broader strategies to secure sustainable peace in Myanmar as it emerges from conflict and instability. At the same time, mine action is a sensitive sector. Therefore, the focus for mine action in Myanmar has been on the roll out of mine risk education.

Over the period 2017 – 2020, through the Mine Action Group (MAG), Ireland provided €210,000 to support mine risk education and awareness of unexploded ordnance in Kayah State. Ireland’s support to date has helped to raise the awareness of vulnerable children and adults to the dangers of unexploded ordnance and mines.

**Funding commitment:**

| Year   | 2017 | 2018    | 2019    | 2020    |
|--------|------|---------|---------|---------|
| Amount |      | €70,000 | €70,000 | €70,000 |

**Vietnam:**

Vietnam is the second most bombed country in the world, with an estimate of in excess of 14 million tonnes of ordnance delivered during the Vietnam/American conflict. Nearly forty years after the end of the war, the Vietnamese Army estimates that there is still between 350,000 and 600,000 tonnes of Explosive Remnants of War covering approximately 15% of land surface area. This contamination continues to place communities at risk, restrict access to land required for housing, agriculture and infrastructure and constitute a barrier to equitable community development and poverty alleviation.

In Vietnam, the Embassy has funded the clearance of unexploded ordnance since 2007 and more recently mine risk education. Over the period 2017-2020, Ireland has provided a total of €800,000 to Project RENEW to implement the project ‘Victim Assistance/Disability Support and Mine Risk Education in support of UXO Survey and Clearance’. The project’s objective is to provide assistance to the war victims and families of people with disabilities (PWDs) and to provide mine risk education for children and the community in Quang Tri. Specifically, the project aims at (i) creating opportunities for PWDs to participate in vocational training and income generation activities, (ii) supporting UXO technical survey and clearance operations by providing the teams with accurate and timely UXO-related information, and (iii) contributing to the reduction and eventually elimination of UXO accidents among children and adults through public awareness and community participation.

| Year   | 2017     | 2018     | 2019     | 2020     |
|--------|----------|----------|----------|----------|
| Amount | €200,000 | €200,000 | €200,000 | €200,000 |

**3. Purpose and objectives**

The **purpose** of the review is to assess the impact of Ireland’s support for the sector from 2017-2020 and the manner in which support has been delivered. The review should also provide the Embassy with recommendations for possible future engagement by Ireland in humanitarian mine action in the region (Cambodia, Lao PDR, Myanmar and Vietnam) for the period 2022-2026. The findings of the review will feed into the discussions on whether and to what extent to continue support to the sector under the 2022-2026 Mission Strategy.

The objectives of the independent review are to:

1. Provide a quick assessment of key achievements and results, lesson-learnt of the Humanitarian Mine Action programmes supported by Irish Aid in Cambodia, Lao PDR, Myanmar and Vietnam.
2. Provide a comprehensive mapping of donors working on Humanitarian Mine Action in Cambodia, Lao PDR, Myanmar and Vietnam
3. Provide recommendations that can feed into the Embassy of Ireland’s discussion on possible continued support for the sector and how the efficiency, effectiveness and coherence of such support can be ensured.

### 3. Scope

The review will cover the Embassy's funded Humanitarian Mine Action programmes in Cambodia, Lao PDR, Myanmar and Vietnam for the period 2017–2020. The review will cover these specific issues:

#### *Achievements and Results*

- High-level outcomes of the programmes across four countries.
- Key highlights of Ireland's contribution to the Humanitarian Mine Action sector through these funded programmes
- Key lessons-learnt for Ireland as a donor, particularly on different modalities of funding across four countries.

#### *Policy brief and donor mapping*

- Current government policies on Humanitarian Mine Action, including key updates and challenges.
- Mapping of donors working/supporting Humanitarian Mine Action sector.

#### *Forward looking*

- Options for modalities
- Opportunities/options for exchanges and cross learning in the region

### 4. Methodology and Output

The Review will be desk, interview and field based (where and when feasible).

The output expected is a concise report of not more than 30 pages addressing the above issues.

The review mission will be phased into (i) preparatory meeting to agree methodology, and logistic arrangements; (ii) orientation/briefing; (iii) interview and project site visits (where feasible); (iv) de-briefing to the Embassy; and (v) report writing.

It is noted that due to international travel restrictions, on-line/video meeting could be arranged for interviews.

Within four weeks from the start of the consultancy, the review team/consultant will prepare a **draft report** highlighting findings and providing clear and recommendations that can guide the Embassy's discussions on whether to remain engaged in supporting the Humanitarian Mine Action sector in the sub-region and if so, how best to pursue such engagement.

### 5. Timeframe

The tentative schedule for the review is from mid-April to the end of May encompassing a total of no more than 30 days work.

### 6. Selection Criteria

The professional service provider must have, and be able to demonstrate, the required technical, professional and skill base as outlined below:

- Minimum 5 years of professional experience in humanitarian mine action programmes, programme management and development issues across South East Asia;
- Fluent knowledge of English.
- Excellent communication and writing skills in English and an ability to produce clear and concise reporting;
- Demonstrated experience in completing similar assignments;
- Ability to conduct reviews and evaluations;
- Experience of engagement with other donors in the humanitarian mine action sector
- Sufficient human resources and technical capacity to deliver on the outlined scope of assignment.

Failure in any one of these critical requirements may lead to elimination from the competition in advance of further evaluation.

## 7. Tender Proposals

The following details are required:

- An outline of the proposed approach to address the Terms of Reference presented above, including methodology and an indicative timeline for each element of the work within the overall time parameters;
- Full detailed qualifications of the service provider, highlighting relevant skills and experience, and evidence of similar projects undertaken;
- Details of the key personnel to be involved in the different stages of the work, their role in these, and their relevant skills and experience
- A brief statement on how the service provider sees their skills matching the requirements
- Confirmation of availability and ability to meet the timescale indicated; and
- Financial submission, as per the details outlined in Appendix 1.

## 8. Award criteria

The contract for the requested services will be awarded on the basis of Most Economically Advantageous Tender. Marks will be awarded according to the award criteria outlined in the table below. Tenderers must score the minimum marks in criterion 1, 2 and 3 in order to be considered for awarding of the contract. Failure to achieve the minimum mark of 50% in criterion 1, 2 or 3 will result in the tenderer being eliminated.

Marks for cost will be allocated using the following formula:

|                   |   |   |   |                                  |
|-------------------|---|---|---|----------------------------------|
| <b>Cost Score</b> | = | $\frac{\text{Lowest Tendered Rate}}{\text{Tendered Rate under evaluation}}$ | x | <b>Number of Marks Available</b> |
|-------------------|---|---|---|----------------------------------|

| Criteria  | Marks Available | Min. Marks Required |
|---|-----------------|---------------------|
| 1. Quality of the Proposal, methodology and understanding of the terms of reference | 35              | 17.5                |
| 2. Demonstrated skills, competencies and experience                                 | 35              | 17.5                |

|                    |            |     |
|--------------------|------------|-----|
| 4. Cost            | 30         | N/A |
| <b>Total Marks</b> | <b>100</b> | N/A |

### Scoring Methodology (Award Criteria 1, 2 and 3)

| Score         | Meaning             | Interpretation   |
|---------------|---------------------|--|
| 90%-100%      | <b>Outstanding</b>  | A very comprehensive response demonstrating extensive understanding, offering full assurance. Fully supported tender with no reservations. |
| 80%-89%       | <b>Excellent</b>    | An excellent response demonstrating excellent understanding, offering assurance. Strongly supported tender.                                |
| 70%-79%       | <b>Very Good</b>    | A very good response demonstrating very good understanding, offering assurance. Fully supported tender.                                    |
| 60%-69%       | <b>Good</b>         | A good response demonstrating good understanding, offering assurance. Well supported tender.   |
| 50%-59%       | <b>Satisfactory</b> | An acceptable response demonstrating a minimum understanding, offering assurance. Satisfactorily supported tender.                         |
| Less than 50% | <b>Unacceptable</b> | Response demonstrates limited understanding with limited or insufficient or no detail with a risk of non-delivery                          |

The following provision will apply to any tie-break situation occurring in the evaluation process:

If the evaluation results in a tie between two or more Tenders, then the Tender with the highest overall 'Qualitative' score shall be deemed the Most Economically Advantageous Tender.

It may be necessary for the Embassy to request clarification of information provided in a tender. Tenderers may be requested to attend a meeting (via telephone or in person) to clarify their tender and provide the opportunity for the Evaluation Committee to ask questions. In such cases, the Project Officer will be responsible for managing and coordinating the clarification process. This clarification does not allow tenderers to revise their original offer and therefore no new or additional information will be requested or permitted during interview.

### 9. Tender Submissions

Submissions should be emailed to [irishembassyhanoi@dfanet.ie](mailto:irishembassyhanoi@dfanet.ie) and be received no later than 12:00 noon 24<sup>th</sup> April 2021. The closing date for receipt of clarification questions will be 12:00 noon 7<sup>th</sup> April 2021. Late tenders will not be accepted.

## **10. Appendices**

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

Appendix 1 – Financial Submission

Appendix 2 – Confirmation of Bone Fides

Appendix 3 – Declaration of Personal Circumstances

## **General Terms and Conditions**

### **Content, Interpretation and Evaluation of Tender**

Information supplied by tenders will be treated as contractually binding. However, the Embassy reserves the right to seek clarification or verification of any such information. Post-tender qualifications or revisions will not be acceptable and may invalidate the tender.

The Embassy reserves the right to update or alter the information contained in this document at any time, but not later than 7 days before the closing date of the call for tender. Participating tenders will be so informed, should the need arise.

The Embassy reserves the right to request additional information from the tenders after the closing date.

It is the duty of the tenderer to fully understand and correctly interpret this tender. At all times, the tenderer has the responsibility to notify the Embassy, in writing, of any ambiguity, divergence, error, omission, oversight, or contradiction contained in this tender, as it is discovered, or to request any instruction, decision, clarification or direction that tenderers may require to prepare a Tender.

Whilst every endeavour has been made to give Tenderers an accurate description of the requirements, Tenderers should form their own conclusions about the methods and resources needed to meet these requirements. The Department does not accept responsibility for the Tenderers' assessment of the requirements.

The Embassy reserves the right to hold Tenderers strictly to the terms and conditions submitted in their Tenders and also reserves the right to accept or reject in whole, or in part, any or all Tenders in response to this tender. Tenderers are specifically notified that failure to comply with or respond to any part of this tender (other than those elements clearly indicated as optional) may result in rejection of their Tender as non-compliant. Tenderers whose tenders are not accepted will be notified in writing on finalisation of the competition.

### **FOI**

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

### **Governing Laws**

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

### **Publication**

Rights concerning the production of reports or any other business documentation and those relating to their reproduction and publication will remain the property of the Embassy. No document based, in whole or in part, upon the work undertaken in the context of the Contract awarded following this tender may be published except with the prior formal written approval of the Embassy.

### **Conflict of Interest**

Any conflicts of interest involving a consultant (or consultants in the event of a consortium bid) must be fully disclosed to the Embassy, particularly where there is a conflict of interest in relation to any recommendations or proposals put forward by the tender.

### **Costs**

The Embassy will not be liable in respect of any costs incurred by Tenderers in the preparation of tenders or any associated work effort, including the supply of equipment, where relevant, for evaluation and the return of such equipment to tenders, following such evaluation.

### **Interpretation of the Tender**

It is the duty of the tenderer to fully understand and correctly interpret this tender. At all times, the tenderer has the responsibility to notify the Embassy, in writing, of any ambiguity, divergence, error, omission, oversight, or contradiction contained in this tender, as it is discovered, or to request any instruction, decision, clarification or direction that tenderers may require to prepare a Tender.

Whilst every endeavour has been made to give Tenderers an accurate description of the requirements, Tenderers should form their own conclusions about the methods and resources needed to meet these requirements. The Embassy does not accept responsibility for the Tenderers' assessment of the requirements.

### **Termination of tender process**

The Embassy may, in its absolute discretion:

- Change the basis of, or the procedures (including the timetable) relating to the tender process;
- Reject any or all of the tenders;
- Invite Tenderers to proceed further at any stage of the tender process;
- Do such things or engage in such actions as it deems necessary to ensure that the Services and provision thereof yield value for money;
- Furnish Tenderers with additional information in respect of any aspect of the Services; or
- Abandon the tender process.

**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 (domestic travel, 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 Irish Government Civil Service Departmental rates.

**TOTAL CONSULTANT COSTS**

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

| <b>Consultant Name</b> | <b>Fixed Daily Fee Rate (Excluding VAT)</b> |
|------------------------|---|
|                        |   |

## **APPENDIX 2**

### **Confirmation of Bona Fides**

We the undersigned do offer in accordance with the Request for Tenders (RFT) specified therein to provide consultancy services for the Embassy of Ireland, Hanoi at the daily fee rate set out in Appendix I and subject in all respects to the Terms of Reference (TOR) published with this call for tenders which we have read and accepted.

We confirm that all information and commitments contained in or referred to in our tender are (i) accurate and correct, and (ii) accurately reflect our actual current operational and financial capability.

We confirm that our tax affairs are in order and that, if awarded the contract, we will be in a position to provide the Embassy promptly with a current valid Tax Clearance Certificate.

We confirm that this Tender shall remain irrevocable open for acceptance by you for a period of 12 months from the closing date for receipt of tenders and it shall remain binding upon us for that period or such other period as we may agree.

We acknowledge that no legally binding agreement exists between us unless and until our offer is accepted by you and a contract in the form set out in this request for tenders has been concluded.

We understand that the Minister of Foreign Affairs is not bound to accept the lowest or indeed any tender it may receive and may abandon or terminate the tender process at any time.

#### **Signature of tenderer or authorised agent:**

Printed Name:

Name of Tenderer:

VAT No:

Postal Address:

Telephone no:

E-mail:

### **APPENDIX 3**

#### **PERSONAL SITUATION DECLARATION FORM**

Name of Tenderer:

Address:

Country:

Please tick Yes or No as appropriate to the following statements relating to the current status of your organisation.

(1) The Tenderer is bankrupt or is being wound up or its affairs are being administered by the court or has entered into an arrangement with creditors or has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations.

Yes [ ] No [ ]

(2) The Tenderer is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or for an arrangement with creditors or of any other similar proceedings under national laws and regulations.

Yes [ ] No [ ]

(3) The Tenderer, a Director or Partner, has been convicted of an offence concerning his professional conduct by a judgment which has the force of res judicata or been guilty of grave professional misconduct in the course of their business.

Yes [ ] No [ ]

(4) The Tenderer has not fulfilled its obligations relating to the payment of taxes or social security contributions in any State in which the tenderer is located.

Yes [ ] No [ ]

(5) The Tenderer, a Director or Partner has been found guilty of fraud.

Yes [ ] No [ ]

(6) The Tenderer, a Director or Partner has been found guilty of money laundering.

Yes [ ] No [ ]

(7) The Tenderer, a Director or Partner has been found guilty of corruption.

Yes [ ]            No [ ]

(8)     The Tenderer, a Director or Partner has been convicted of being a member of a criminal organisation.

Yes [ ]            No [ ]

(9)     The Tenderer has been guilty of serious misrepresentation in providing information to a public buying agency.

Yes [ ]            No [ ]

(10)   The Tenderer has contrived to misrepresent its Health & Safety information, Quality Assurance information, or any other information relevant to this application.

Yes [ ]            No [ ]

THIS FORM MUST BE COMPLETED AND SIGNED BY A DULY AUTHORISED OFFICER OF THE TENDERER'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 tenders.

SIGNATURE

DATE:

NAME

TEL: